



# Access to Information Report

Media Freedom, Media Pluralism, Access to Government Information

Sustainable Governance  
Indicators 2017

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.

### Finland

Score 10

Media independence is a matter of course in Finland. Media independence is guaranteed by the Act on the Exercise of Freedom of Expression in Mass Media from 2003, and supported by public and political discourse. A free and pluralist media is considered an important contributor to debate among citizens and the formation of public opinion. Finland has been ranked at or near the top of the Reporters without Borders' Worldwide Press Freedom Index since 2009; in 2016, Finland took first place, for the sixth year in a row. Several factors contribute to this rather unique success. Media consumption rates are high in Finland, and the high rate of media consumption guarantees a strong market and healthy competition, promoting high quality journalism. In addition, the Council for Mass Media in Finland has successfully managed a system of self-regulation among media outlets. Furthermore, as Finland is one of the least corrupt societies in the world, the government has not sought to interfere with press freedom. However, at the end of 2016, prominent journalists at the national broadcaster YLE resigned following a dispute over Prime Minister Sipilä's email complaints about the broadcaster's coverage of a mining company in which Sipilä's relatives are stakeholders.

### Sweden

Score 10

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

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

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

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

Citation:

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

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Eqvilibrium* (Gothenburg: The SOM Institute).

## Switzerland

Score 10

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

## Denmark

Score 9

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

management board of Denmark's Radio. State-run media are financed by an annual license fee. The government has announced that TV2 will be fully privatized, and Denmark Radio will face budget cuts.

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

Denmark ranked fourth (2016) on the annual Press Freedom Index, published by Reporters Without Borders. Due to a Danish newspaper's publication of a cartoon of Islamic prophet, Muhammad, Denmark was for some years ranked lower.

Citation:

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

Reporters Without Borders, Press Freedom Index 2016," <https://rsf.org/en/ranking> (Accessed 17 October 2016),

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

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

## Estonia

### Score 9

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

Globally, Estonia has been in the top ten in World Press Freedom index for several years. However, it ranked 14th in 2016, which is four points lower than in 2015 and the lowest rank since 2003. The main issues cited by Reporters Without Borders (the think tank behind the index) are the ease of bringing defamation lawsuits to the courts and the legal requirement for journalists to reveal their sources to legal authorities under certain circumstances.

## Ireland

Score 9

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

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

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

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

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

## Lithuania

Score 9

Lithuania’s media are not subject to government influence, and their independence is respected by the incumbent government. Private newspapers and independent broadcasters express a wide variety of views and freely criticize the government. In Reporters Without Borders’ 2015 Press Freedom Index, Lithuania was ranked 35 out of 180 countries for press freedom, a fall of four positions compared to 2014. Despite this generally satisfactory situation, court decisions and prosecutors’ orders are sometimes a threat to media independence. The courts ruled that Lithuanian intelligence services had acted illegally in 2013 and 2014 by tapping the phones of journalists from the Baltic News Services. In addition, media’s independence could be compromised by the fact that the government remains one of the main advertisers.

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

Citation:

2016 WORLD PRESS FREEDOM INDEX, see <https://rsf.org/en/lithuania>

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

## 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. 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. By December 2016, this recommendation had yet to be adopted by the government.

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

Citation:

Annual Report of the New Zealand Press Council 2014 (Wellington: New Zealand Press Council 2014).

<https://freedomhouse.org/report/freedom-press/2016/> (accessed October 24, 2016).

<https://rsf.org/en/new-zealand> (accessed October 24, 2016).

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

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

Online Media Standards Authority, <http://www.omsa.co.nz/> (last accessed October 24, 2016).

## Norway

Score 9

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

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

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

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

## United States

### Score 9

The United States maintains an unusually rigorous version of media freedom, based on the language of the First Amendment to the U.S. Constitution. In general, government interference in the media sector has been nearly nonexistent. News organizations are rarely subject to damage suits, even for clearly false accusations against government officials. They are rarely enjoined against publishing information because of court policies virtually prohibiting "prior restraint."

The U.S. does not have a national "shield law" protecting the confidentiality of journalists' sources, but most states offer such protection. In any case, a combination of developments has placed journalists under new pressure. The most serious problems stem from tensions between press freedom and U.S. national-security and counterterrorism efforts. Problems have included government surveillance of journalists, government attempts to compel reporters to reveal the sources of leaked

information, and Obama-administration policies that severely limit interactions between journalists and officials. During his presidential campaign, Donald Trump repeatedly threatened to sue news organizations over what he considered unfair or misleading coverage – even though he would not have had credible legal grounds for such lawsuits.

## Belgium

**Score 8** Some of the main public television and radio stations are managed by representatives of the main political parties; the head of the main French-speaking public-media company actually is appointed by the government and claims an official post comparable to that of a civil servant. Regardless, the journalists at the company work largely free from direct control or political influence, even though some reporting appears excessively lenient with regard to some of the government's main representatives. The country's main private television and radio stations in general operate independently of political parties, even though some interpersonal connections exist at the levels of upper management. Privately held press organizations are largely independent, and they scrutinize public activities increasingly well, though their level of financial resources is sometimes problematic.

## Canada

**Score 8** The only publicly owned media organization in Canada at the national level is the Canadian Broadcasting Corporation (CBC), which runs radio and television stations. Its independence from government control is ensured by statute. However, this independence has limits. For example, it is unlikely that Radio-Canada, the French-language division of the CBC, would be permitted to advocate the breakup of the country. Privately owned media organizations can of course take any political position they wish. In theory, if a government does not like the viewpoint of a particular media outlet, it can use the retraction of government advertising as a punishment. This is seldom done by the federal government or provincial governments, but is more common on the part of municipal governments. Electronic media are subject to licensing requirements, but this regulation is performed by an independent body, the Canadian Radio and Television Commission (CRTC), without overt political influence. The federal government does appoint the members of the CRTC, as well as the head of the CBC.

The new Liberal government has reversed budget cuts made by the previous federal government, allowing the CBC to rebound from job cuts and downsizing and expand over the next five years. Although funding has increased for the CBC, it comes with the request of a five-year accountability plan, developed in partnership with the federal government. It is unclear what the goals of this accountability plan are and how they contribute to the broadcaster's independence and sustainability.



## Chile

**Score 8** In general, the rules and practice of media supervision guarantee sufficient independence for public media. Privately owned media organizations are subject to licensing and regulatory regimes that ensure independence from the government. The 2016 Freedom House index reports the issue of freedom of the press improved; Chile's classification improved from "partly free" to "free." The report's authors argued that the level of violence and harassment faced by journalist covering protests had significantly decreased in recent years. The index takes into account "the legal environment in which media operate, political influences on reporting and access to information, and economic pressures on content and the dissemination of news." The latest Press Freedom Index 2016, published by the international NGO Reporters Without Borders, ranked Chile 31st, a 12-place improvement over the previous year. Nonetheless, covering demonstrations remains difficult and several radio stations have closed in recent years. Given Chile's media landscape and its ideological and economic concentration, the degree of government influence over the media depends largely on which coalition is leading the government and clearly limits democratic debate.

Citation:

Freedom House Index (freedom of the press):

<https://freedomhouse.org/report/freedom-press/freedom-press-2016>

Reporters without borders press freedom index:

<https://rsf.org/en/chile>

## Germany

**Score 8** Germany's Basic Law guarantees freedom of expression, press and broadcasting (Art. 5 sec. 1) and prohibits censorship, with exceptions delineated by the standards of mutual respect, personal dignity and the protection of young people. Print media, which are largely self-regulated, are broadly independent of political interference. The German Press Council is tasked with protecting press freedom. In the World Press Freedom Index of 2016, Germany ranked 16th out of 180 countries, a slight decline from rank 12 in 2015.

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

Citation:

World Press Freedom Index 2016. Available online: <https://rsf.org/en/ranking>

## Luxembourg

Score 8

The country's media audience is small; the pluralistic media landscape is maintained mostly through generous direct and indirect press subsidies, of which the two big newspapers in Luxembourg mainly profit. One could argue that subsidies are an indirect way of influencing the media coverage, however, the government respects the independence of the media. The rules for granting subsidies are transparent and not subject of political debate. Moreover, following the reformation of the Electronic Media Act in 2013, the new government decided to allocate a greater part of its press subsidies to online media.

Following Luxembourg's condemnation by the European Court of Justice in an affair related to the *Contacto* journal's investigative journalism in 2009, the country has returned to fourth place in the Press Freedom Index of 2012 by Reporters Without Borders. However, the tax avoidance scandal which brought Luxembourg into the international news, was felt even within the realm of media freedom. As result of the government's decision to charge journalist Edouard Perrin with complicity in the leaks, which originated from confidential PwC documents, Luxembourg fell to 15 out of 180 countries in the World Press Freedom Index of 2016.

Citation:

Beffort, Bérengère. "'Der Whistleblower ist (...) kein politischer Aktivist.'" Le portal de l'actualité gouvernementale, 6 July 2015, [www.gouvernement.lu/5026791/06-braz-wort](http://www.gouvernement.lu/5026791/06-braz-wort). Accessed 21 Feb. 2017.

"Jetzt doch Aufstockung der Pressehilfe?" Luxemburger Wort, 17 Sept. 2015, [www.wort.lu/de/politik/medien-jetzt-doch-aufstockung-der-pressehilfe-55fa88ed0c88b46a8ce6030d](http://www.wort.lu/de/politik/medien-jetzt-doch-aufstockung-der-pressehilfe-55fa88ed0c88b46a8ce6030d). Accessed 21 Feb. 2017.

"Luxemburg und die Pressefreiheit." Luxemburger Wort, 24 Apr. 2015, [www.wort.lu/de/politik/reaktionen-auf-journalistenanklage-luxemburg-und-die-pressefreiheit-553a13610c88b46a8ce57f96](http://www.wort.lu/de/politik/reaktionen-auf-journalistenanklage-luxemburg-und-die-pressefreiheit-553a13610c88b46a8ce57f96). Accessed 21 Feb. 2017.

"Mémorial A n° 241 de 2010." Journal officiel du Grand-Duché de Luxembourg, 24 Dec. 2010, [legilux.public.lu/eli/etat/leg/memorial/2010/241](http://legilux.public.lu/eli/etat/leg/memorial/2010/241). Accessed 7 Mar. 2017.

"Mémorial A n° 69 de 2010." Journal officiel du Grand-Duché de Luxembourg, 30 Apr. 2010, [legilux.public.lu/eli/etat/leg/memorial/2010/69](http://legilux.public.lu/eli/etat/leg/memorial/2010/69). Accessed 7 Mar. 2017.

"Mémorial A n° 85 de 2004." Journal officiel du Grand-Duché de Luxembourg, 8 June 2004, [legilux.public.lu/eli/etat/leg/memorial/2004/85#page=2](http://legilux.public.lu/eli/etat/leg/memorial/2004/85#page=2). Accessed 21 Feb. 2017.

## Australia

Score 7

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

to media independence. For one, regulation of ownership of media is politicized and some owners are regarded as favorable to the incumbent government. Also, the Anti-Terrorism Act 2005 allows for control orders to restrict freedom of speech by individuals and the freedom of the media to publish their views. The National Security Legislation Amendment Bill passed in 2014 also restricts the ability of journalists to report on secret intelligence operations, with up to 10 years in jail imposed for exposing errors made by security agencies. Journalists argue that if whistleblowers are punished, journalism will be hurt. The implications of these two pieces of legislation for media freedom have not yet been tested in court.

Citation:

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

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

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

## Austria

Score 7

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

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

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

There is an imbalance between the ORF and TV and radio stations beyond the ORF. The ORF is financed mainly by public fees, which everyone who owns a TV or radio

device has to pay. Other TV and radio broadcasters have to finance their structures and activities through advertisements. The ORF and the government justify this imbalance by referring to the ORF's specific educational task, which private companies do not have to fulfill.

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

One particular aspect of new social media has been under discussion recently: how to deal with hate speech. Anonymous Neo-Nazi online postings, which violate the law and have been more or less under control in the traditional media, have widened the discourse.

Given Austria's small size and its shared language with Germany, the country is particularly dependent on German media (print and electronic), which is not subject to oversight by Austrian policymakers.

Citation:

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

## Cyprus

Score 7

In general, the media do not suffer from direct governmental interference. Legal requirements for starting a publication are minimal. Provisions in the Press Law (Law 145/1989) for the establishment of a Press Council and a Press Authority have been inoperative since 1990. In 1997, media owners, publishers and the Union of Journalists collectively signed a code of journalistic ethics, entrusting its enforcement to a complaints commission composed mostly of media professionals. Reporters Without Borders ranked Cyprus at 24th place out of 180 countries in 2015 on the issue of media freedom.

RIK, the public-service broadcaster, is a public-law entity governed by a council appointed by the Council of Ministers. Appointments to its government body are often politically motivated and include party officials. Budgetary pressures imposed by the government and political parties, along with public statements and interferences by parties for "more equitable" access remain diachronic phenomena. Despite this competition for influence, pluralism generally prevails.

A different law, incorporating the provisions of EU media directives, governs private audiovisual media services. Oversight is carried out by the Cyprus Radio Television

Authority (CRTA), which also oversees RIK's compliance with its public-service remit. The CRTA has extensive powers and a broadly independent status. No high-level party official can be a member or chairperson of the authority's governing board, but appointments of its members by the Council of Ministers are often politically motivated rather than based on competence.

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

At a different level, the Attorney General's constitutional powers to seize newspapers or printed matter constitutes a threat to the freedom of expression.

Citation:

1. Media Pluralism Monitor, Cyprus, 2015, <http://monitor.cmpf.eu.eu/mpm2015/results/cyprus/>

2. Reporter ohne Grenzen, [https://www.reporter-ohne-grenzen.de/uploads/tx\\_ifnews/media/Rangliste\\_der\\_Pressefreiheit\\_2015.pdf](https://www.reporter-ohne-grenzen.de/uploads/tx_ifnews/media/Rangliste_der_Pressefreiheit_2015.pdf)

## Czech Republic

Score 7

The Czech Republic has traditionally been characterized by a high degree of media freedom, partly because of the independence of public media but also because prevalent foreign ownership did not exercise any visible influence over the content and coverage of private media. In recent years, media freedom has been threatened by ownership transfers from foreign to Czech owners. The main concerns are found in print media, as the motivations of new domestic media owners are at best ambivalent – they seem to be driven both by economic and political interests. The main player on the Czech media market, the owner of MAFRA and Radio Impulse, Minister of Finance Andrej Babiš has clearly used his media power to strengthen his political power. President Zeman has not hidden his contempt for journalists. When FTV Prima pulled a popular show for criticizing President Zeman in October 2016, journalists complained about censorship. After a public protest, FTV Prima broadcasted the pulled program.

Citation:

Hajek, R. (2015): Last Western Media Owner Sells Up In Czech Republic. September 10. European Journalism Observatory, Lugano (<http://en.ejo.ch/media-economics/business-models/last-western-media-owner-sells-up-in-czech-republic>).

## France

Score 7

In principle, media independence is guaranteed by a complete set of constitutional, legislative and administrative rules. There is not much more that can be done to improve the legal status of the press. This said, media independence is multifaceted. One must distinguish between public and private media, and separate legal independence from financial dependence or influence. Public authorities have in principle no direct capacity to intervene in public media decision-making as the

power of control and supervision is delegated to an independent media authority. However, the situation is not clear-cut for many reasons. First, public media are mostly dependent upon a special tax paid by every television owner, while their access to the advertising market was strongly curtailed by the former Sarkozy government. Most funding is now under government control. Secondly, former President Sarkozy triggered an outcry by shifting the authority to appoint the president of public radio from the independent authority to the president himself. A new bill introduced by the Hollande administration has revoked this measure.

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

## Iceland

### Score 7

Until privatization in 1986, the state had a monopoly over radio and TV broadcasting. Private stations now have a significant role in the media market. There were nine private TV stations in 2008, 11 in 2011, and all but one offered national coverage. There is only one state-run TV station. In 2004, Freedom House stated that Iceland had an “exceptionally open and free media environment.” Public funding for state-run Radio and TV (RÚV) was cut by 173 million ISK for 2016. Since parliamentary elections were moved up to 29th October 2016 – six months before the end of the 2013-2017 term – the state budget for 2017 would not be completed until after the election.

