



Access to Information Report

Media Freedom, Media Pluralism, Access to Government Information

Sustainable Governance Indicators 2019

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Indicator

Media Freedom

Question

To what extent are the media independent from government?

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

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

Estonia

Score 10

Estonia follows a liberal approach to media policy, with minimal legal restrictions. The Estonian Public Broadcasting (ERR) company is constituted under the Estonian Public Broadcasting Act and governed by a ten-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 for five years (MPs until the next parliamentary elections).

Globally, Estonia has been ranked high on the World Press Freedom Index by Reporters Without Borders for several years. In 2017, Estonia again ranked 12 out of 180 countries in the global ranking.

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' World Press Freedom Index since 2009. In 2016, Finland ranked first for the sixth consecutive year. Though Finland ranked third in 2017 and fourth in 2018, trailing behind Norway, Sweden and the Netherlands. Several factors have contributed to this success. Media consumption rates are fairly

high in Finland. The 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 in general 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. In December 2017, the home of a journalist was searched and material confiscated after she published an article concerning a Finnish military intelligence agency in the *Helsingin Sanomat*. In October 2018, a Helsinki Court of Appeal upheld a previous verdict stating that the police acted appropriately when carrying out the search.

Citation:

"Reporters without Borders, Finland", <https://rsf.org/en/finland>

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). In November 2017, a royal commission (SOU 2017:79) proposed that public service radio and television should henceforth be financed not via license fees but through a tax. This reform comes into effect in 2019.

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 television channels. It is noteworthy that trust is especially high in public media (television and radio), whereas trust in private media (especially television) 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:

Andersson, U. et al. (eds.) (2017), *Larmar och gör sig till* (Gothenburg: The SOM Institute).

Andersson, Ulrika, Anders Carlander, Elina Lindgren, Maria Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

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

SOU 2017:79 *Finansiering av public service – för ökad stabilitet, legitimitet och stärkt oberoende* (<http://www.regeringen.se/4a9767/contentassets/c557ad42ef7245daa0b9f60a8fe54769/finansiering-av-public-service-for-okad-stabilitet-legitimitet-och-starkt-oberoende-sou-201779>).

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 non-profit radio and television organization, it exercises no influence over the organization's daily reporting or journalistic work.

Canada

Score 9

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 federal government has put forward measures, including financial assistance, to support traditional media outlets that are struggling to survive the loss of advertising revenue to Google and Facebook.

Citation:

CBC/Radio-Canada, Ottawa. Press Release February 2017, CBC/Radio-Canada shares its Accountability Plan, <http://www.cbc.radio-canada.ca/en/media-centre/2017/02/01/>

Denmark

Score 9

Press freedom is protected by section 77 of the Danish constitution, with certain restrictions concerning libel, blasphemy and racism. Denmark's radio and privately run TV2 are governed by independent boards appointed by the minister of culture, the parliament (Folketinget) and employees. No members of parliament 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 have so far been financed by an annual license fee. The government (a coalition between the Liberals, Conservatives and the Liberal Alliance party) reached an agreement in June 2018, which will cut the budget of Denmark's Radio by 20% for the 2019 – 2023 period and gradually change the financing model from the license fee to tax-based funding. Emphasis is on public service: providing a diverse supply of Danish, trustworthy quality content, which supports Danish democracy, language and culture. At a time when immigration is a sensitive political issue, it is worth noting that the agreement also mentions Denmark's Christian cultural heritage. Some of the provisions in the agreement are rather specific, leading some critics to suggest that politicians are interfering too much with a politically independent institution. The government has announced that TV2 will be fully privatized, although this is still on the agenda.

Private media, especially newspapers, used to have party affiliations, but such affiliations have lessened in recent years. The print media is VAT exempt and also receives other forms of government support. Freedom House describes private media in Denmark as “vibrant.” Though Denmark's score has been affected by various events, such as a Danish newspaper's publication of a cartoon depiction of the Islamic prophet Muhammad in 2005, which have reduced Denmark's score in subsequent years. The murder of Swedish journalist Kim Wall by the inventor Peter Madsen in 2017 has also pulled Denmark's score down.

Citation:

Reporters Without Borders, “Press Freedom Index 2018.” <https://rsf.org/en/denmark> (Accessed 24 September 2018).

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

“Mediaaftale for 2019-2023,” https://kum.dk/fileadmin/KUM/Documents/Nyheder%20og%20Presse/Pressemeddelelser/2018/Mediaaftale_2019-2023.pdf (Accessed 25 September 2018)

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.” All broadcasters are legally obliged to report news in an objective and impartial manner, without any expression of the broadcaster’s own views.

All newspapers (whether they be “Irish owned” or “Irish editions of British newspapers”) are privately owned and dependent on commercial revenue; none receive public funding.

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.”

Citation:

Kevin Rafter (2018), ‘The Media and Politics,’ in *Politics in the Republic of Ireland* (6th edition, Routledge).

Lithuania

Score 9

Lithuania’s media are not subject to government influence. Private newspapers and independent broadcasters express a wide variety of views and freely criticize the government. Though the media’s independence is generally respected by the incumbent government, there have been a few recent attempts to restrict media freedom.

In Reporters Without Borders’ 2018 Press Freedom Index, Lithuania was ranked 36 out of 180 countries for press freedom, a fall of five 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. The parliament (Seimas) is alleged to have meddled in the operations of the public broadcasting service, Lithuanian Radio and Television, by setting up a special parliamentary inquiry commission to investigate the activities of the broadcaster. The commission found ineffective and opaque operations and suggested changes to the governance of the state-funded Lithuanian Radio and Television that could politicize appointments to its Council and a new Board whose establishment was proposed in the recommendations. The conclusions of the committee were not approved by the parliament during its plenary vote in November 2018; the parliamentary Committee of Culture was assigned to improve the content of the report. In September 2018, Lithuanian authorities discontinued the practice of providing free data from the Center of Registers for requests from journalists, but this decision was later reversed after reporters appealed to government officials. In addition, media independence could be compromised as the government remains a key advertiser, and that a large proportion of media outlets are owned by a small number of domestic and foreign companies. Similarly, regional media is dependent on local government for advertising and other types of support, which might restrict their ability to criticize local government.

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% 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 restricted 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:

2018 WORLD PRESS FREEDOM INDEX, see <https://rsf.org/en/lithuania>

New Zealand

Score 9

Freedom of the media is regulated by the Broadcasting Standards Authority. Both public and private media are independent from political parties and the government. Media freedom is also 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 recent years, there have been a number of scandals that led organizations such as Reporters Without Borders (RSF) to downgrade press freedom in New Zealand. However, in

the most recent 2018 report, the country improved from 13th to 8th. While the media is mostly free from political pressure, economic factors such as concentrated media ownership are a constant danger for an independent and pluralistic media. In this regard, the decision of the Commerce Commission to reject the merger of the country's two biggest media groups, NZME and Fairfax, was crucial. Journalists and media organizations are demanding amendments to the Official Information Act, which, in their opinion give government agencies undue leverage to respond to information requests. The new Labour-led government announced its willingness to improve protection for whistleblowers; so far, the government has not followed through with legislative initiatives.

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).

Edwards, Bryce, 2017. Political Roundup: Let's make government more democratic. *The New Zealand Herald*. 20 June 2017.

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

RSF 2018. 2018 World Press Freedom Index. <https://rsf.org/en/new-zealand>.

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 challenge 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. Social media platforms such as Facebook and Google increasingly draw advertisement revenues away from traditional media in Norway and elsewhere. In addition, the media landscape is becoming more pluralistic and national media increasingly competes with international digital news sources.

Concerns about the long-term impact of this shift have increased. 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.

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 organization actually is appointed by the government and claims an official post comparable to that of a civil servant. Nevertheless, the media organization's journalists work largely free from direct control or political influence, even if some reporting may at times be a bit too uncritical of the government position.

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 do their best to scrutinize public activities despite increasing financial pressures.

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. During the last two years, the Freedom House index evaluated Chile's freedom of press as "free" whereas in 2015 it was still evaluated as "partly 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 2018, published by the international NGO Reporters Without Borders, ranked Chile 38 out of 180 countries, a dropping five places compared to the previous year. Nonetheless, covering demonstrations still remains difficult. 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. The presidency of Piñera, a successful entrepreneur, is more market friendly, and closer to business and – consequently – media interests.

Citation:

Freedom House Index (freedom of the press):

<https://freedomhouse.org/report/freedom-press/freedom-press-2017>

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. Strong constitutional guarantees and an independent judiciary provide for strong media freedom. A new anti-whistleblower provision penalizes the handling of leaked data without ensuring adequate protection for investigative journalists as well as their sources. The recently reformed law governing the work of Germany's foreign intelligence agency (BND) allows the surveillance of foreign journalists, thus legalizing potential infringements on media freedom rather than preventing them. Laws regulating access to information remain weak compared to other countries.