Owners of private media sometimes try to exercise influence over news coverage. The largest daily newspaper has faced accusations that its owners, a former business magnate and his wife, have unduly influenced content. For example, a number of editors and other staff have been replaced, as was the case in the prior year. Meanwhile, Iceland’s second largest daily newspaper owned by fishing magnates, and its chief editor is a former Icelandic prime minister and discredited governor of Iceland’s central bank. The newspaper regularly publishes content critical of fisheries policy reforms as well as Iceland’s application for EU membership. In

2014, a third newspaper was taken over by owners with close connections to the Progressive Party. Subsequently, the newspaper became significantly less critical of the government. Some politicians in government have repeatedly accused state-run radio and TV of being biased against the government in their news reporting. However, despite criticism that Iceland lacks a strong, independent media, the position of those seeking to dominate the media has been considerably weakened by the advent of online social media platforms.

Citation:

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

Statistics Iceland (Hagstofa Íslands) [www.statice.is](http://www.statice.is)

## Italy

Score 7

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

The Renzi government's reform of RAI has increased the powers of the CEO while reducing the powers of the board, which has typically comprised representatives of the main political parties. This will likely reduce the direct influence of political parties over the RAI, but could increase government influence – unless the selection process for the RAI's president and CEO are independent. Funding of RAI is more than sufficient.

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

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

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

## Latvia

### Score 7

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

Public broadcasting has been subject to political influence. The oversight body, the National Broadcasting Council (Nacionālā elektronisko plašsaziņas līdzekļu padome, NEPLP), is politically appointed, and this has had an impact on personnel choices and in some cases content. In 2015, the parliament dismissed the chairperson of the NEPLP. This was an unprecedented move, and was considered by some to violate the measures built into the Law on Public Broadcasting meant to safeguard the independence of the public-broadcasting system. The parliamentary decision was successfully challenged in the courts and the dismissed council member has been reinstated. However, he is no longer chairperson of the council.

An independent weekly news magazine “IR” was sued for defamation in 2014. The magazine’s assets were frozen at the request of the plaintiff pending the resolution of the case. The act of freezing the assets of a media outlet in a defamation case was described as an attack on press freedom, and provoked parliamentary action to disallow future such asset freezes. Despite legislative changes, the presiding judge did not revoke the asset freeze, preferring to let it expire when the legislative changes came into force on 12 November 2014. The case was dismissed upon appeal. In 2015, another defamation case against IR was filed, but dismissed.

#### 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](http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009), Last assessed: 20.05.2013

## Netherlands

### Score 7

The freedoms of the press/media and expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2015 ranks the Netherlands in fourth place after Finland, Norway and Denmark. The somewhat lower score (compared to previous years) is due to “self-censorship” practiced by Dutch journalists on sensitive issues such as immigration and religion.



Public-broadcasting programming is produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These independent organizations are allocated TV and radio airtime that is relative to their membership numbers. However, broadcasting corporations are required to comply with government regulations laid down in the new Media Law. This new law abolished the monopoly of the incumbent public-broadcasting corporations, and created a coordinating National Public Broadcasting Organization (NPO), with a two-member government-nominated supervisory board, that tests and allocates broadcasting time. Parliament is still divided as to how the supervisory board members should be nominated without too much cabinet-level influence. Public broadcasting is supposed to serve information, cultural and educational purposes, while entertain programming should be instrumental to these overall goals. The new law intends to boost creative competition by giving access to program providers from outside the official broadcasting corporations. The NPO umbrella and coordinating organization has been strengthened vis-à-vis the traditional broadcasting corporations. The bill has been criticized for its lack of budgetary considerations. It is both privately funded through advertisements and publicly funded, with budget cuts for regional broadcasters who will need to collaborate to survive. Critics have argued that younger people and non-Dutch population groups will no longer be served by the public broadcasters.

The problem in all this is that “public” media have become increasingly indistinguishable from the private media; moreover, traditional or conventional media have become increasingly less important due to market shifts and increasing internationalization. People under the age of 32 consume (paper) media at ever-shrinking rates, while their use of YouTube channels rises quickly. The scope of regional media is shrinking dramatically. Existing, often international media enterprises increasingly follow multichannel strategies. Although media policy still formally distinguishes between policies for the written press and policies for broadcasting organizations, this distinction appears outmoded.

Citation:

NRC Handelsblad, Dekker zegt publiek rtv vriendelijk vaarwel, dd. 17 October 2014 ([http://zoeken.nrc.nl/article-locations?locations=%7B%22channel%22%3A%22losse-artikelen%22%2C%22medium%22%3A%22web%22%7D&redirect=true&urn=urn%3Anews-item%3Anrhandelsblad%3A20141018%3ANH\\_ART00000000000000000000001429139](http://zoeken.nrc.nl/article-locations?locations=%7B%22channel%22%3A%22losse-artikelen%22%2C%22medium%22%3A%22web%22%7D&redirect=true&urn=urn%3Anews-item%3Anrhandelsblad%3A20141018%3ANH_ART00000000000000000000001429139))  
Boekmanstichting, “Mediawet aangenomen in Tweede Kamer” (boekman.nl, consulted 26 October 2015)  
Mediawet aangenomen door Eerste Kamer, 15 March 2016 (rijksoverheid.nl, consulted 8 November 2016)  
Freedom of the Press 2015, Dutch Country Report, Freedom House

## Portugal

Score 7

Public and private media are independent from the government’s influence, as mandated by the constitution of 1976. The media are regulated by the Entidade Reguladora da Comunicação Social (ERC). Four of the five members of the ERC board are appointed by a qualified majority of two-thirds of parliament, and the fifth

member – who normally becomes the ERC’s head – is selected by the other four members.

As noted in the report before last, the government changed the governance structure of the publicly owned Rádio e Televisão de Portugal (RTP) Group in 2014, most notably creating the Independent General Council of RTP, which is empowered to appoint and dismiss the RTP Group’s administrative board. The creation of this Independent General Council aimed at reducing direct government oversight and interference. Aside from the criticisms that the Independent General Council received in 2015, it was also criticized as being “inexistent” by an RTP senior cadre who resigned in summer 2016.

Citation:

“Luís Marinho deixa RTP com críticas à administração”. *Jornal de Notícias*, 31 August 2016. Available online at: <http://www.jn.pt/cultura/media/ntv/interior/luis-marinho-deixa-rtp-com-criticas-a-administracao-da-estacao-publica-5365963.html>

## Slovenia

### Score 7

Slovenia’s constitution and legal system guarantee freedom of the press, and the media for the most part operate without direct political interference. The laws regulating public television and radio broadcasting reflect the strong corporatist element of Slovenian political culture. The Council of Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) has 29 members, who are appointed by the National Assembly, but proposed by a broad variety of political and social actors. Changes to the rules and procedures in the previous years strengthened the independence of the public media by reducing the scope for discretionary cuts in public funding, and by requiring an absolute rather than relative majority for the election of the director-general of the Council of Radio-Television of Slovenia. An amendment of Article 260 of the Slovenian Criminal Code, which entered into force on October 2015, strengthened media freedom by making clear that an individual disclosing classified information no longer incurs a criminal liability.

In June 2016, the Ministry of Culture presented a draft strategy for media regulation towards 2024, the first ever in Slovenia. In the consultations on this strategy, the latter got a mixed reception. On the one hand, it was applauded for its emphasis on improving the social situation of journalists and the transparency of media ownership. On the other, the proposed changes in the fee for financing public media and the management structures, as well as various suggestions to strengthen the cooperation of the media, have raised fears about a weakening of media freedom.

Citation:

Petković, B. (2016): Media strategy controversies in Slovenia. South-East European Media Observatory (<http://mediaobservatory.net/radar/media-strategy-controversies-slovenia>).

## Spain

### Score 7

After 2012, when the government in power during the review period passed a decree reducing the autonomy of the Radiotelevisión Española (RTVE), the public broadcasting group lost some of its political neutrality. However, it would be unfair to regard the national television station as a simple government tool, as in the period prior to the early 2000s, when manipulation was almost systemic. The Radio Nacional de España (RNE), the main national public radio station, has also been criticized recently for a loss of impartiality and credibility. However, the election of RTVE's president still depends on the parliament, and the situation may thus change under a new multiparty scenario in which governments no longer enjoy absolute majorities. In fact, all parties (including the PP) have agreed to appoint the next RTVE president on a consensus basis following the 2016 elections.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid, but is also observable in other regions such as Catalonia, where the public broadcasting corporation used to be far more pluralistic. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government. With regard to private broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support those newspapers, radio and television stations ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). However, some important private television networks have actively promoted the emergence of Podemos (We Can), the new anti-establishment party, through the provision of very considerable airtime (see "Media Access").

Citation:

Agosto 2016, Eldiario.es: "Pacto de Investidura PP-Cs"

[http://www.eldiario.es/politica/DOCUMENTO-investidura-firmado-Ciudadanos-PP\\_0\\_552944928.html](http://www.eldiario.es/politica/DOCUMENTO-investidura-firmado-Ciudadanos-PP_0_552944928.html)

## 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. The public regulator, Ofcom, oversees the sector. No such requirement exists for print media. The BBC, the main public-service broadcaster, is financed by a television license fee, which is effectively a poll tax. It is overseen by a board of governors and enjoys almost complete political independence. However, recent scandals may have weakened the BBC's standing, although there is as yet little evidence of that in its behavior, and it remains the case that TV and radio journalists often subject government and opposition politicians to very tough interviews. Politicians of all persuasions frequently accuse the BBC of

bias, arguably highlighting the fact that it is outside political control. The aftermath of the News of the World scandal in 2011 (which led to the Leveson Inquiry and its 2013 report) exposed the overly close relations between politicians and the press. After a lively debate on whether stricter press regulation should be adopted to prevent excessively intrusive journalism, a new consensus seemed to emerge that formal regulation should not be introduced and the government has proved to be uneasy about acceding to demands for tougher statutory regulation.

Security reasons are sometimes given for restricting press freedom. For example, the government actively prevented the Guardian newspaper, using heavy-handed measures, from publishing classified information obtained following Edward Snowden's disclosure of the global surveillance programs run by the U.S. and UK. Although the public outrage following Snowden's leaks has since calmed, the relationship between the UK press and government has been tarnished by these incidents. The journalists' resistance against intimidation and their reporting of government surveillance practices are a shining example for civil journalism. Several media actors have expressed concerns about the libel laws in the aftermath of the 2013 Defamation Act, which was meant to protect freedom of speech.

## Greece

### Score 6

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

Since the onset of the economic crisis, state TV and radio programs have mostly reflected the political views of journalists rather than a solid government line. After 2010, there were a few cases in which journalists were mistreated during protest marches. Such incidents were repeated in the following years, but clearly did not form a pattern.

#### Citation:

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

## Israel

### Score 6

Israel's media environment is considered lively and pluralistic. Freedom of the press is generally respected, and neither the government nor its military abuse their power in order to restrict information. Israelis have wide access to free and largely uncensored Internet and the usage rate marked a high 72% in 2016. Even though the

country's basic laws do not offer direct protection and censorship agreements accord the military wide discretion over issues of national security, legal protections for the press are robust: the Supreme Court has ruled that freedom of expression is an essential component of human dignity and has continuously defended it, soundly assimilating this principle into the Israeli political culture.

According to the latest Freedom House rating, the media in Israel is "Partly Free" (32 out of 100 points). The country's rating has gone down from "Fully Free" to "Partly Free" mainly because of the economic threat posed by the newspaper "Israel Hiom," which is handed out for free, to the other newspapers. Another reason for the current rating is the marketing content of private companies and ministries in some newspapers such as Ynet.

Several affairs in recent years call into question the media's independence. First, with growing public concern about government transparency, apprehensions about the ownership of media (television, newspapers, news websites, etc.) and the politicization of the main media systems have intensified. Several reports exposed the ownership structure of the media market in Israel, noting cross ownership, crony capitalism and centralization. These reports also pointed out the influence this structure has had on the coverage of political and economic issues. On the political level, they exposed the increasing involvement of the government in public and private media and that this derives partially from PM Netanyahu's decision to keep the Ministry of Communication under his authority.

Second, a recent bill proposes merging the two public authorities that are currently responsible for commercial television and radio broadcasting. The proposal was criticized as a threat to media freedom, as it would replace the independent authorities with one under the Ministry of Communication. Critics charge that the proposal would give the communications minister permission to appoint media supervisors and control their actions.

Third, the Israel Broadcasting Authority ("Rashut Hashidor") underwent extensive reform deliberations in 2014 and was expected to be replaced by a new service, the Israeli Public Broadcasting Corporation ("Taagid Hashdiur"). However, the process has stalled. PM Netanyahu and other senior members of the government are trying to prevent the launch of the new service by canceling the 2014 reform. Many coalition and opposition members oppose this effort, claiming that shutting down the service will harm media freedom. Also, the Ministry of Finance claimed that this effort would cause the loss of money invested in the service. Consequently, it is unclear whether the new broadcasting service will start be on-air in 2017.

Furthermore, when examining the extent to which the media in Israel is independent one should also note the immense censorship power provided by law. Under a 1996 Censorship Agreement between the media and military, the censor has the power – on national security grounds – to penalize, shut down, or stop the printing of a newspaper, or to confiscate its printing machines. In practice, however, the censor's

role is quite limited, and journalists often evade restrictions by leaking a story to a foreign outlet and then republishing it. Since the beginning of 2016, the military censors have toughened their policies, supervising content in newspapers, on blogs and other social media channels. Some bloggers have claimed that censors sent ordered them to submit every text on security issues for approval.

Citation:

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

Lubbel, Maayan, "Benjamin Netanyahu's Tangled Relationship With Israel's Media", Forward 27.11.2015:

<http://forward.com/news/israel/325459/bibi-times-netanyahus-tangled-relationship-with-israels-media/> (Hebrew)

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Weitz, Gidi, "Not only Israel Hayom: The Popular News Website 'Walla' Serve Netanyahu", theMarker 29.10.2015:

<http://www.haaretz.co.il/magazine/1.2763613>

"Freedom of the Press: Israel 2014", Freedom House, 2014

[https://www.freedomhouse.org/report/freedom-press/2014/israel#.VKRbWcl\\_eOE](https://www.freedomhouse.org/report/freedom-press/2014/israel#.VKRbWcl_eOE)

"Israeli Media Is Another Example of Crony Capitalism", Haaretz 2.11.2015:

<http://www.haaretz.com/opinion/1.683677>

"Map of Media Ownership of the Israeli Media", The seventh eye website 2.12.2014:

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

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<https://freedomhouse.org/report/freedom-press/2016/israel> (English) Tucker, Nati, "Kahlon Reverses Course, Agrees to Delay New Israeli Broadcaster", Haaretz, 25.7.16 (Hebrew)

<http://www.haaretz.com/israel-news/1.733157>

Tucker, Nati, "The Prime Minister Will Try to Rearrange the Media Market – In His Own Favor," The Marker, 21.10.16 (Hebrew):

<http://www.themarker.com/markerweek/1.3100036>

Mana, Maya. "Miri Regev is Suing 10 million Shakels from Channel 10," Walla!, 20.10.16 (Hebrew):

<http://b.walla.co.il/item/2899045>

Frisco, Oren. "Control Through Prevision," The seventh eye website, 4.10.16 (Hebrew)

<http://www.the7eye.org.il/191753>

Verter, Yossi. "Senior Government Official Promotes Initiative to Take Down New Israeli Public Broadcaster," Haaretz, 30.10.16 (English):

<http://www.haaretz.com/israel-news/.premium-1.748224>

Tucker, Nati, "'Israel Hayom' and marketing content cased a deteriorate in ranking of media freedom in Israel", 27.04.16 (English):

<http://www.haaretz.co.il/news/education/.premium-1.2928144>

## Malta

### Score 6

Private media operates free from government interference. While mechanisms exist to ensure that the state media operates independently from government interference, these mechanisms do not always work well. Some attempts to improve this process have been made. The prime minister appoints all the directors of the State Media Board, as well as all the members of its editorial board. That journalists can and often do show a clear attachment to the party in government also undermines media independence. Since the general election on 9 March 2013, the government has allowed for a greater diversity of program producers on state broadcasters. Even though state institutions dominate the media, existing media diversity and a recent

increase in competition ensures that the system is essentially pluralist and a range of opinions are still available. However, journalists continue to claim that the existing draconian libel laws unduly restrict them. The first reading leading towards the revision of such laws took place on 10 October, however it does not seem to have progressed any further. In 2016, Malta reformed its vilification laws in order to allow for greater freedom from prosecution. In the 2016 World Press Freedom Index Malta climbed from 48 out of 180 countries to 46.