Print media, which are largely self-regulated, are broadly independent of political interference. The German Press Council is tasked with protecting press freedom. However, the latent economic crisis of newspapers and publishing houses may slowly but steadily undermine media pluralism. In the World Press Freedom Index of 2018, 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.

United Kingdom

Score 8

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 and, as in the case of government attempts to clamp down on disclosures by Edward Snowden, tend to cause considerable political and public backlash. Such incidents can tarnish the relationship between the UK media and the government. The journalists' resistance to intimidation and their reporting of government surveillance practices are a shining example for civil journalism. Several media actors expressed concerns about the libel laws in the aftermath of the 2013 Defamation Act, which was meant to protect freedom of speech, but there have been no more recent cases in which the underlying freedom of the press has been questioned. However, a recent assessment by the Paris-based NGO Reporters without Borders (RSF) is critical of the UK record. As in many other countries, the unfettered freedoms of social media are being challenged.

Citation:
<https://rsf.org/en/united-kingdom>

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 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>

<http://www.abc.net.au/news/2017-12-14/china-backlash-australia-questions-of-political-interference/9258462>

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 radical online postings, which violate the law and have been more or less under control in the traditional media, have widened the discourse. During the two most recent electoral campaigns on the federal level (the 2016 election of the Federal President and the 2017 election of the National Council), another impact of the new social media became visible (and discussed): the possibility to influence electoral behavior by disseminating lies about rival candidates. In the traditional media, the instruments to fight such lies is clear, as there are people responsible for a newspaper or a broadcasting company. However, accountability in social media is not so clear. The debate in Austria concerning this rather new phenomenon and its consequences for the fairness of the political process will become more intense.

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.

A comparatively high degree of freedom of information still exists, which is based on the constitution and the basic law ("Staatsgrundgesetz"). However, the government has accepted the necessity of dealing with the phenomenon of "social media." On the government's side, there have been attempts to deal with "hate speech," for example, from Neo-Nazis. An especially sensitive issue is the independence of the ORF, Austria's public broadcasting system, which is still the dominant media actor. The question concerns the extent to which the ORF's possible future structure will reflect the special interests of the governing parties.

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. There is, however, a tendency for media to be indulgent with the government of the day, a phenomenon that is more visible with the present government. Legal requirements for launching a publication are minimal. Provisions in the Press Law 145/1989 for the establishment of a Press Council and Press Authority have been inoperative since 1990 due to disagreements among media professionals on their composition. Media owners, publishers, and the Union of Journalists collectively signed a code of journalistic ethics in 1997 and established a complaints commission composed

mostly of media professionals. Reporters Without Borders ranked Cyprus in 25th place out of 180 states in its 2018 World Press Freedom Index.

RIK, the public-service broadcaster, is a public-law entity governed by a board appointed by the Council of Ministers. Appointments to this body are often politically motivated and include party officials. Budgetary pressures imposed by the government and political parties, along with interference and public statements by parties arguing for “more equitable” access continue to hold the public broadcaster hostage to politicians. 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 expertise or competence.

In September 2016, some appointees in government stepped down in the wake of comments made in the media that the recruitment of specific journalists at the presidential palace were aimed at winning the favor of political editors or media owners.

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. Journalists wives turn down president’s job offer, Cyprus Mail, 10 September 2018, <https://cyprus-mail.com/2018/09/10/journalists-wives-turn-down-presidents-job-offer/>
2. Reporters without borders, Cyprus <https://rsf.org/en/cyprus>

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 being 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. 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.

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.

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 ISK 173 million for 2016. In the five-year financial plan for 2017 – 2022, presented in the summer 2017, increased funding for RÚV was announced.

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. Meanwhile, Iceland’s second largest daily newspaper is partly owned by fishing magnates and partly by financial investors. 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. Some politicians in government have repeatedly accused state-run radio and TV of bias 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.

A recent example of reduced media freedoms occurred in October 2017, two weeks before the parliamentary elections. The Reykjavík Sheriff’s Department decided at the request of Glitnir Holdco to issue a gag order on the newspaper Stundin. The order banned the newspaper from reporting on leaked documents that outlined several dubious financial transactions involving the prime minister and chairman of the Independence Party, Bjarni Benediktsson. The gag order and the questions raised by the coverage of Stundin had reignited a debate about the corrosive effects of money in politics and the value of a free press. OSCE expressed concern about the gag order. The case was heard in Reykjavík District Court which, in February 2018, rejected the claims. Glitnir Holdco immediately appealed to the Country Court, a court of higher instance, which revoked the gag order. The court decision was not appealed to the Supreme Court. Even so, the courts upheld the gag order for more

than a year. In comparison, the gag order against the New York Times in 1971 in connection with the publication of the Pentagon Papers was upheld for only 15 days.

Citation:

Karlsson, Ragnar (2010): Íslenskur fjölmiðlamrkaður. 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

Italy

Score 7

Until recently, successive governments exercised political influence over the public broadcaster and largest media organization, Radiotelevisione Italiana (RAI). Governing parties interfered in its personnel policies, and controlled its organizational frameworks and resources. Some space was, however, always guaranteed to opposition parties. RAI has enjoyed abundant funding combining a mandatory subscription from every person that owns a TV set and advertising revenue.

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 has reduced the direct influence of political parties over RAI, but can result in increased government influence. The new Conte government seems to be willing to exert a strong influence over all nominations.

While the privately owned Mediaset channels continue to be subject to the political influence of their owner, Berlusconi, the increasing importance of other channels has balanced 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 often is not reached by new media.

Luxembourg

Score 7

The media is independent of the government, despite the subsidies they receive. Almost all newspapers and a number of online media receive subsidies. Without this funding, the pluralistic media landscape in Luxembourg would cease to exist.

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.

However, the Luxembourg Press Council says critical journalists sometimes have to fear “legal proceedings and intimidation.” Furthermore, Raphael Kies, University of Luxembourg, speaks of a “high risk of political influence” in Luxembourg, particularly in the print media. In terms of ownership transparency, Luxembourg’s media received a poor rating. According to the law, all press organs are obliged to publish once a year the names of their shareholders who hold more than 25% of total shares. By contrast, there are no statutory provisions against possible conflicts of interest between the media and politics. Thus, Raphael Kies criticizes a lack of real transparency.

In spring 2018, there was a debate about whether the public service broadcaster (“Radio 100.7”) in Luxembourg was independent. In a study of the “European Broadcasting Union,” the broadcaster’s independence was partially doubted. As a result, there is a risk that the government could influence the broadcaster’s reporting. The structure of the radio station therefore needs to be changed. A further public debate in Luxembourg followed in which the prime minister was criticized for appointing a confidant to an important position within the broadcaster. The prime minister replied that the appointed person would fulfill all necessary requirements for the office.

Citation:

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Netherlands

Score 7

The freedoms of the press/media and of expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2018 ranked the Netherlands 3 out of 180 countries, only below Norway and Sweden. The somewhat higher ranking (but lower score, compared to previous years) is due to the fact that – in spite of legislative initiatives to expand the Intelligence and Security Act – journalists’ rights to protect their sources when called as witnesses in criminal cases was formally upheld. Additionally, Dutch journalists continue to practice “self-censorship” on sensitive issues such as immigration, race, Islam and “national character,” as a consequence of vicious abuse and online trolling, especially on social media.

Public-broadcast programming is produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These independent organizations get allocated TV and radio time 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 aims to boost competition by giving access to program providers from outside the official broadcasting corporations. A directing (not just coordinating) National Public Broadcasting Organization (NPO) was established, with a two-member government-nominated supervisory board, which tests and allocates broadcasting time. The new law states that public broadcasting should concern information, culture and education, while pure entertainment should be left to private broadcasters. In practice this leads to controversy around television celebrities' salaries in public broadcasting, and blurred boundaries between "information" and "infotainment." The bill has been criticized for its lack of budgetary considerations. Broadcasting is both privately funded through advertisements and publicly funded, with budget cuts for struggling 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. International media enterprises increasingly follow multichannel strategies. Although media policy still formally distinguishes between the written press and broadcasting organizations, this distinction appears outmoded.

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Freedom of the Press 2018, Dutch Country Report, Freedom House (rsf.org, accessed 24 October 2018)

Portugal

Score 7

Public and private media are independent of 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.