Citation:

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

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

<http://www.timesofmalta.com/articles/view/20161001/local/institute-of-maltese-journalists-calls-for-decriminalisation-of-libel.626631>

<http://www.timesofmalta.com/articles/view/20160713/local/justice-minister.618702>

<http://www.timesofmalta.com/articles/view/20160714/local/repealing-blasphemy-law-a-victory-for-freedom-of-speech-says-humanist.618859>

<https://rsf.org/en/ranking>

## Slovakia

### Score 6

Political pressure on the media has increased since the second Fico government took office. Prime Minister Fico has returned to his ill-famed habits during his first term in office and has ranted against journalists. The Slovak National Party (SNS), part of the governing coalition, has combined its criticism of the public broadcaster RTVS with the refusal of an increase in funding agreed upon in the coalition agreement. Political influence also is an issue in the case of TASR, the country's leading news agency which has a market share of about 65%. Its public nature gives the governing coalition a say in its management. The independence of the media is further restricted by Slovakia's libel law, which maintains one of Europe's heaviest penalties for defamation, and the lack of provisions for guaranteeing editorial independence in major private-media outlets.

Citation:

Sampor, Ž. (2016): Media Pluralism Monitor 2016: Slovakia. Florence (<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/slovakia/>).

Slovak Spectator (2016): Filmmakers object to political influence in RTVS, November 11 (<http://spectator.sme.sk/c/20379661/filmmakers-object-to-political-influence-in-rtvs.html>).

## Mexico

### Score 5

Officially, the media is independent from the government, though subtle forms of influence are in play, not least because of the financial advantages of media ownership. Mexico is one of the most dangerous countries in the world for journalists; 11 journalists were murdered in 2016 alone. The government fails to protect journalists and, when journalists are murdered, there is broad impunity for their killers.

Journalists working for local news outlets are the most vulnerable to threats of violence. However, even the prominent national journalist Carmen Aristegui lost her radio show after reporting critically on a corruption scandal involving the wife of President Peña Nieto. Topics such as corruption or collusion between organized crime and public officials cannot be covered without fear of reprisal. Mexican journalists often find themselves on the front line of the war on drugs and many have given up these investigations. Thus, although the media are formally independent, the Mexican state has not been capable of guaranteeing journalists' safety and this has de facto restricted press freedom.

## Bulgaria

### Score 4

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

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

That said, government influence over the media does not necessarily mean that freedom of speech is circumscribed. Bulgaria has a diverse media landscape and the positions expressed cover the full political spectrum. Virulent anti-government rhetoric does exist and the government does not seem to take serious steps to suppress or marginalize the media outlets that engage in it. Media independence is compromised by a lack of ownership transparency and the low degree of editorial independence at pro-government media outlets, rather than by the harassment (legal or physical) or suppression of opposition outlets.

#### Citation:

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



## Croatia

Score 4 Media freedom in Croatia is limited. Political influence on the media is still fairly strong, especially at the local and regional levels, as is the influence of private media owners. Media freedom has also suffered from the poor working conditions afforded to journalists, who are not protected by collective agreements.

The Orešković government heavily interfered with the media. Making use of a provision introduced under the Milanovic government, it replaced the Director General of the public broadcasting company Croatian Radio Television (Hrvatska radiotelevizija, HRT) soon after coming to office. Following this change, almost all news anchors of HRT were replaced. After the Electronic Media Council, headed by Mirjana Rakić, a prominent former journalist and commentator on national television, penalized a local television station for hate speech, rightwing demonstrators organized a protest march and tried to discredit Rakić. In March 2016, the government fired all Council members, including Rakić. This expulsion led the OSCE to express serious concerns about media freedom in Croatia.

Citation:

Bilić, P. et al. (2016): Media Pluralism Monitor 2016: Croatia. Florence (<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/croatia/>).

## Japan

Score 4 Japanese media are largely free to report the news without significant official interference. While the courts have ruled on a few cases dealing with perceived censorship, there is no formal government mechanism infringing on the independence of the media. The NHK, as the major public broadcasting service, has long enjoyed substantial freedom. Since 2013, however, the Abe-led government has pursued a more heavy-handed approach, highlighted by a number of controversial appointments of right-wingers to senior management and supervisory positions.

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

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

During 2016, concerns about the state of press freedom did not subside. Three critical anchors from various channels including NHK and Asahi TV were dismissed

and the communications minister noted publicly that broadcasters can be shut down if considered biased.

The 2016 World Press Freedom Index saw Japan plummet further to 72nd place (2015: 61, 2013: 22). A United Nations Special Rapporteur called upon the Japanese government to take urgent steps to protect the independence of the media and promote the public's right of access to information.

Citation:

Reporters Without Borders, 2016 World Press Freedom Index Japan, <https://rsf.org/en/japan>

Griseldis Kirsch, Controlling the Media in Japan, 11 July 2016, Ballots & Bullets, School of Politics & IR, University of Nottingham, <http://nottspolitics.org/2016/07/11/controlling-the-media-in-japan/>

United Nations, 19 April 2016, Japan: UN rights expert warns of serious threats to the independence of the press, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19843&LangID=E>

## Poland

Score 4

The Polish government no longer respects the independence of the media. The National Council on Radio and Television, which oversees the public media, has become a politicized body again. Cases of politically motivated appointments and dismissals at TVP, Poland's public TV broadcaster, and the public Polskie Radio abound. The director of TVP even stepped down voluntarily in the beginning of 2016 as a reaction to a new media law allowing the treasury minister to swiftly replace senior public broadcast officials. A second media bill was originally planned to enter into force in July 2016. It aimed at transforming the legal status of public media from commercial law companies into 'national institutions' obliged to report positively about the government and to disseminate Christian values, transferring media oversight to a new National Media Council (Rada Mediów Narodowych) consisting of members nominated by the Sejm and financing public media by a fee tied to electricity bill payments. However, pressure by the European Commission and the Council of Europe led the government to postpone the passage of the law. In response to the takeover of the public media by the PiS government, up to a million previous viewers have declined to watch the main news program of TVP (now often dubbed TV-PiS). The other two major TV channels, TVN and POLSAT, as well as the print media, have been effective in countering the biased message of the (once) public TV.

Citation:

Klimkiewicz, B. (2016): Media Pluralism Monitor 2016: Poland. Florence (<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/poland/>).

## South Korea

Score 4

In Reporters Without Borders' 2016 Press Freedom Index, South Korea was ranked 70th out of 179 countries, falling 10 places from 2015 and 13 places from the 2014 ranking. South Korea also remains on the list of "countries under surveillance" for internet censorship. Defamation suits are often filed as a means of preventing critical

reporting. In the first half of 2016, the Korea Communications Standards Commission (KCSC), an official body responsible for monitoring online content, requested that a total of 75,591 cases be rectified, continuing a gradual increase since 2013. Specifically, 14,152 webpages were deleted and another 55,688 blocked at the KCSC's request.

In May 2014, a former editor-in-chief of the Korean Broadcasting System (KBS) caused turmoil by exposing the presidential office's attempts to influence the station's news reporting. He alleged that the Blue House demanded uncritical coverage of the Sewol ferry disaster. To protest against the presidential office's control of the media, KBS staff members went on strike, and 5,623 media workers issued a statement expressing their regret for how they reported the Sewol ferry disaster, and apologizing for having failed to resist government-agency pressure. On 9 July 2015, the Supreme Court of Korea decided that it had been illegal for MBC to fire correspondent Lee Sang Ho for his critical coverage of the Sewol ferry incident. On 22 September 2016, the Citizens Coalition on Democratic Media criticized major media organizations including KBS, MBC and SBS for mechanically reflecting the Blue House's position on allegations that close acquaintances of President Park had been involved in the establishment and management of the Mir Foundation and the K-Sports Foundation.

Citation:

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"South Korea's media Reporters complain of being muzzled," The Economist, 3rd of March 2012

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## Hungary

Score 3

The Orbán government pushed through highly controversial media laws in 2010/11. These laws have effectively involved a "media capture" by the state since they have strengthened government control over the media by vesting a Media Council (staffed entirely by Fidesz associates) with media-content oversight powers and the right to grant broadcasting licenses. In addition, media freedom has been strongly restricted by the takeover of formerly independent media by oligarchs close to Fidesz and by

the strategic allocation of government advertisements. In the period under review, the takeover continued with the purchase of Népszabadság, Hungary's main opposition daily, and 12 smaller regional papers by Opimus Press, a company linked to Lőrinc Mészáros, a close confidante of Prime Minister Viktor Orbán and mayor of Felcsút, the prime minister's home town. Such takeovers have been facilitated by the huge amounts of money channeled to pro-government media through the lavish placement of government advertisements. By contrast, the government and Fidesz-linked businesses have deliberately deprived independent media from advertisements.

Citation:

Freedom House (2016): On Media Freedom in Hungary. Washington, D.C., October 25 (<https://freedomhouse.org/article/hungary-sale-nepszabadsag-shows-government-influence-over-media>).

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## Romania

Score 3

While the 2011 civil code, the broadcast law, and the laws on the organization and functioning of the public media services have advanced the cause of media freedom, parliament has continued its efforts to control media outlets. The director of Romanian National Television (TVR) is appointed for five years, but can be dismissed by simple parliamentary majority relatively easily. After the position had remained vacant for several months, parliament, with the votes of the socialist PSD only, in May 2016 made Irina Radu the new director despite not being endorsed by TVR's own board, as required by internal regulations. Due to TVR's precarious financial situation, journalists have faced an uncertain situation. At the end of October, a decision by the parliament to abolish the existing TV-radio fee and to have the public media financed directly out of the central government budget, hidden in a list of popular tax cuts, has raised fears about a further increase in the political control of the public media. On a more positive note, a controversial anti-defamation law, which would have criminalized criticism of politicians, was ultimately defeated in parliament in February 2016.

Citation:

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## Turkey

Score 2

Although Turkey has a somewhat diversified media structure, the government places direct and indirect pressure on media owners in order to obtain coverage favorable to the government party. Most critical private media groups have been seized or turned into politically friendly trustees.

The constitutional guarantees of freedom of the press and freedom of expression are rarely upheld in practice. The current legal framework and practice are restrictive and do not meet EU standards. The government appoints the general director of the country's public broadcaster, Turkish Radio and Television (TRT). In doing so, it essentially exercises tutelage over the public-media organization's administration. Several TRT channels regularly broadcast pro-government programs, and invite experts allied with the government party to appear on these programs.

Most concerning for many observers have been the unprecedented expansion in the range of reasons given for journalists' arrests, the massive phone-tapping campaign, and the contempt shown for source confidentiality. These factors have in sum reintroduced a climate of intimidation with regard to the media.

Even before the coup attempt on 15 July, arrests and sentences targeting journalists have continuously gone up. The government targeted numerous journalists who critically investigated the military operations of the Armed Forces in major Kurdish cities, especially Cizre and Diyarbakir. In total, 12 TV stations, 11 radio stations and a total of 173 media outlets that allegedly belong to or support terrorist groups were shut down as of October 2016. The shutting down of the IMC-TV station was notable because it contributed to minimizing journalistic coverage of the Kurdish issue.

Media owners' economic interests constitute an essential problem. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners with stakes in other business sectors have been seen to influence coverage to favor their outside business interests. A significant share of media owners are industrial conglomerates with interests that go beyond freedom of press and opinion, and some have close relationships with the government. This further undermines media independence, increasing self-censorship and job insecurity among journalists. The number of outlets belonging to the so called pool media (Havuz Medyası) – media properties owned by government-allied businesses which the government can make use from like a pool – has expanded. Allegations against and seizures of disloyal or opposition media gradually increased since late 2015.

Particularly, the aftermath of the 15 July coup attempt saw high numbers of arrests, hearings, detentions, prosecutions, censorship cases and layoffs. A number of physical attacks on media outlets and journalists took place. The closure of media outlets, the appointment of trustees to control media groups, and the active use of the tax authority, the financial crimes unit and courts against critical media intensified.

Intimidating statements by politicians and lawsuits launched against journalists critical of the government, combined with the media sector's ownership structure, have led to widespread self-censorship by media owners and journalists. In some cases journalists have simply been fired. The politicized Radio and TV Supreme Council (RTÜK) has issued disproportionate fines to pro-opposition media;

however, after the 2015 parliamentary elections, the Supreme Election Board asked the RTÜK to issue fines to media companies that violated the election law.

Citation:

European Commission, Turkey 2016 Report, Brussels, 9.11.2016, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2016/20161109\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf) (accessed 1 November 2016).

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Aslı Tunç, “Media Ownership and Finances in Turkey Increasing Concentration and Clientelism” Accessed June 15, 2016.

<http://mediaobservatory.net/sites/default/files/Media%20Ownership%20and%20Finances%20in%20Turkey.pdf>

Indicator

## Media Pluralism

Question

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

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

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

### Finland

Score 10

Finland's media landscape is pluralistic and includes a variety of newspapers and magazines. Moreover, the conditions in which Finland's journalists operate are said to be among the most favorable in the World. In addition, Finland still boasts an impressive newspaper readership, despite a definite decline in circulation numbers in recent years. However, newspapers do face the prospect of long-term decline due to the rise of the electronic media and increasing economic pressures due to a loss of advertising share and increasing costs. Indeed, during the last decade, user-generated content and online social-media platforms have revolutionized the media landscape. As a rule, newspapers are privately owned but publicly subsidized. The ownership structure is therefore fairly diverse. The position of regional newspapers remains comparatively strong, and they provide a variety of print media at the national and regional level. Internet use is open and unrestricted, the share of Internet users in the population aged 16 to 74 exceeds 90%, and broadband internet access is defined by law as a universal service that must be available to everyone. According to Official Statistics of Finland, the Internet has become an established source of information concerning elections. The national broadcasting company, Yleisradio, operates several national and regional television and radio channels, and supplies a broad range of information online. Although state-owned and controlled by a parliamentary council, Yleisradio is viewed as unbiased. Yleisradio is complemented by several private broadcasting companies.

## Citation:

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Ville Manninen & Heikki Kuutti, "Media Pluralism Monitor 2015 - Results - Finland", [monitor.cmpf.eui.eu/mpm2015/results/finland](http://monitor.cmpf.eui.eu/mpm2015/results/finland)

## Germany

### Score 10

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

Two main public television broadcasters operate at the national level in Germany: the Arbeitsgemeinschaft der Rundfunkanstalten Deutschlands (ARD), a conglomerate composed of various regional TV channels, and the Zweites Deutsches Fernsehen (ZDF). According to the Arbeitsgemeinschaft Fernsehforschung (AGF), a broadcast media research group, public broadcasters hold a market share of 44.3%, slightly more than in 2012. In the private sector, the RTL Group holds 24.3% market share, while the ProSiebenSat.1 Media AG accounts for 18.8% of the total television market. TV is the most used media (80%), followed by radio (65%) and the Internet (63%).

The nationwide print media market is dominated by five leading daily newspapers: Süddeutsche Zeitung, Frankfurter Allgemeine Zeitung, Die Welt, Handelsblatt and the tabloid Bild. Bild has by far the biggest circulation in Germany. Additional agenda-setters are a number of weeklies, in particular Der Spiegel, Focus, Die Zeit and Stern.

With newspaper circulation continuously falling, the Internet has become an increasingly important medium for citizens to gather information. This has forced print media to engage in significant cost cutting measures, including reducing the size of editorial staff. This structural change from print to electronic media has not been accompanied by increasing market concentration. In summary, Germany has a comparatively plural and diversified media ownership structure and modestly decentralized television and radio markets.