South Korea

Score 7

Under the Moon administration, South Korea has shown significant improvement with regard to media freedom. Reporters without Borders ranked South Korea at 43rd place in the 2018 World Press Freedom Index, representing a jump of 20 places from the previous year. However, some issues remain outstanding. For example, Reporters without Borders criticizes the system by which managers are appointed at public broadcasters. Furthermore, Korea has very problematic anti-defamation laws that punishes defamation (including true statements) with harsh prison terms if the statements are seen as not being in “the public interest.” Defamation suits are frequently filed as a means of preventing critical reporting. Reporting on North Korea remains censored by the National Security Law. All North Korean media are jammed, and North Korean websites are not accessible from South Korea. In general, internet censorship remains widespread, with “indecent internet sites” blocked. Consequently, Freedom House ranks South Korea among the countries in which the internet is only “partly free.” A potentially problematic new development is the government’s declaration of a “war against fake news,” with stricter legislation on the issue promised.

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Spain

Score 7

The public TV and radio network (RTVE) has been criticized for its lack of impartiality and credibility. However, under the new multiparty scenario following the 2016 elections, all parties (including the then-governing PP) agreed to appoint the next RTVE president on the basis of consensus. A legal change introduced in 2017 established an open and public competition for seats on the public media organization’s governing board and for its president, with the need for a two-thirds (rather than simple) parliamentary majority to approve these positions. However, after difficulties in selecting a new president, on 19 July 2018, the new Pedro Sánchez government proposed the appointment of a “sole administrator,” a

provisional figure that would be granted powers to direct the public broadcasting group until the approval of a new president by public tender.

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, in Madrid and particularly in Catalonia, where the public media has openly supported the nationalist regional government's pro-secession view, while limiting access for those holding opposing perspectives or pluralistic positions.

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 the newspapers, radio and television stations that are ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). In 2018, the parliament set up a working group to deal with the issue of "fake news." Politicians, journalists, media owners and representatives from social-media platforms have been invited to contribute.

Citation:

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United States

Score 7

The United States has long upheld an unusually rigorous version of media freedom, based on the categorical language of the First Amendment to the constitution. In general, government interference in the media sector has been nearly nonexistent. News organizations are rarely subject to damage suits, even for false accusations against government officials. Because judicial precedents virtually prohibit "prior restraint," they are rarely enjoined from publishing information – even if a source provided it illegally. The United States does not have a national "shield law," barring punishment for a journalist's refusal to reveal sources to law-enforcement officials, but most states offer such protection.

Recent developments, however, have placed journalists under new pressure. Conflicts have occurred between press freedom and national-security and counterterrorism efforts – including government surveillance of journalists and attempts to compel reporters to reveal sources of leaked information.

Both in his presidential campaign and as president, Trump has threatened news organizations in various ways for critical coverage—which he dismisses, nearly always falsely, as "fake news." As of late 2018, there have been no apparent cases of substantial punishment or censorship of news organizations, but the president's contempt for press freedom has been widely regarded as a significant threat.

Czechia

Score 6 Czechia 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. The capture of much of the Czech media market by Andrej Babiš, and the use of that media power to support his political position and denigrate that of any alternatives, has further stimulated the development of online media, supported by subscription and crowdsourcing. Many established journalists including investigative and award-winning journalists left Babiš's MAFRA group and other dailies to start online media and blended media (online and monthly print). This ensures the continuation of some degree of media independence, but the viability of such projects is contingent on the trust of the readers and viable business model (online adds, or strong backer). Following action by Transparency International, a court action was started against Babiš in November 2018 for conflict of interest by maintaining effective control over of his business, despite their nominal transfer to a trust.

Citation:

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Israel

Score 6 Israel's media environment is considered lively and pluralistic. Israelis have wide access to free and largely uncensored internet and internet penetration rate marked a high 78.9% in 2017. 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 in the Israeli political culture.

According to the last Freedom House rating, the media in Israel is "Partly Free" (33 out of 100 points). According to the 2018 Reporters without Borders report, the Israeli media is free but constrained by military censorship, with Israel ranked 87 out of 179 countries. These poor evaluations are mainly because of the economic threat that the free newspaper Israel Hayom poses to the other newspapers, and its close ties with Prime Minister Netanyahu. Another reason was the decision of the prime minister to keep the Ministry of Communication under his authority, a decision that was later overturned by the Supreme Court of Israel in light of the investigations against him.