## Citation:

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<https://www.agf.de/daten/tvdaten/marktanteile/>

[https://www.bdzv.de/fileadmin/bdzv\\_hauptseite/aktuell/publikationen/2016/ZDF\\_2016.pdf](https://www.bdzv.de/fileadmin/bdzv_hauptseite/aktuell/publikationen/2016/ZDF_2016.pdf)

<https://de.statista.com/themen/101/medien/>

<https://de.statista.com/statistik/daten/studie/74804/umfrage/marktanteile-oeffentlich-rechtlicher-und-privater-vollprogramme/>



## Denmark

### Score 9

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

The public media (mostly radio and TV) are independent and have editorial freedom. Satellite and cable TV are increasingly creating more competition for public media. In addition, a number of local oriented radio channels exist. Internet access is widespread and not restricted. Denmark ranks among the top five countries in the world in respect to households having internet access.

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

#### Citation:

"Media Landscape - Denmark," [http://ejc.net/media\\_landscapes/denmark](http://ejc.net/media_landscapes/denmark) (accessed 10 October 2015)

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

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

## Estonia

### Score 9

A great variety of newspapers exist in the country. There are 21 national newspapers including two major daily broadsheets, 67 local newspapers and several newspapers in Russian. As a rule, newspapers are privately owned, but some local and regional papers receive support from the municipalities or counties. Some weeklies such as the Teachers' Gazette and the cultural weekly Sirp receive government funds. Printed newspapers have to struggle with decreasing readership since electronic media has become increasingly important. This trend is supported by high Internet and cable-TV penetration rate. All major newspapers have an online version, and there are two other major online news portals. One of these is publicly funded and run by the Estonian Public Broadcasting, while another, Delfi, is owned by the private Ekspress Group.

Aside from the Estonian Public Broadcasting (ERR), media ownership is concentrated in two large companies owned by domestic investors (the Ekspress Group and the Eesti Meedia Group). A third major company, the foreign-owned Bonnier Group, publishes Äripäev, a business daily. In 2014-15, the Ekspress and Eesti Meedia groups acted to consolidate the media outlets belonging to their companies. Mergers and organizational rearrangements may decrease media pluralism.

## Norway

### Score 9

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

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

Newspapers operate independently and express a plurality of views. As elsewhere in the world, newspaper circulation is on the decline, as is print advertising. As a result, many newspapers are under financial strain and have in recent years been forced to cut back on editorial staff. Web-based news outlets are replacing print newspapers, and are accounting for a steadily growing market share of media advertising. In the last few years, local newspapers in particular have come under increasing strain resulting from reductions in advertising income and subscription rates.

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

## Sweden

**Score 9** The Swedish media market is highly competitive. There is a very clear distinction between public service and commercial media with the former mitigating the downsides of the latter. The only problem with the growing private media market is that it has a highly centralized ownership structure with significant foreign ownership.

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

Citation:

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

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Eqvilibrium* (Gothenburg: The SOM Institute).

## Switzerland

**Score 9** The most important electronic media organizations in Switzerland in terms of coverage and intensity of citizen use are publicly owned. Private-sector television stations play only a small role in the country's media landscape. These are largely regional stations. A number of foreign radio and television stations can be received in Switzerland, contributing to the country's media plurality. The country has a high number of privately owned newspapers, with a highly decentralized system of regional concentration. However, a strong tendency toward centralization has weakened the regional newspaper market. This has been amplified by the strong growth of free papers for commuters such as *20 Minuten* in the morning and *Blick am Abend* in the evening (similar publications exist in the French-speaking part of Switzerland). These have tended to crowd out readership of traditional newspapers, which have collectively suffered from a decline in readership of 23% (on a circulation basis) between 1990 and 2014. In addition, a trend toward concentration has affected formerly independent newspapers such as *Bund* and *Berner Zeitung*. In 1980, 290 newspapers existed in Switzerland; in 2014, this number shrank to 181, a reduction of 38%. As with other small nations, Switzerland enjoys a relatively diversified ownership structure, but over time there has been a very strong process of centralization and concentration.

## Ireland

**Score 8** A wide range of newspapers – national and local – is published in Ireland and this is augmented by the circulation of the main UK newspapers and weeklies. In addition to the range of public-service state-owned radio and TV stations, a variety of

privately owned stations also exist. Irish listeners and viewers also avail themselves of UK English-language stations, which are widely received in the country. As a result, Irish readers, listeners and viewers are exposed to a plurality of opinions.

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

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

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

## Spain

### Score 8

In terms of media demand, citizens have become more interested in politics during this era of crisis as they seek solutions to ongoing problems. However, economic adversity also limits participatory resources. The empirical evidence shows that the two processes – a stronger motivation to acquire knowledge, but fewer resources to do so – are running somewhat in parallel. Even if print media show reduced sales, the Spanish population's growing access to the Internet (with a penetration rate of approximately 75%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate. In the 2015 – 2016 period, the trend of relative concentration in the ownership of TV stations continued, with a similar though more moderate effect evident among print newspapers. With regard to television, the Italian company Mediaset is the leading group in the country (owning the most-viewed TV channel, Telecinco, as well as Cuatro and other minor channels). This is followed by Grupo Planeta (including both the right-wing Antena 3 and the more leftist channel La Sexta). Then comes the public broadcaster Televisión Española, and finally regional public-television networks and other small private stations (some of them very conservative). The radio market is dominated by the center-left SER station followed by the center-right Onda Cero, the Cadena Cope (that belongs to the Catholic Church) and the publicly owned Radio Nacional de España (RNE). With respect to print and electronic journalism, the main newspaper is the very influential center-left

El País. Other nationwide newspapers include the center-right El Mundo and the conservative ABC, published by the Vocento Group, which also owns many local newspapers in the Basque Country and other regions. In Catalonia, the moderate nationalist La Vanguardia is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as publico.es and eldiario.es have enjoyed considerable growth. There are also significant liberal and conservative digital media such as elconfidencial.com and the new elespanol.com. The country's most-read information websites are the electronic versions of print newspapers.

Citation:

Abril-Mayo 2016, Audiencia de Internet en el EGM

<http://www.aimc.es/-Audiencia-de-Internet-en-el-EGM-.html>

## United States

Score 8

The media market is characterized by pluralism in the electronic and broadcast sectors. Publicly funded television and radio networks provide high-quality programming but have modest resources for news gathering. There are strong television-news networks on both the left (MSNBC) and the right (Fox News) of the political spectrum. Within the private media, an unprecedented consolidation has occurred in recent years. The number of independent television-station owners has dropped by 40% since 1995. During the same period, the number of commercial radio stations has dropped by 36%. Just five big media corporations control nearly 75% of primetime viewing. In addition, there has been a steady decline of competition in the print media, especially with regard to local newspapers; few cities today have more than one newspaper.

The main challenge with respect to pluralism is the decline in financial resources available for actual news gathering and reporting, as opposed to commentary. As an unfortunate consequence, an increasing proportion of news coverage consists of statements made directly by politicians or public officials, often without filtering or analysis by reporters. The rapidly increasing use of mobile phones as a principal means of accessing news reduces the depth of the reporting people receive.

## Cyprus

Score 7

In recent years, media companies have grown in size, extending their hold on the press and broadcasting (mainly radio) sector, and operating Internet news portals. An increased dependency on financial interests has also been evident, even in content, which has led to less critical reporting. Strict ownership rules focus primarily on capital concentration, limiting maximum share holdings in audiovisual media services organizations to 25%, and disallowing cross-media conglomerates.

However, transparency problems persist, as no accurate and reliable ownership data are made publicly available by either the Radio Television Authority or others.

Over the years, the public dialogue and public opinion have been influenced by a deliberate focusing of attention on the Cyprus problem, and a predominance of polarized views over real debate. This focus persisted in 2016, along with new themes such as corruption, the financial crisis and the need to address hydrocarbon use. Issues of social concern such as multiculturalism, the need for transparency, and governance quality slowly found a place on media agendas during the period under review. A chronic problem in the Cypriot media is the absence of analytical reporting.

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

Citation:

1. Media Pluralism Monitor Cyprus, 2015, <http://monitor.cmpf.eui.eu/mpm2015/results/cyprus/>
2. Report on Cyprus in "The Citizens' Right to Information: Law and Policies in the EU and its Member States," 2012, pp. 163-182, <http://www.statewatch.org/news/2012/nov/ep-study-citizens-right-to-information.pdf>

## Czech Republic

Score 7

The private media market in the Czech Republic has changed significantly in recent years. The most important tendencies are the concentration of media ownership, the departure of several international owners and the broadening of the scope of media holdings (print, online, radio and television). Measured by print circulation, the strongest media group in the Czech Republic during the period was the Czech News Center (owned by entrepreneurs Daniel Křetínský and Patrik Tkáč) followed by MAFRA (owned by Andrej Babiš). The former was initially owned by a Swiss group and the latter by German groups. The concentration of ownership is not as evident in the TV sector. Here the strongest private owners are the U.S. owned Central European Media Enterprises (CME) and Czech-owned FTV Prima. In the period under review, no major changes in media ownership took place.

Citation:

Cichowlas, O., A. Foxall (2015): Now the Czechs have an oligarch problem, too, in: Foreign Policy.com (<http://foreignpolicy.com/2015/04/10/now-the-czechs-have-an-oligarch-problem-too-andrej-babis/>).

## Italy

Score 7

The Italian media system is more balanced today than in the past. In television, the earlier duopoly between public television (RAI) and private television (controlled by Berlusconi's Mediaset) is now less exclusive. Sky TV and La7, as well as other

national television and digital broadcasters, offer alternative sources for news. Public television is now under a more politically neutral governance. As for print media, the presence of four or five significant groups ensures a satisfactory degree of pluralism. Overall one can say that all political opinions of some relevance in the political spectrum receive fair media coverage. Understandably, the largest parties obtain more space than the smaller ones.

It would be difficult to say that certain positions are not published or are marginalized, especially in the case of newspapers. One of the big issues in Italy is still the predominance of television: newspapers, radio programs and electronic media can't fully counterbalance its influence. A single large television company, Mediaset, continues to have a significant influence in electoral campaigns. However, Mediaset is becoming less politically relevant due to the political decline of Berlusconi.

## Latvia

Score 7

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

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

Citation:

1. Competition Council (2012), On the Merger of Market Participants, Available at (in Latvian): <http://www.kp.gov.lv/files/pdf/UNlDnCrDP7.pdf>, Last assessed: 17.05.2013.

## Lithuania

Score 7

Lithuania's electronic and print media markets are characterized by a mix of diversified and oligopolistic ownership structures. Ownership structures are not transparent. Publicly owned electronic media (the state-funded National Radio and Television) to some extent compensate for deficiencies or biases in private-sector media reporting. According to Transparency International (the Vilnius office), some media entities are more transparent than others. In 2007, the organization singled out Verslo Žinios and Valstiečių laikraštis among the print media and the Lithuanian

Television from the electronic media for transparency, while print publication Respublika and Baltic Television were criticized in this regard. In 2014, the Journalists' and Publishers' Ethics Commission criticized print publications Respublika and Lietuvos rytas for failing to comply with professional ethics in publishing public information. In some cases, business conglomerates own multiple newspapers and TV channels. Media-ownership concentration has been increasing over the last several years due to the purchase of media outlets by domestic and foreign companies. In addition, although state and municipal institutions cannot legally act as producers of public information, the Druskininkai municipality finances a newspaper that is freely distributed to local people by working through an educational organization. In 2014, the Vilnius district court ruled that the Druskininkai municipality broke the law by publishing this newspaper. Between 2015 and 2016, other news of ruling municipal politicians limiting the independent reporting of regional media or close connections between ruling parties and regional media outlets surfaced, evidencing that on the municipal level pluralism of opinions is limited.

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](http://transparency.lt/media/filer_public/2013/01/22/skaidresnes_zinia_sklaidos_link.pdf)

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

## Luxembourg

Score 7

All of Luxembourg's six daily newspapers have links of some sort to political parties. One of the six dailies, La Voix, a French language supplement of the leading paper, Luxembourgischer Wort, was shut down in fall 2012. There is a marked imbalance of strength and influence among newspapers, which generally reflects the strength of their political sponsors. The Luxembourgischer Wort is owned by the Catholic Church and therefore has ties to the Christian Social People's Party. In 2015, it had a circulation of 70,410 copies, an overwhelming number, considering Luxembourg's population of 565,000. This figure is also larger than the combined circulation of its competitors.

The media landscape was shaken up after the creation of two free daily newspapers. The market share of the Luxembourgischer Wort fell to 35.4%, while that of L'Essentiel, the most successful of the free papers, recorded a share of 26.7% in 2015. L'Essentiel and Tageblatt (Luxembourg's second-largest newspaper, with a market share of about 9.9%) are both published by Editpress, which has ties to the Luxembourg Socialist Workers' Party and the socialist trade union OGB-L. The conservative media group Saint-Paul, publisher of the Luxembourgischer Wort, is losing ground because of increased competition and societal changes. Not only did it shut down La Voix, it also abandoned the free newspaper market by closing down its own paper, Point24 in December 2012. These developments, in addition to a restructuring



at the Luxembourgish *Wort*, are signs of change in the Luxembourg's media market.

Radio Télé Luxembourg has no competitors in the television market and it remains well ahead in radio, despite the liberalization launched in the early 1990s, which also led to the creation of radio 100.7. Its radio audience share (37.3% in 2015) is almost twice as high as that of second ranking Elodoradio with just 22%. The Chamber TV parliamentary channel transmits live parliamentary sessions, as well as weekly background information and news program on Mondays. It is owned by the Chamber of Deputies and only broadcasts on those specific occasions.

Citation:

Des médias. Service information et presse du gouvernement luxembourgeois, 2013. [www.luxembourg.public.lu/fr/publications/e/ap-medias/AP-Medias-2013-FR.pdf](http://www.luxembourg.public.lu/fr/publications/e/ap-medias/AP-Medias-2013-FR.pdf). Accessed 21 Feb. 2017.

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Étude TNS Ilres Plurimedia Luxembourg 2016. TNS ILRES, 2016. [paperjam.lu/sites/default/files/etudeplurimedia\\_2016.pdf](http://paperjam.lu/sites/default/files/etudeplurimedia_2016.pdf). Accessed 21 Feb. 2017.

## Netherlands

### Score 7

The Dutch media landscape is very pluralistic but nonetheless subject to the same development as in other countries: a gradual narrowing of media ownership, which has been aggravated by the present financial economic crisis, internationalization and rapid commercialization. On the other hand, availability of (foreign and national) web-based TV and radio has increased tremendously. The Dutch media landscape is characterized by one of the world's highest newspaper-readership rates. Innovations in newspaper media include tabloids, Sunday editions, and new-media editions (online, mobile phone, etc.). On a regional level, the one-paper-city model is now dominant; there are even several cities lacking local papers altogether.

The degree of ownership concentration in the print media is high. Three publishers control 90% of the paid newspapers circulated, and foreign ownership of print media outlets is growing. As the circulation of traditional magazines decreases, publishers are launching new titles to attract readers. There are currently at least 8,000 different magazine titles available for Dutch readers. The Finnish publisher Sanoma publishes more than half of the general-interest magazines circulated. Print outlets – both newspapers and magazines – carry a high share of advertising, but this is declining. There are several public and private television and radio stations at the national,

regional and local levels. The three public channels continue to lose viewers. The Netherlands also shows one of Europe's highest rates of cable TV penetration (about 95%). Finally, internet usage rates in the Netherlands are high, and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch use the internet on a regular basis, amounting to almost 95.5% of the population over six years old.

In the European Union's Media Pluralism Monitor 2015, the Netherlands was characterized low risk in the domains of basic protection, political independence and social inclusiveness. However, the Netherlands was characterized medium risk in market plurality and high risk for concentration of cross-media ownership, as there are no legal restrictions at all. Consequently, a typical person's media sources are likely to be controlled by one owner. This requires better regulation of media mergers.

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

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

Media Pluralism Monitor 2015 - Results, Netherlands, October 2015 ([monitor.cmpf.eu.eu](http://monitor.cmpf.eu.eu), consulted 9 November 2016)

## Portugal

### Score 7

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

The national cable television news channels, once restricted to offerings from the RTP and SIC groups, has been diversifying substantially since 2009. However, the number of channels fell from five to four following the closure of Económico TV in October 2016.

This diversification increasingly reflects the newspaper market, where several leading groups emerge. The Controlinveste group (now renamed Global Media Group) holds several 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*; The *Sol* weekly and “i” daily are held by

Newsplex. There is also an online daily newspaper called *Observador* with a classical liberal orientation (as set out in its editorial statutes).

This diversity results in a degree of pluralism of views and opinions. At the same time, it must be noted that most media outlets – notably newspapers – face considerable financial challenges. Indeed, the period under review saw the closure of the *Diário Económico* business daily and its sister TV channel, while the *Sol* and *i* newspapers fired two-thirds of their journalists.

These financial challenges also produced greater volatility in media ownership. For instance, the *Sol* and *i* newspapers were transferred from Newshold to a new company Newsplex in December 2015, because of Newshold's financial difficulties. Of note in this regard is the influence of Angolan investors within the Portuguese media, with the international Index on Censorship organization raising concerns about how Portuguese media report on Angola as a result in 2015. Though it seems that the economic crisis in Angola has reduced this influence in 2016, with Angolan investors not increasing their ownership of Portuguese media outlets.

Citation:

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

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

"Newshold despede dois terços dos trabalhadores do 'Sol' e do 'i'", *Expresso*, 30 November 2015. Available online at: <http://expresso.sapo.pt/sociedade/2015-11-30-Newshold-despede-dois-tercos-dos-trabalhadores-do-Sol-e-do-i>

## United Kingdom

### Score 7

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

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

The support of the Murdoch media empire has been considered politically crucial over the last two decades. The firm has been very influential particularly in terms of the UK's position toward European integration. Following the News of the World scandal and the enquiry into corporate standards at News Corporation, Murdoch's influence may have been weakened, but that of the Daily Mail Group remains strong.

In addition, the Leveson Inquiry has demanded higher diversity in ownership and tighter regulation on media mergers, both of which (if enacted) could also work toward more diversity of opinion. The press, collectively, has strongly opposed attempts to circumscribe the freedom of opinion, and the matter remains unresolved.

## Belgium

### Score 6

Relatively few actors have an ownership stake in the major private-media companies, a situation which is normal amid a small economy and an oligopolistic market. In practice, the various media outlets (television, radio, print and web) offer a diverse range of opinion, and most political positions are well represented. The boards of Belgium's two large public-media entities for radio and television (the Flemish VRT and the francophone RTBF) are composed of representatives from most political parties, including opposition parties (from among the main parliamentary parties).

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

## Canada

### Score 6

Media ownership in Canada is concentrated, with a small number of Canadian-owned and Canadian-controlled media conglomerates dominating the mainstream print and electronic media. There is also strong media concentration in some parts of the country (e.g., the Irving newspapers in New Brunswick). A case can be made that this has led to a lack of diversity in views and positions. For example, mainstream media outlets rarely support social-democratic political parties. The mainstream print media argue that while their editorials generally express a right-wing or centrist political orientation, they make an effort to seek out contributors with left-wing perspectives and to provide balanced coverage of issues. Whether this is indeed the case is, however, doubtful.

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

## Iceland

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

There is one state-owned TV station (RUV - Sjónvarp) and two state-owned radio channels (RUV - Rás1 and RUV - Rás2). There are also five private national TV channels (Stöð2, Sjónvarp Símans, ÍNN, Hringbraut, and N4) and two national private radio channels, separately owned.

The private 365 Media Corporation (365 Miðlar) owns TV station Stöð 2, the Bylgjan radio station, and Fréttablaðið, the larger of the country's two daily newspapers. 365 Media Corporation is the largest media actor in Iceland and has clear connections to Jón Ásgeir Jóhannesson, a business magnate and bank owner until the 2008 economic collapse. However, at the time of writing in autumn 2016, there are ongoing negotiations on selling all the TV, radio, and multimedia components of the company to Vodafone. Morgunblaðið, the second biggest newspaper, has long been considered the voice of the Independence Party (Sjálfstæðisflokkurinn). Its chief editor since 2009 is the former Independence Party prime minister, Davíð Oddsson. However, given the presence of several other smaller TV broadcasters and Iceland's small population of 330,000, radio stations and newspapers, media ownership in Iceland is fairly pluralistic.

In 2014, ownership of the third largest daily newspaper (DV) was taken over by owners eager to replace its editor under whose stewardship the newspaper's journalists had won several awards for investigative journalism. The editor in question established a new paper, Stundin, in 2015, pursuing investigative journalism, as does a fifth newspaper, Fréttatíminn (since 2010), and online newspaper Kjarninn, founded in 2013 by disgruntled journalists previously at Morgunblaðið.

## Israel

Score 6 Israeli policy toward media pluralism is taking a “multivalued approach,” in the sense that it views an open media field as a part of the democratic order, and thus values it not only for economic purposes but for normative ones as well. This view justifies utilizing special regulatory tools (as opposed to exclusive antitrust regulation) in order to prevent concentration of ownership and cross-ownership in the media sector. In this spirit, media regulation in Israel also oversees issues of content (specifically regarding issues of local production and censorship).

In practice, the regulation in Israel is a structural one, controlling ownership in media channels (e.g., radio, public and private television via cable and satellite). Regulators

are in charge of authorizing licenses and enforcing regulations on ownership concentration, cross-ownership and foreign ownership. Print media is not governed by the same restraints. Instead, it is controlled through antitrust regulation and voluntary self-regulation. Most of the news websites in Israel are operated by the print media companies. There are attempts to expand regulation to the digital sphere, but no change has been legislated by parliament as of yet. According to Freedom House's 2016 report, ownership concentration among private stations is a growing concern, although a diverse selection of broadcast media remains available in Israel. A comprehensive map of media ownership, that tracks the identities of tycoons, corporations and other entities that hold Israel's media companies and outlets was recently published presenting several shifts since the 2014 map (reflecting an ownership change of Channel 10 and several radio stations).

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. Recent years brought about ideological and financial centralism along with government efforts to improve regulation and competition in the communications market. Israel's diverse newspaper industry was joined in 2007 by "Israel Hayom," a free daily newspaper owned by Sheldon Adelson, an American businessman who is openly aligned with the PM and Likud party. It quickly gained power, capturing 40% of the market. This has raised concerns, both to its partisan coverage and its negative affect on competing commercial newspapers. In 2012, the owner of the religious right's prominent paper "Makor Rishon" purchased the long standing, but financially troubled, "Ma'ariv" daily newspaper, increasing market centralization. However, mounting debt ultimately resulted in the newspaper's closure.

Citation:

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Tal, Yizhar and Ivry-Omer, Dina, "Regulation of electronic communications services in Israel: The need to establish a communications Authority," Policy research 76 IDI, November 2009:

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<http://www.themarker.com/markerweek/1.2449472> (Hebrew).

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

"Israel: Freedom of the Press: 2016", Freedom House website: <https://freedomhouse.org/report/freedom-press/2016/israel>

"The Map of Media Ownership in Israel 2016", The Seventh Eye website:

<http://www.the7eye.org.il/wp-content/uploads/2016/04/the-7th-eye-israel-media-ownership-map2016-english.pdf>

## Japan

Score 6

Japan has an oligopolistic media structure, with five conglomerates controlling the leading national newspapers and the major TV networks. These include Asahi, Fuji

Sankei, Mainichi, Yomiuri, and the Nihon Keizai Group. Another major force is NHK, the public broadcasting service. It has rarely criticized the status quo to any significant degree. The director-general installed by the LDP-led government in 2013 stated in his first press conference that he intends to follow the government's viewpoint. The main media groups also tend to avoid anything beyond a mildly critical coverage of issues, although a variety of stances from left-center (Asahi) to conservative-nationalistic (Sankei) can be observed. Asahi's reputation was damaged in 2014 by a scandal concerning sourcing errors in earlier reporting on wartime forced prostitution.

Generally speaking, the small group of conglomerates and major organizations dominating the media does not capture the pluralism of opinions in Japan. Also, regional newspapers and TV stations are not serious competitors.

New competition has however emerged from interactive digital-media sources such as blogs, bulletin boards, e-magazines and social networks. Their use is spreading rapidly. The loss of public trust in the government and major media organizations may have intensified the move toward greater use of independent media channels. Such channels tend to cater to their respective audiences, however. So while there is more pluralism, there is also a tendency toward more one-sided interpretation. Among Japanese youths, right-wing internet channels have gained a considerable following.

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

Citation:

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

## Malta

### Score 6

Maltese media outlets, including visual media, electronic media and print publications, are primarily owned by a mix of actors: political parties, the Catholic Church, private entrepreneurs and the General Workers' Union (GWU), a major left-wing trade union. Thus Malta's media landscape reflects a plurality of ownership. Pluralism of opinion within the media depends entirely on the willingness of ownership to allow the publication or dissemination of opposing viewpoints or dissent from current orthodoxy. The state media, by extending access to private media outlets, has expanded plurality of viewpoints and has had few legal cases brought against it. The state fulfills its obligations better now than in the past. However, competition for market share has forced both privately-owned and politically-owned media to publish dissenting opinions more readily. A report on media pluralism in Malta shows a high score in terms of basic protection and market

plurality, but a lower score for political independence and social inclusiveness. It also pointed out that Malta is the only EU country where the two political parties own TV stations, radio stations and newspapers.

Citation:

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

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

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

Media Pluralism in Malta, A Test Implementation of the Media Pluralism Monitor 2015

## Poland

Score 6

Poland's media market is one of the largest in Europe, offering a diverse mix of public and private media organizations and reflecting a broad spectrum of political opinions. While the public TV station TVP and its four channels claim a large share of the market, and local authorities often publish newspapers and magazines, most Polish print media and radio in general are privately owned. Despite a tendency toward concentration, media ownership remains diversified. Foreign owners still control more than half of the Polish media market. Compared to other countries in East-Central Europe, Poland's media-ownership structures are relatively transparent, and there are no "media moguls" in the market who use their ownership positions to further a political agenda. Since the 2015 elections, however, media pluralism has substantially declined. For one thing, the public media have become highly partisan. For another, the PiS government has sought to limit the market shares of independent media. It has forced state-owned enterprises to refrain from placing advertisements in newspapers considered leftist or liberal. *Gazeta Wyborcza*, the main daily, for instance reported a 21% loss in ad sales in 2016 due to this ban. Likewise, public gas stations and other enterprises have been urged not to sell particular newspapers. In addition, the government has started to discuss measures aimed at limiting foreign media ownership of media.

Citation:

Zielonka, J. (ed.) (2015): *Media and Politics in new democracies: Europe in a comparative perspective*. Oxford/ New York: Oxford University Press.

## Slovakia

Score 6

The shifting of ownership in the last years has raised concerns about the concentration and politicization of media. In autumn 2014, the Penta financial group entered the media market, buying 45% of *Petit Press* from the German *Rheinisch Bergische Verlagsgesellschaft (RBVG)*, which publishes the *Sme* daily, Slovakia's most influential political daily – a transaction finally approved by the Anti-Monopoly Office in June 2016. Penta, whose true owners are still unknown, has also acquired two other publishing houses, and controls the economic weekly *Trend*, the daily *Plus Jeden Deň* and the weekly *Plus 7 Dní* (the latter two of which are



tabloids). In addition, it operates websites and purchases advertising space via its media agency. The electronic public media only partly compensate for the ongoing concentration of ownership in print media. A new problem is the spread and popularity of conspiracy websites, partly backed by Russia.

## Australia

### Score 5

Australia has a very 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.

It is likely that the concentration of media ownership will increase if proposed reforms to the Broadcasting Services Act 1992, currently before parliament, are implemented. The reforms will repeal two regulations that currently prevent any single person from controlling commercial television licenses that broadcast to more than 75% of the federal population or more than two regulated forms of media (i.e. commercial radio, commercial TV or associated newspapers) in one commercial radio license area.

## Austria

### Score 5

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

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

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

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

## Bulgaria

**Score 5** Media pluralism in Bulgaria is supported by a quite diversified ownership structure. The sheer plurality of media outlets ensures relatively broad coverage of different points of view. At the same time, however, the ownership structure is often opaque. It is often unclear who the actual owners are and what their business and political interests are – especially in the case of offshore-owned media. A very significant recent development is the rising importance of online media, including blogging and various independent sites, which have begun to influence the overall information process. These online resources played a prominent role in the campaign for the referendum on electoral reform in October 2015, in debates over reform and corruption in the judiciary, and in the presidential and referendum campaign of 2016.

## Chile

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

## France

### Score 5

Media pluralism is reasonably guaranteed in France. Yet nearly all newspapers, daily or weekly, local or national, are under the control of either rich business people or companies or banks. One of the few exceptions is a regional newspaper in the western part of France. Whereas on the national level there is a wide range of newspapers expressing political pluralism, the local and regional situation is normally characterized by a monopoly or quasi-monopoly position of one paper in a given geographical area. The print run of daily newspapers is low by Western standards, and has been negatively affected by online publications. The print market is largely in decline and suffers financially. The situation is further aggravated by an obsolete, inefficient, corporatist and costly system of distribution that is controlled by the unions. Many newspapers are put in jeopardy due to the costs and general malfunctioning of the distribution system. Faced with online competition, rising costs and a shrinking readership, print media have had to rely more and more on the benevolence of wealthy entrepreneurs or on the state. Given the multiple ties between political and business elites in France, this is not a particularly favorable situation for the maintenance of a vibrant culture of print media pluralism. That said, the proliferation of online news media and online offerings by print media (like Mediapart, Rue89, Slate, Atlantico etc.) should be taken in account.

## Greece

### Score 5

There are a large number of electronic and print media organizations, but the structure of ownership remains oligopolistic with strong cross-ownership across media formats. In a country of 11 million inhabitants, there are more than 120 analog private TV stations with a national, regional or local license. There are also approximately 950 regional/local radio stations.

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

During June to September 2016, the Syriza-ANEL tried to regulate the media field by passing a law that would allow only four nationwide TV channels to function in the country as a whole. The four new licenses would be for sale and would be granted to the highest bidder. The number of licenses and the bidding process were to be supervised not by the competent independent authority, the National Council of Radio and Television (ESR), but by a government minister. While the media field

clearly needed to be regulated after two and a half decades of regulatory instability and uncertainty, critics rightly understood this governmental endeavor as a challenge to established media owners, if not a challenge to media pluralism. In fact, this government initiative was partly annulled in October 2016 by Greece's Supreme Administrative Court (StE)

Electronic media is also flourishing in the form of websites and blogs. There are an unknown number of anti-establishment electronic media. Some of them have become critical of Syriza and ANEL after their coalition government failed to follow up on their pre-electoral promises. The influence of anti-establishment media, some of which are to the left of Syriza, while others are closer to the far right, is difficult to assess, although one suspects it is quite large.

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

While Greece lacks an effective anti-monopoly policy for the media business, the media actually do indeed report a wide range of opinions. The government voices its opinions through the state-owned TV broadcaster (ERT) and friendly newspapers and radio stations. The opposition has a voice in the media, as political party leaders participate daily in state and private TV and radio programs. Regardless of their political profile, however, some marginal newspapers and even "He Avgi", an official party newspaper (Syriza), do not refrain from publishing news and reports which, at times, border on smear campaigns against political opponents.

Citation:

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

## Mexico

Score 5

The Mexican media is much more diversified and politically pluralist than it was a generation ago, but ownership is still highly concentrated. Despite Peña Nieto's telecommunication reform, broadcasting continues to be characterized by oligopolistic ownership. In this area, very little has changed thus far and changes appear unlikely in the near future given the government's close ties to the broadcasting company Televisa.

Younger Mexicans take full advantage of internet-based media, which have grown in both size and significance and offer a wide spectrum of information. The development of online media has done much to enhance pluralism. Notwithstanding, since digital media are largely used by the younger and more educated segment of the population, there is a generational and educational divide in access to media sources. Broadband access and cellphone coverage are highly unequal, with rural and marginalized citizens unable to take advantage of these new sources of information. This is unlikely to change in the near future.

## Slovenia

**Score 5** Slovenia currently has about 1,400 different media outlets, including more than 80 radio and 50 television broadcasters (both local and cable operators). However, the public-media market share is still substantial, with Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) running seven out of 10 national TV and radio channels (for TV: SLO1, SLO2, SLO3; for radio: Program A, Program Ars, Val 202 and Radio Slovenia International). In February 2016, the Slovenian Democratic Party (SDS), which has long complained about an alleged media bias, launched its own private news TV station, Nova24TV.

In the print media, some important ownership changes took place. The controversial sale in July 2014 of *Večer*, the fourth-largest daily newspaper (primarily serving the northeastern part of the country), was followed by the auctioning of Slovenia's biggest newspaper publisher *Delo* in June 2015. The new owner, the financial management company FMR, has little to no media experience and is run by Stojan Petrič, a business man who is believed to be politically well connected. In early 2016, FMR made the former head of its public relations division, Gregor Knafelec, a man with no journalistic experience, editor-in-chief of *Delo*. As a result of these changes, sales of *Delo* newspaper in July 2016 dropped below 30,000 for the first time in decades.

## South Korea

**Score 5** Despite some weak points, South Korea is one of few countries in East Asia with substantial media pluralism. Its quality, however, depends on the type of media. The print media is dominated by three major newspapers: *Chosun Ilbo*, *Dong-a Ilbo* and *Joong Ang Ilbo*. Although the combined market share of these three outlets is declining, it remained at about 65% in 2014, according to the Korea Press Foundation. 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. There is more pluralism in the broadcasting sector due to the mix of public and private media. However, the diversity of political

opinions in this arena is threatened by government influence over broadcasters' personnel policies. In December 2011, in a controversial change of rules, the major newspapers were allowed to start their own cable-TV channels. Channel A was founded by Dong-A Ilbo, TV Chosun by Chosun Ilbo, JTBC by JoongAng Ilbo and MBN by Maeil Business Newspaper. It is still not clear how the new cable channels will affect media plurality, but there is concern that the concentration within the newspaper sector will spread to the TV sector as well. These cable TV channels are heavily influenced by the government in terms of reapproval examinations. Moreover, newspapers and TV are losing importance as a source of information, particularly among the younger generations. Among these consumers, internet sources such as NewsTapa, GoBal News and AfreecaTV have become increasingly important sources of information. NewsTapa, launched by a former journalist forcibly dismissed for political reasons during the Lee Myung-bak administration, is the only Korean member of the International Consortium of Investigative Journalists. It has gradually been gaining popularity by reporting on issues ignored by the mainstream media. Its reports have also increasingly been cited by the mainstream media.

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

Kim, Eun-Gyoo. Dynamic Practices and Their Potential for the Alternative Public Sphere in Korea, in *The Routledge Companion to Alternative and Community Media* edited by Atton, Chris, 2015, p. 264.

## Croatia

Score 4

Media pluralism in Croatia is limited. The TV market is dominated by the public TV station Croatian Radiotelevision (Hrvatska radiotelevizija, HRT) and two private broadcasters, Nova TV and RTL. Two companies and a single distribution network dominate the market for print media. Ivica Todorić, whose Agrokor group owns the distribution network, also controls most of the marketing agencies and thus most of Croatia's advertising budgets. Given the hands-on approach of many private media owners, these oligopolistic ownership structures have infringed upon the freedom of the media. One of the dominant print media companies, Europa Press Holding (EPH) replaced Boris Dežulović, one of its best-known liberal columnists. The financial problems of the independent daily *Novi list* (New paper) have raised concerns about its future. The Orešković government contributed to a further weakening of media pluralism. Immediately upon taking power in January 2016, Zlatko Hasanbegović, the minister of culture in the Orešković government, discontinued the financing of non-profit media, provoking strong protests from numerous members of the journalists' association.

Citation:

Bilić, P. et al. (2016): *Media Pluralism Monitor 2016: Croatia*. Florence (<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/croatia/>).

## New Zealand

Score 4

New Zealand's media market has been affected by major changes in the last few years. Private-media companies are increasingly subject to influence by their well-funded owners. Private and public companies are replacing public-interest content with programs seeking high audience ratings. In September 2011, the New Zealand Press Association, New Zealand's largest news agency, closed. It was replaced by three news services, which are all Australian-owned. Consequently, New Zealand is now one of only a handful of countries that does not have a domestically owned news agency.

New Zealand's media market is dominated by foreign companies (mainly from Australia), although there are two public television stations (Maori TV, TVNZ) and one national public radio station called Radio New Zealand. Sky TV monopolizes pay TV. However, Igloo, a joint Sky Network Television and Television New Zealand (TVNZ) venture, has made a small selection of pay TV channels available at low cost since 2012.

In September 2016, two Australian media giants, Fairfax and APN, signed a deal to merge their New Zealand businesses, Fairfax NZ and NZME respectively. The deal is currently under review by the New Zealand Commerce Commission as the new company would have a near monopoly in the newspaper market.

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

Citation:

Fairfax-APN merger more bad news for media diversity. *The Conversation*. 12 May 2016 (<http://theconversation.com/fairfax-apn-merger-more-bad-news-for-media-diversity-59232>) (accessed September 26, 2016).

JMAD New Zealand Media Ownership Report 2015 ([http://www.aut.ac.nz/\\_data/assets/pdf\\_file/0011/608366/JMAD-2015-Report.pdf](http://www.aut.ac.nz/_data/assets/pdf_file/0011/608366/JMAD-2015-Report.pdf)) (accessed September 26, 2016).

## Romania

Score 4

There is a large number of different media outlets in Romania, suggesting that Romanians have access to a multitude of information sources. But these sources lack diversity and predominantly represent the views of only the two major political parties. Many media outlets have shady owners and suffer from financial troubles. Editorial independence is limited.

Citation:

Popescu, M., A. Mihai, A. Marincea (2016): *Media Pluralism Monitor 2016: Romania*. Florence (<http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/romania/>).

## Hungary

### Score 3

Media pluralism in Hungary has suffered both from increasing government control over the public media and a process of concentration of private-media ownership in the hands of companies close to Fidesz. In the period under review, the takeover of Népszabadság, the main opposition daily, and 12 smaller regional papers by the Fidesz-close Mészáros group, masterminded by the government, has further worsened the situation. Népszava, the other important daily, has a much smaller circulation and the role of Népszabadság cannot be compensated for by the remaining independent weeklies. Some media pluralism has been maintained as the results of rifts within the right-wing camp. The media outlets owned by Lajos Simicska, an enigmatic oligarch that fell out with Orbán, most notably Magyar Nemzet, the second largest daily, criticized the government for the takeover of Népszabadság with strong language. Independent media still exist (e.g., ATV, Klubrádió, and various print publications), but they work under very difficult financial and political circumstances, and they reach only 10% of the overall population.

## Turkey

### Score 3

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

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



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

In late October 2015, OSCE Representative on Freedom of the Media Dunja Mijatović condemned the police raids against media outlets in Turkey, and called on authorities to restore and ensure media pluralism. Media outlets that have been seized before or after the failed coup attempt have been assigned trustees tasked with managing their daily broadcasts. Precedent for this tactic came nearly eight years ago, when a similar operation was initiated against ATV, an organization owned by the Uzan Group. This raised questions about the role of media ownership and media freedom in Turkey that are even more pressing today.

Citation:

European Commission, Turkey 2016 Report, Brussels, 9.11.2016, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2016/20161109\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf) (accessed 1 November 2016).

Freedom House, Freedom of the Press 2016, [https://freedomhouse.org/sites/default/files/FH\\_FTOP\\_2016Report\\_Final\\_04232016.pdf](https://freedomhouse.org/sites/default/files/FH_FTOP_2016Report_Final_04232016.pdf) (accessed 1 November 2016)

Bianet, Media Monitoring Report 2016, <http://bianet.org/english/diger/117328-bia-media-monitoring-reports>. (accessed 1 November 2016).

"UN official calls on Turkey to release journalists in jail," 18 November 2016, <http://www.foxnews.com/world/2016/11/18/un-official-calls-on-turkey-to-release-journalists-in-jail.html>. (accessed 1 November 2016).

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

Ashlı Tunç, "Media Ownership and Finances in Turkey Increasing Concentration and Clientelism" Accessed June 15, 2016. <http://mediaobservatory.net/sites/default/files/Media%20Ownership%20and%20Finances%20in%20Turkey.pdf>

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

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

Indicator

## Access to Government Information

Question

### To what extent can citizens obtain official information?

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

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

### Finland

Score 10

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

### Latvia

Score 10

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

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

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

Citation:

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

## Norway

Score 10

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

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

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

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

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

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

## Denmark

### Score 9

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

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

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

for reducing access to documents prepared by government officials in the process of preparing new government policy.

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

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

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

Citation:

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

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

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

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

## Estonia

### Score 9

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

The act is enforced by the Data Protection Inspectorate (DPI), which acts as an ombudsman and preliminary court, educator, adviser, auditor and law-enforcement agency. Last year 1,369 queries from citizens regarding access to public sector information and personal data protection were filed. Similar to previous years, the

majority of complaints were about public authorities' lack of response to information requests, followed by queries on access restrictions to information.

Because Internet use is very widespread in Estonia, the strategic policy has been to advance access to information by using official websites and portals. All municipalities, political parties and government institutions must maintain a website, which must contain at least the information defined by legal acts. The situation is annually monitored and evaluated by the DPI. The DPI also monitors state authorities' web pages and document registries. In former years, requirements for keeping public sector databases postulated in the PIA were often ignored, which made the issue of utmost priority for DPI in 2016. Starting with 16 January 2016 the supervision over database upkeep has been given to the Inspectorate. The Inspectorate and the State Information System Authority cooperate to tidy the register management.

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

Citation:

Estonian Data Protection Inspectorate (2016). Annual Report 2015.<http://www.aki.ee/en/inspectorate/annual-reports> (accessed 28.Oct.2016)

## Lithuania

### Score 9

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

Lithuania joined the multilateral Open Government Partnership initiative in 2011. In 2012, 2014 and 2016, the Government Office developed action plans for improving open-government practices throughout the country. During the review period, Lithuania signed the Council of Europe Convention on Access to Official Documents (2015) and the U.N. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (2015). In 2016, the government approved three major initiatives to reduce make public institutions more accountable to society, reduce corruption and increase transparency, while also increasing public engagement. However, implementation

has been undermined by a lack of measurable targets and meaningful collaboration with civil society.

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

Citation:

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

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

## Slovenia

Score 9

Slovenian law guarantees free and quite easy access to official information. Restrictions are few and reasonable (covering mostly national security and secret data issues), and there are effective mechanisms of appeal and oversight enabling citizens to access information. When access to official information is obstructed or denied, the Information Commissioner, an autonomous body that supervises both the protection of personal data as well as access to public information, can be called upon and intervene. In a number of cases, the Information Commissioner has helped citizens and journalists enforce their right of access. The new online application "Supervisor," set up by the Commission for the Prevention of Corruption (CPC) as a means of enhancing transparency in the country, has helped the public and the media access some previously restricted financial information. In July 2016 Supervisor was upgraded and integrated into the new web application Erar, also developed by the CPC. The Ministry of Public Administration has developed a publicly available web-based public procurement portal and online statistical tool.

Citation:

European Commission (2016): eGovernment in Slovenia. Luxembourg: European Union ([https://joinup.ec.europa.eu/sites/default/files/ckeditor\\_files/files/eGovernment%20in%20Slovenia%20-%20February%202016%20-%20v1\\_00.pdf](https://joinup.ec.europa.eu/sites/default/files/ckeditor_files/files/eGovernment%20in%20Slovenia%20-%20February%202016%20-%20v1_00.pdf)).

## Sweden

Score 9

Sweden is a forerunner and remains a leading country on all issues related to transparency in government and public access to government information and

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

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

Citation:

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

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Eqvilibrium* (Gothenburg: The SOM Institute).

## Switzerland

Score 9

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

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

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



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

## United Kingdom

### Score 9

The United Kingdom has a long tradition of official secrecy. However, in recent years successive governments have very actively tried to capitalize on the transparency and cost-savings potential of making government information available online. Together with the Freedom of Information Act 2005, this has contributed to easier access for citizens and, often in a very high-profile way, the media. The restrictions on what information can be provided under the Freedom of Information Act (cost limits; national security restrictions; state financial interests) are largely in line with the respective regulations in other countries. More recently there has been a debate about restricting the right to freedom of information. However, the former head of the civil service and the Cabinet Office minister responsible for the civil service have both opposed any restrictions on access, although former Prime Minister Tony Blair, whose government introduced the Freedom of Information Act, has said that he regrets doing so.

The United Kingdom has also been at the forefront of making government data available for commercial use and citizen inspection (“open data”). Recent efforts to simplify and render government information more accessible have seen the replacement of a profusion of web sites with a single government portal ([www.gov.uk](http://www.gov.uk)) and it is clear that the government now regards the provision of information as a high priority. It is noteworthy that the UK is now mentioned internationally as a leader in open government and access to data. In the World Justice Project’s 2015 Open Government Index, the UK ranked 8 out of 102 countries, behind the Nordic countries, the Netherlands, New Zealand and Canada.

Citation:

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

## United States

### Score 9

The Freedom of Information Act (FOIA) allows citizens a high degree of access to documents and files held by federal agencies. Various categories of information are exempt, such as information related to national defense, personnel rules and practices, and ongoing criminal investigations. Administrators have considerable discretion in permitting access, as citizens and researchers have difficulty knowing when relevant information has been withheld.

The White House says it has reduced FOIA request backlogs and denied fewer requests than the preceding administration. Moreover, the Obama administration has

generally responded to requests from Congress for internal documents, making fewer claims of “executive privilege.” Nevertheless, news organizations have complained about frequent delays of many months in responses to FOIA requests. In 2013 – 2014, the Obama administration denied or delayed a record number of such requests, in many cases on national-security grounds. In 2015, Congress debated a Freedom of Information Oversight bill that would tighten FOIA procedures and standards. Because Congress has not clarified anti-terrorism surveillance policy through new legislation, a substantial amount of policies remains secret, compromising executive branch accountability in this area.

## Austria

### Score 8

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

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

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

Increasingly, the impact of controlled information in the form of government paid advertisements in the media has become an issue. As these advertisements generate significant income for some media (especially newspapers), this should not only be seen as information directed by the government at citizens, but also as a means of making media dependent on the government.

## Croatia

### Score 8

The Right of Access to Information Act has been in place since 2003 and the legislative framework is relatively well established, particularly thanks to later amendments to the act. However, access to information continues to lack transparency, and some public institutions even fail to submit the required regular

reports on the enforcement of the act. These reports are coordinated by the Personal Data Protection Agency (AZOP). AZOP still lacks some of the mechanisms required for the implementation of requests made to public-authority bodies. Moreover, AZOP is not authorized to represent the public interest in the most important cases dealing with classified information. In October 2013, however, a long-standing demand by NGOs was met and Anamarija Musa, a public administration scholar, was appointed by parliament as the first commissioner for the right of access to information. Thanks to her efforts, access to information has significantly improved. In a number of cases, her office has urged the government and other public authorities to provide citizens free access to requested public information.

## Czech Republic

Score 8

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

## Germany

Score 8

The Freedom of Information Act took effect in 2006. The act defines what government information is publicly available. In his fifth annual report (BfDI 2016), covering the period 2014 to 2015, Federal Commissioner for Data Protection and Freedom of Information Andrea Voßhoff acknowledges that – with the exceptions of Bavaria and Hesse – all German states have adopted their own freedom of information laws or are in the process of developing legislation.

Even so, citizens remain largely unaware of the federal Freedom of Information Act. Although many federal agencies strive for transparency, some public authorities have interpreted the act in a very restrictive manner. Some have sought to introduce delays in the process of providing information, while others have refused to provide access to documents altogether, arguing that the contents were of vital importance to ongoing government activities and thus confidential. In an overall assessment in

2016, Andreas Voßhoff concluded that citizens are increasingly making use of their rights and that federal authorities “no longer regard the information right of citizens as a nuisance but as a significant element of a civil society” (BfDI 2016). This is also mirrored in the position of the federal commissioner. In 2014, the Bundestag passed a law that took effect on 1 January 2016 elevating the federal commissioner to the status of an independent supreme federal authority. As a result, the federal commissioner is subject exclusively to parliamentary and judicial control. However, adequate resources as well as a strengthening of sanctioning powers of the federal commissioner remains advisable.

Citation:

BfDI (2016): Tätigkeitsbericht zur Informationsfreiheit für die Jahre 2015 und 2016, 5. Tätigkeitsbericht, [http://www.bfdi.bund.de/SharedDocs/Publikationen/Taetigkeitsberichte/TB\\_IFG/5TB06\\_16.pdf;jsessionid=9D46E3C5F43A9D0C65D1FBEDD739E771.1\\_cid354?\\_\\_blob=publicationFile&v=2](http://www.bfdi.bund.de/SharedDocs/Publikationen/Taetigkeitsberichte/TB_IFG/5TB06_16.pdf;jsessionid=9D46E3C5F43A9D0C65D1FBEDD739E771.1_cid354?__blob=publicationFile&v=2)

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

## Greece

Score 8

Citizens’ free and easy access to official information has been regulated since 1986. Two laws passed in 2006 and 2010 provide 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. First, there are administrative courts, including the Supreme Administrative Court (StE, Symvoulio tis Epikrateias). Second, there is the ombuds office, established in 1997. Unfortunately, owing to work overload, administrative courts can take a long time to decide on a case, but the ombuds office represents a well-managed mechanism of appeal and oversight. The ombudsman can demand that any public service respond to a citizen’s right to information, even though ministries themselves tend to be quite unresponsive to citizen requests.

In October 2014, the Greek government passed a new law which further expanded access to public documents and adapted Greek legislation to the Directive no. 2013/37/EE of the EU’s Council of Ministers. A new codification of all relevant legislation took place in March 2015, without practically changing any regulations.

Citation:

The four most important laws regulating access to information are Law 1599/1986, Law 3448/2006, Law 3861/2010, and Law 4305/2014. Presidential Decree 28/2015 codified all previous legislation on access to information and was issued in March 2015.

## Ireland

Score 8

Irish Freedom of Information (FOI) legislation, initially enacted in 1997, was amended in 2003 to restrict access to data and information about decision-making in the public administration in several key areas, including defense, government

meetings, and areas of commercial sensitivity. The Freedom of Information (Amendment) Act passed in 2013 removed the substantive restrictions introduced in 2003, and extended FOI to all public bodies including the National Treasury Management Agency, the National Asset Management Agency, An Garda Síochána, and the Central Bank of Ireland. Moreover, it reduced the cost of internal review from €75 to €30, and appeal fees from €150 to €50.

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

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

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

A major problem has arisen with respect to the compilation of national income statistics by the CSO. Following changes to the European System of Accounts in 2010 as well as other statistical reporting procedures, the CSO's statistics for GDP, exports and investment have been artificially inflated. This is due to multinational corporations transferring intellectual property rights to Ireland and then through a process of onshoring in which the profits of their affiliates abroad are attributed to their Irish operations. Such has been the pace of these activities that official statistics for 2015 and 2016 are vastly exaggerated and need to be severely adjusted to determine the real value added by multinational corporations in Ireland. Both the Central Bank of Ireland and the Economic and Social Research Institute have published revised statistics using a value added approach to determine the real rate of growth of the Irish economy.

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

In 2015, there was controversy surrounding the right of journalists to report allegations made in the dáil (parliament) in relation to commercial transactions

between the National Asset Management Agency and a prominent businessman. The courts ruled that the allegations, made under parliamentary privilege, could not be reported in the press. In reality, they became public almost immediately.

Citation:

European System of Accounts 2010 and other Statistical Regulations (2014)

## Israel

### Score 8

Israel has a freedom of information law (1998) allowing each citizen or resident to apply for information regarding a government authority's activity, whether written, filmed, recorded or digitized. This legal standing has been the basis of considerable activity by NGOs and private individuals. For instance, municipal authorities and government offices issue online reports detailing their progress in various areas. Naturally, the right to freedom of information is not absolute, with reasonable restrictions on the basis of national security or privacy issues. However, a 2008 analysis by the Israel Democracy Institute stated that the restrictions are within reason and do not prevent the law from reaching its main goal: to assist in creating a more transparent and accountable government. In addition, the right-to-privacy law (1998) grants individuals the right to access their personal information held in government or private databases. The implementation of this law is enforced by the registrar of databases in the Ministry of Justice, and petitioners can appeal to the courts if they find that government practice does not accord with the law.

In 2011, government decision no. 2950 established a designated unit for freedom of information within the Ministry of Justice. The unit is also charged with implementing OECD guidelines for information management and sharing. As part of its mandate it publishes a yearly progress report. According to the unit, in 2015, 85% of requests were replied to within the legal 30-day period; the most common reason for rejection being lack of proper documentation (17.9%). In 2015, there was a 15% increase in the number of requests. According to the unit, progress is often impeded by the party responsible for freedom of information in subordinate authorities (as a result of budget constraints, conflicts of interest, time and manpower constraints, etc.). For example, the Ministry of Health has not designated a person responsible for freedom of information requests for more than 6 months.

In 2016, the government announced the launching of a program designed to open all governmental databases to public viewing. This continues the policy of gradually increasing transparency by expanding the authority of the Governmental Unit for Freedom of Information and financing its projects.

Citation:

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

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

Baum, Ido, "A third of all bodies subordinate to the freedom of information law - ignore it", *theMarker* 13.8.2014: <http://www.themarker.com/law/1.2404461> (Hebrew).  
 "About the unit for freedom of information", The Ministry of Justice website: <http://index.justice.gov.il/Units/YechidatChofeshHameyda/About/Pages/OdotHayechida.aspx> (Hebrew)  
 "Freedom of Information Law," 1998: <http://www.freedominfo.org/documents/Israel-FOIL1998.pdf>  
 "Protection of privacy law," 1981: <http://www.justice.gov.il/NR/rdonlyres/C5205E15-3FE9-4037-BA0F-62212B40773A/18334/ProtectionofPrivacyLaw57411981unofficialtranslatio.pdf>  
 "The movement for freedom of information": <http://www.meida.org.il/>  
 "Annual Report of the unit for freedom of information: 2015", The Ministry of Justice website: <http://www.justice.gov.il/Units/YechidatChofeshHameyda/Report2015/index.html>  
 "The Government approved today the publication of all governmental databases" <http://www.themarker.com/news/politics/1.3053541> (Hebrew)

## New Zealand

### Score 8

Access to government information is regulated by the Official Information Act 1982. It is based on the principle that all official information should be made available to the public, but that there are restrictions with regard to the protection of the public interest (for example, national security or international relations) and the preservation of personal privacy. There are clear procedures in how queries are handled by public bodies, including a time frame of 20 working days. The Office of the Ombudsman reviews denials of access upon request. Decisions are binding, but there are no real sanctions for non-compliance. Following a number of precedent-setting decisions by the office in recent years, access to official information is now far-reaching, including access even to politically sensitive communications between political advisers and ministers as soon as these communications are made. The Official Information Act has been reviewed several times. Proposals for reform have included a reduction in the time-frame for dealing with requests for official information; and more resources for the Office of the Ombudsman. 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. In 2012, a review of the Official Information Act by the New Zealand Law Commission resulted in several recommendations, including the appointment of a statutory officer to provide oversight over the legislation's implementation. The primary purpose behind such a role is to provide leadership in the training and education of officials, as well as to help publicize developments. The government has yet to act on these recommendations. Recently, there has been a debate over the Reserve Bank decision to charge for most Official Information Act responses. A *Dominion Post* editorial claimed that this was undemocratic, calling it "the tax on democracy itself." The Reserve Bank responded by saying that this policy is a "common, fair and reasonable response to a marked growth of OIA requests."

#### Citation:

Annual Report of the Ombudsman 2015/2016 (Wellington: Office of the Ombudsman 2015/2016).  
 Bascand, Geoff, 2016. Reserve Bank: Charging for official information a 'reasonable' response. *The Dominion Post*. 19 January 2016 (<http://www.stuff.co.nz/business/opinion-analysis/76020387/Reserve-Bank-Charging-for-official->

information-a-reasonable-response) (accessed September 23, 2016).

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

## Slovakia

### Score 8

Access to government information is guaranteed by the constitution and the Act on Free Access to Information (Infolaw), which was originally approved in 2000 and has been amended several times since. In mid-2015, parliament started to discuss an ambitious amendment which had been prepared by a commission established by the Ministry of Justice. Moreover, shortly before the parliamentary elections in March 2016, three prominent watchdog organizations (Transparency International Slovensko, Fair-Play Alliance, INEKO) lobbied for improvements in the Infolaw. In particular, they recommended subjecting companies that are fully owned by the state or municipalities to the Infolaw and making public the salaries and CVs of state nominees. Moreover, the agreements signed by the state and municipalities should be published at one place and the state should start to systematically connect the databases about public procurement, founding and ownership of companies, EU funds and owners of property. However, neither the second nor the third Fico governments endorsed the proposals on the table. The former confined itself to a mini-amendment of the Infolaw in March 2016 limited to the transposition of new EU law; the latter has to date not come up with any legislative plans in this field.

Citation:

Školka, A. (2015): Complex amendment to Slovakia's FOI Act might make it one of the most liberal in Europe. LSE, Media Policy Project Blog, London (<http://blogs.lse.ac.uk/mediapolicyproject/2015/04/24/complex-amendment-to-slovakias-foi-act-might-make-it-one-of-the-most-liberal-in-europe/>).

## Australia

### Score 7

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

The original FOI Act contained a considerable number of exemptions, including for cabinet documents; internal working documents; documents affecting national security, international relations or relations with states; documents affecting enforcement of law and protection of public safety; documents affecting Commonwealth financial or property interests; documents relating to business affairs or research; and documents affecting the national economy.

Ministers were also granted considerable discretion to issue "conclusive certificates" stating that information was exempt under the act's provisions that protect deliberative process documents, national security and defense, cabinet documents,



and documents related to Commonwealth/state relations. These certificates could not be reviewed during any appeal.

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

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

Citation:

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

[http://www.oaic.gov.au/images/documents/freedom-of-information/applying-the-foi-act/foi-guidelines/part2\\_Scope\\_application\\_FOI\\_Act\\_v1.3.pdf](http://www.oaic.gov.au/images/documents/freedom-of-information/applying-the-foi-act/foi-guidelines/part2_Scope_application_FOI_Act_v1.3.pdf)

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

## Belgium

Score 7

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

As a researcher, it is even difficult to determine out how one gains access in general to information. As a few examples, at the time of writing, finding information from the country's main consumer-budget survey has become increasingly difficult; data on pass/fail rates at French-speaking universities is now considered classified; and the state is now specifically avoiding collection of information that may have "ethnic" content (a response to the country's tense ethnolinguistic issues).

## Bulgaria

### Score 7

Access to government information for citizens is guaranteed by the Bulgarian constitution and regulated by the Access to Public Information Act originally adopted in 2000. The provisions, which have been refined several times, allow a very high level of access for citizens to government information and are subject to judicial oversight through court appeals. The opportunity for court appeals has been actively used by civil-society actors and organizations, and a robust court practice has developed. In recent years, the amount of government information made freely and promptly available on the internet has increased markedly, so that the need for formal requests for information has declined. However, the annual reports of the Access to Information Program, an NGO established in 1996, indicate that a number of government institutions still try to impede freedom of access to information. The most common excuse for refusing to release such information is that interests of third parties may be affected, while confidentiality and classified information considerations come a distant second. Delays in the provision of information also persist.

## Canada

### Score 7

Access to official information in Canada is regulated by the Access to Information Act. Access is often impeded by bureaucratic procedures and delays. In general, there is reluctance on the part of political and bureaucratic officials to release information that puts the government in a bad light, and the current system of access to information appears to allow such attitudes to influence the release of information. Although the law does provide for access to much of the Canadian government's documents, there are restrictions in place that some groups feel have been misapplied by the current government, such as the censoring of information for national security reasons. For instance, a 2008 report asserted that the federal government failed to conform with many central freedom-of-information recommendations, and that many quasi-governmental entities are not covered under Canada's Access to Information Act. The author, Stanley Tromp, argued that while the Canadian Access to Information Act was a progressive piece of legislation when it was introduced in 1982, and could claim to be competitive with the other access laws which existed at the time, the federal government has failed to reform the legislation sufficiently over time to respond to implementation problems and to incorporate new and progressive developments in the sector. In a recent report by Canadian-based The Centre for Law and Democracy in cooperation with the Madrid-based Access Info Europe, Canada's legislation was compared to that of other countries. According to this report, Canada's standing in September 2011 was ranked 40th of 89 countries, but fell to 51st in June of 2012, then to 55th of 93 countries in September 2012, behind Mongolia and Colombia. The most recent ranking places Canada 49th out of 111 countries. "While standards around the world have advanced, Canada's access laws

have stagnated and sometimes even regressed,” the report concluded, noting that Canada was a world leader in 1983 when its federal information law came into force.

One major campaign promise of Justin Trudeau’s Liberal party in the lead-up to the 2015 election was a more open and transparent government. This includes updates to the Access to Information Act, including measures to facilitate and expedite the process of Freedom of Information requests, expand the role of the Information Commissioner, and ensure that the Act applies to both the prime minister’s and ministers’ offices. The Liberal party also pledged a legislative review of the Act every five years. In March 2016, the government eliminated all fees related to Access to Information requests except for the \$5 application fee in an effort to increase transparency. Parliament has voted to amend the Access to Information Act to streamline the request process and make more information available.

Citation:

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

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

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

## Chile

### Score 7

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

## Citation:

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

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

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

[http://anticorpp.eu/wp-content/uploads/2014/03/Chile-Background-Report\\_Final.pdf](http://anticorpp.eu/wp-content/uploads/2014/03/Chile-Background-Report_Final.pdf) (S. 14)

## 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 given any document requested from a public administration or service, regardless of the legal status of the organization (private or public) if the institution maintains a public service. However, some restrictions have been established, mainly in relation with issues regarding the private sphere or the protection of intellectual property or business information in order to safeguard competition between companies. The main and more controversial issue is the refusal to issue documents by citing security or defense concerns, a concept which can be applied broadly and with a limited capacity for challenging in court. The administration in question must deliver the requested document within a month. After that deadline, inaction is considered as a rejection which can be challenged in court. In some cases, the adopted solutions reflect the inability of the political elites to adopt clear-cut policies: for instance, it is possible to check the declaration of revenues and property of MPs but divulging the information is considered a criminal offence.

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

## Iceland

### Score 7

The 1997 Information Act (Upplýsingalög), revised in 2012, provides a right of access guarantee to official information. Memoranda, working documents, and materials related to the Council of the State (Ríkisráð), cabinet, and ministerial meetings were originally exempted. In 2011, a revision to the Act on the Government of Iceland (Lög um Stjórnarráð Íslands) mandated that the agenda of cabinet meetings be presented to the media and published on the government's website after each meeting. Paragraph nine states that the prime minister can decide, with cabinet approval, to create ministerial committees on an issue-specific basis. Following a 2015 revision, two permanent ministerial committees were established to oversee state finances and economic affairs.

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

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

The government is quite secretive about potentially compromising information. For example, an official report on Icelanders whose names appear in the Panama Papers was ready well before the October 2016 parliamentary election but was not disclosed to the public until after the election in which all three ministers whose names appeared in the Panama Papers were re-elected to their seats in parliament.

Citation:

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

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

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

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

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

(Lög um breytingu á lögum nr. 115/2011, um Stjórnarráð Íslands (skrifleg framlagning mála á ríkisstjórnarfundum)).

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

## Italy

### Score 7

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

Legislativo 25 maggio 2016, n. 97, which significantly extends the range of publicly accessible documents.

Both judicial and non-judicial mechanisms of appeal exist, and are increasingly used. Among these is the Commission for Access to Public Documents (Commissione per l'Accesso ai Documenti Amministrativi) of the Presidency of the Council of Ministers, which receives appeals in cases of information-disclosure denials, and can force public administrative bodies to reconsider their decisions. The commission, which is composed both of parliamentarians and technical officers, should make an annual report to parliament, though the publication of these reports is usually delayed by at least a year. The most recent report for 2014 identified an increase in responses to citizens' appeals. Regional administrative tribunals can judicially enforce the disclosure of documents. In spite of this regulatory and organizational progress, the propensity of public administration to provide the answers in due time is still far from being fully satisfactory either because of bureaucratic inefficiency or because of a reluctance to disclose internal matters. A recent report by an Italian NGO found that only 35% of information requests received a response within 60 days.

Citation:

[http://www.funzionepubblica.gov.it/sites/funzionepubblica.gov.it/files/Decreto\\_legislativo\\_trasparenza.pdf](http://www.funzionepubblica.gov.it/sites/funzionepubblica.gov.it/files/Decreto_legislativo_trasparenza.pdf)

<http://www.commissioneaccesso.it/media/49312/relazione%20al%20parlamento%202014.pdf>

## Netherlands

### Score 7

The Government Information (Public Access) Act (WOB) governs both active and passive public access to information. Under the WOB, any person can demand information related to an “administrative matter” if it is contained in “documents” held by public authorities or companies carrying out work for a public authority. Information must be withheld, however, if it would endanger the unity of the Crown, damage the security of the state, or particularly if it relates to information on companies and manufacturing processes that were provided in confidence. Information can also be withheld “if its importance does not outweigh” the imperatives of international relations and the economic or financial interest of the state. Between 2010 and 2012, access to government information became a politically contested issue. In practice, the law was used more and more to justify withholding of information to citizens and journalists in the name of “state interest,” which usually referred the desire to retain the confidentiality of intra-government consultation. On the other hand, local governments accused citizens of improper use of the WOB at the expense of public monies and time. Although there has been new legislation to counteract improper use, which removed the penalty local governments had to pay for not responding in time to a request, municipal governments continue to strongly oppose the new Government Transparency bill. The issue remains unresolved for the time being.

Citation:

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

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

VNG, Behandeling Wet open Overheid in Tweede Kamer, 11 April 2016 (vng.nl, consulted 9 November 2016)

## Portugal

### Score 7

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

That said, there remains scope for improvements in terms of access to government information. The Global Right to Information Rating index gives Portugal a score of 73 out of 150, placing the country 70th out of 102 countries. However, this survey's date of information collection for Portugal was 1993, while Russia ranked 34 and Kyrgyzstan 31 undermining confidence in this data.

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

Citation:

Global Right to Information Rating, Country Data, available online at: [http://www.rti-rating.org/country\\_data.php](http://www.rti-rating.org/country_data.php)

## Luxembourg

### Score 6

Luxembourg has no freedom of information act nor any equivalent legal regulation. Such law has been demanded 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 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 government messages in advance of official notifications to parliament or professional chambers. It is up to the government to decide what becomes public and when. The previous government promised to draft a law that was inspired by information practices in neighboring

countries, as well as by recommendations of the Council of Europe. However, the draft law presented by the new government in 2014, did not meet information access advocates' expectations.

The most effective way to get information from the government remains the so-called parliamentary query (question parlementaire). The government is required to provide an answer within a month, or even within a week in case of urgency. This instrument is widely used by members of parliament and during the 2012 – 2013 parliamentary session, 549 questions were filed. Interested parties, lobbies and associations often enlist MPs and make use of the parliamentary query process to discover the government's intentions on issues of relevance to them. MPs' questions and government answers are published in the regular account of parliament's activities (Compte rendu des séances publiques), in press releases and on the website of the Chamber of Deputies.

Citation:

Association luxembourgeoise des journalistes, [www.journalist.lu](http://www.journalist.lu). Accessed 21 Feb. 2017.

Chambre des Députés du Grand-Duché de Luxembourg, [www.chd.lu/wps/portal/public/Accueil/Actualite](http://www.chd.lu/wps/portal/public/Accueil/Actualite). Accessed 21 Feb. 2017.

"Mémorial A n° 206 de 2007." Journal officiel du Grand-Duché de Luxembourg, 26 Nov. 2007, [legilux.public.lu/eli/etat/leg/memorial/2007/206](http://legilux.public.lu/eli/etat/leg/memorial/2007/206). Accessed 21 Feb. 2017.

"Mémorial A n° 69 de 2010." Journal officiel du Grand-Duché de Luxembourg, 30 Apr. 2010, [legilux.public.lu/eli/etat/leg/memorial/2010/69#page=2](http://legilux.public.lu/eli/etat/leg/memorial/2010/69#page=2). Accessed 21 Feb. 2017.

"Presse écrite." Le portail officiel du Grand-Duché de Luxembourg, [www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/](http://www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/). Accessed 21 Feb. 2017.

Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Official Journal of the European Communities, 2001. [www.europarl.europa.eu/register/pdf/r1049\\_en.pdf](http://www.europarl.europa.eu/register/pdf/r1049_en.pdf). Accessed 21 Feb. 2017.

## Poland

### Score 6

Access to public information is guaranteed in Article 61.1 of the Constitution of the Republic of Poland, and the Law on Access to Public Information provides for far-reaching access to official information. The law defines public information as information on public matters, and covers trade unions and political parties as well as the government. In response to an EU directive, a September 2011 amendment facilitated the reuse of government information by citizens, and called on public institutions to provide resources enabling citizens to access information. While the PiS government has left the legal framework more or less untouched, it has been more restrictive than its predecessor in granting public access to information and has sometimes openly misinformed the public.



## Romania

**Score 6** Law 544/2001, known as the Freedom of Information Act (FOIA), ensures citizens' access to public information. Its remit creates obligations for all central and local state institutions, as well as public companies for which the state is the majority shareholder. Along with ministries, central agencies and local governments, public universities, hospitals, and many off-budget central and local public companies have to comply with the terms of law 544. However, actual enforcement differs from the terms of the existing legislation. Privacy and secrecy considerations often trump the transparency principle. In December 2015, the director for the Centre for Independent Journalism, Ioana Avadani, complained that 'public institutions use everything they can to delay access to information', even when the law guarantees it with clear deadlines set for these institutions. In reaction, Violeta Alexandru, Minister for Public Consultation and Civil Dialogue, promised to create an 'integrated platform' designed to increase access to government information. However, public consultation on this issue did not occur.

## South Korea

**Score 6** The Act on Disclosure of Information by Public Agencies regulates access to government information. It 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 interpreted very broadly.

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 March 2016, a local court ruled that the government's decision not to disclose reports made to President Park Geun-hye on the day of a deadly ferry disaster in 2014 was legitimate. However, it ordered the list of documents created and received by the presidential office to be disclosed, saying that the presidential secretariat did not comply with the court's request to access certain information for the hearings. More generally, President Park's nondemocratic leadership style had a negative impact on policy implementation.

The Park Geun-hye government pledged to disclose a broad range of information in areas that had previously been off limits. Ultimately, the administration nearly

quadrupled the share of total administrative-data source documents available in areas such as transport, climate, finance and welfare, with the release rate rising from 16% (2013) to 60% (2016). However, there has also been criticism in this area, though a new public-data law was enacted in July 2013, and an Open Data Mediation Committee was created to help the public when the government or quasi-public agencies refuse to provide data or suspend access. For example, public data that overlaps between different departments is not provided in a comprehensive way. Moreover, despite the increased quantity of public data, data quality can still be problematic. The Open Data Barometer ranked Korea quite highly in 2015, at 8th place out of 92 countries; however, its score on the issue of impact was only 58, indicating the limited impact of the disclosures.

Citation:

“Government 3.0, actually it is closed,” Sisa Press, October 30, 2014. (in Korean)  
<http://www.sisapress.com/journal/article/140309>  
 Open Data Barometer, World Wide Web Foundation  
[http://opendatabarometer.org/data-explorer/?\\_year=2015&indicator=ODB&lang=en&open=KOR](http://opendatabarometer.org/data-explorer/?_year=2015&indicator=ODB&lang=en&open=KOR)

## Spain

### Score 6

The first specific law enabling free and easy access to government information in Spain is only three years old (Law 19/2013 on “transparencia, acceso a la información pública y buen gobierno”). Despite being new, this legislation establishes some limits to the freedom of information. According to the Madrid-based NGO Access Info Europe, Spain still scores comparatively low for four reasons: 1) some institutions (including the parliament and the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, 3) the oversight body (the so-called Transparency Council) is not fully independent, and 4) the transparency website has shortcomings (with most data available only upon request). Nevertheless, the 2013 legislation did significantly improve access to government information by imbuing public policies with a higher degree of transparency. A team of around 40 civil servants works for the transparency website, and under the existing procedure, requests for information must receive a reply within 30 days. If the answer is not forthcoming or is unsatisfactory, citizens may turn to the Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information.

Citation:

February 2016, Spanish Government Sues Over Disclosure Rulings  
<http://www.freedominfo.org/2016/02/spanish-government-sues-over-disclosure-rulings/>

October 2016, Global Civil Society Critiques Lack of Transparency in Spain  
<https://www.access-info.org/frontpage/26527>

November 2016, Spanish Transparency Council confirms that Agendas of Cabinet meetings of the Government is public information  
[https://www.access-info.org/wp-content/uploads/Resoluci%C3%B3n\\_CTBG\\_%C3%8DndicesConsejoMinistros\\_AIE.pdf](https://www.access-info.org/wp-content/uploads/Resoluci%C3%B3n_CTBG_%C3%8DndicesConsejoMinistros_AIE.pdf)

## Turkey

### Score 6

According to Law 4982, citizens, noncitizens and foreign corporations have the right of access to government information. However, many public records are not included within the scope of the law, as there are exceptions for state secrets, intelligence information, individual privacy and communication privacy. There is no legislation on state and trade secrets, preventing effective use of access to information.

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

A total of 1,190,325 applications for information based on Law 4982 were made to public institutions in 2015. According to official information, 86% of requests resulted in the full provision of the requested information, 6,8% resulted in partial information or a negative response, and 7% were rejected. A total of 4,750 applications were found to be related to state secrets or private issues. The annual report on the issue does not provide information about the subject of the applications.

The Board of Review for Access to Information reviews administrative decisions rendered under articles 16 and 17 of the information-access law, and makes decisions regarding institutions' implementation of the associated right. The Board did not publish an annual report for 2015. As with other administrative decisions, appeals can be made to an administrative court if information requests are denied. A total of 622 applicants appealed for judicial review in 2015. Although the number of applications decreased radically, the number of "positive" responses from the relevant public bodies increased in 2015.

#### Citation:

European Commission, Turkey 2016 Report, Brussels, 9.11.2016, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2016/20161109\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf) (accessed 1 November 2016).

Türkiye Büyük Millet Meclisi Başkanlığı Basın, Yayın ve Halkla İlişkiler Başkanlığı Bilgi Edinme Hakkının Kullanılması Bakımından 2015 Yılına İlişkin Değerlendirme,

[https://www.tbmm.gov.tr/bilgiedinme/2015\\_raporu\\_baskanlik\\_aciklamasi.pdf](https://www.tbmm.gov.tr/bilgiedinme/2015_raporu_baskanlik_aciklamasi.pdf) (accessed 1 November 2016)

Türkiye Büyük Millet Meclisi Başkanlığı, 2015 Yılı Bilgi Edinme Genel raporu, [https://www.tbmm.gov.tr/bilgiedinme/2015\\_yili\\_degerlendirme\\_raporu.pdf](https://www.tbmm.gov.tr/bilgiedinme/2015_yili_degerlendirme_raporu.pdf) (accessed 1 November 2016).

The Board of Review for Access to Information, Sample Decisions, <http://www.bedk.gov.tr/Kararlar.aspx>

## Japan

### Score 5

Japan's Act on Access to Information Held by Administrative Organs came into effect in 2001, followed one year later by the Act on Access to Information Held by Independent Administrative Agencies. Basic rights to access government information are thus in place but 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.

Since 2014, a controversial State Secrets Law is in operation under which ministries and major agencies have the power to designate government information as secret for up to 60 years. There are no independent oversight bodies controlling such designations. Whistleblowing can be punished by up to ten years in prison, and up to five years for those trying to obtain secrets. Critics argue that governments may be tempted to misuse the new law. Moreover, the rights and powers of two Diet committees tasked with overseeing the law's implementation have been criticized as being too weak. Recent evidence suggests that the concerns are valid. In 2015, 272,020 documents were classified as secret, 80,000 more than in the year before. In the annual report to parliament, the cases are only mentioned very vaguely, and the two committees have asked for changes. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has also strongly criticized the law.

Japan has no electronic freedom-of-information act, but in 2012 the government started an Open Government Data Strategy.

Citation:

N. N. (Editorial), State secrets law needs strict monitoring, *The Mainichi*, 9 May 2016, <http://mainichi.jp/english/articles/20160509/p2a/00m/0na/013000c>

Global Network of Freedom of Information Advocates, UN Rapporteur Scores Japan on Designated Secrets Act, 21 April 2016, <http://www.freedominfo.org/2016/04/un-rapporteur-scores-japan-on-designated-secrets-act/>

## Mexico

### Score 5

Mexico's freedom of information act became law in 2002. The law was the first in Latin America to impose obligations on the state to publicly share information and increase the level of political transparency. Mexico's freedom of information act has proved to be a considerable success in increasing publicly available information. Scholars, journalists and bureaucrats have all made full use of its provisions and a lot of new information has come to light. Despite the progressive spirit of the law, however, the extent to which it is obeyed and enforced varies considerably. Powerful public and private actors can delay and obscure access to information, despite formal transparency laws. As is often the case in Mexico, there is a gap between theory and practice. The government response to the disappearance of a group of students in the state of Guerrero, and the frustrated efforts by an international committee to investigate the role local authorities and security forces played in their disappearance, is a case in point.

## Hungary

Score 4

While existing law provides for far-reaching access to government information, the government has made it difficult for the public and the media to obtain information, especially on issues relating to public procurement by referring to business secrets. Under the third Orbán government there has been a constant fight between the government and the democratic opposition over access to government data and documents, often fought at the courts. In two decisions in March and April 2016, the Constitutional Court struck down laws that would have significantly narrowed the scope of publicly accessible information against the government's will. Professional NGOs – notably Transparency International Hungary, the Hungarian Civil Liberties Union (TASZ) and the “Átlátszó” (Transparent) website – have worked intensively to claim government information through the courts, and independent media organizations (websites such as hvg.hu and index.hu) have regularly published categorized government information. Providing day-to-day information on fake government deals (“mutyi-mondó”) has become a new feature of the opposition online media. As a reaction, the government has tried to raise the fees substantially for “the cost of processing” public documents.

## Malta

Score 4

The Freedom of Information Act was passed in 2008 and only came into force in September 2012. Since this time journalists have had better access to information from government bodies. However, exemptions compromise the bulk of the legislation. Under Article 5(4), no Maltese citizen is entitled to apply to view documents held by the Electoral Commission, the Employment Commission, the Public Service Commission, the Office of the Attorney General, the National Audit Office, the Security Service, the Ombudsman Office and the Broadcasting Authority, when the latter is exercising its constitutional function. Under Article 3, only Maltese and EU nationals who have been resident in Malta for a minimum of five years may access information. The prime minister also holds the power to overrule the Information and Data Protection commissioner, despite the latter's declaration that a request for information should be approved. Moreover, there are a number of laws that still contain secrecy provisions to which the act does not apply. This undermines the essential workings of the act, as it could be in the political interest of the prime minister to suppress the publication of documents, which might embarrass or undermine his administration. 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

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

<http://www.timesofmalta.com/articles/view/20160827/local/has-the-freedom-of-information-act-worked.623201>

Government says no to most Times of Malta requests for information Times of Malta 11/06/16

## Cyprus

### Score 3

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

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

No developments were noted in 2016 on a draft law under discussion in late 2015, criticized by NGOs as being below standards. On another front, the government created an open-data portal where officially generated data is published.

#### Citation:

1. Press report, ‘Information bill set to be one of worst in Europe’ Cyprus Mail, <http://cyprus-mail.com/2015/08/11/information-bill-set-to-be-one-of-worst-in-europe/>
2. Press report, ‘AccessInfo welcomes Cyprus’ commitment to strong FOI law’, Cyprus Mail, <http://cyprus-mail.com/2015/10/21/access-info-welcomes-cyprus-commitment-to-strong-foi-law/>
3. Open-data portal, <http://www.data.gov.cy>

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