Furthermore, when examining the extent to which the media in Israel is independent, one should also notice the immense power for censorship that the law facilitates. Under a 1996 Censorship Agreement between the media and the military, the censor has the power – on the grounds of national security – to penalize, shut down or stop the printing of a newspaper, or 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. Since the beginning of 2016, so-called military censorship policies have toughened regarding the supervision of content in newspapers, blogs and other social media channels. Some bloggers have claimed that they have been sent them a message ordering them to submit every text regarding security issues for approval. Another key factor for the current rating, is the “military censorship” journalists are subject to, with journalists often being accused of inciting violence, cooperating with terrorist organizations or otherwise posing a threat to Israel’s security.

Other recent affairs seem to call into question several important aspects of media independence. In 2018, the right-leaning Channel 20 won the rights to broadcast Knesset TV and a bill has been approved in the Knesset. Another example is the new “Facebook Law,” passed in July 2018, which is said to be more restrictive than equivalent laws in other countries. According to this new law, the Israeli authorities can, with a judge’s order, demand the removal of content that is defined as illegal, including terror, pornography and violence.

It is also important to mention that the Israel Broadcasting Authority (“Rashut Hashidur”) was shut down this year and replaced by a new body, the Israeli Public Broadcasting Corporation (Taagid Hashdiur, IPBC). The decision to replace the Israel Broadcasting Authority with the Israeli Public Broadcasting Corporation was intended to guarantee the independence of the new body, and followed years of political debate and delays. The former authority was said to be expensive and aging. However, there were several delays to the launch of the new authority. These delays were mostly perceived as attempts to limit the independence of the new body. Although Prime Minister Netanyahu worked to close the new corporation, the IPBC eventually started broadcasting on 15 May 2017. Ongoing criticism by politicians toward the corporation has been published, regarding the “waste” of public budget, specifically regarding preparations for the upcoming Eurovision 2019 event, planned to take place in Israel.

Citation:

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Latvia

Score 6

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. In 2017, leaked transcripts of conversations between Latvia's three "oligarchs" document political influence in the major daily newspaper "Diena" and in public television. These conversations observed that public radio remains impervious to outside political influence.

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 unprecedented move 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 was reinstated. However, he is no longer chairperson of the council. In 2017, the Supreme Court rejected his appeal. Since then, a new council has been appointed. This new council has been criticized for violating the independence of public broadcasting after making swift, poorly substantiated changes in the leadership of public radio.

Independent local print media is under increasing competitive pressures from local government-owned media outlets. The latter not only offer a low, subsidized purchase price to readers, but also a low advertising rate, pulling advertising revenue away from independent publications. A local independent media outlet has successfully contested in the courts the legitimacy of local government-owned publications taking paid advertisements.

Two general trends seem obvious. First, 2017 saw Latvia's media outlets compete for €480,000 in government funding aimed at promoting quality journalism. As the income of media outlets continues to fall, even private media will be ever more reliant on government funding. Second, Latvia's print media is in a downward spiral of falling readership and income. There were only six national newspapers in 2017, compared to fifteen 20 years ago. At the same time, the numbers of people reading only online media (such as Delfi) is rising and this will shake-up Latvia's media market.

Finally, Reporters without Borders highlighted that Latvia ranked 24 in the 2018 World Press Freedom Index. Latvia's score has continued to worsen due to the spread of "fake news" from suspected Russian origins. Other problems for the media include economic difficulties, inadequate and poorly distributed state aid, lawsuits brought against several journalists, and legislation that does not favor the media or media sources.

Citation:

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Malta

Score 6

Private media operates free from government interference. Mechanisms exist to ensure that state media operate independently from government interference; since 2014, we have witnessed further progress on this issue. While the prime minister appoints all the directors of the State Media Board, as well as all the members of its editorial board, complaints of bias against the state broadcaster have dwindled, and the opposition leader recently said that the broadcaster has been more open to discussion of the party's complaints. In Malta, media independence more generally is influenced by who owns the media. Nearly all media in Malta are owned by individuals with a stake in or connection with a political party. Journalists in all media often display a clear party preference close to that of the media organization's owner. This, rather than government interference, is the primary reason that Malta's media suffers from a lack of public trust. Malta's ranking in the 2018 World Press Freedom Index fell to 65th place. The report is also critical of local SLAPP laws, which may be used to muzzle the media. In a 2016 European Commission report on media pluralism, 76% of respondents stated that the media provides a diversity of views and opinions, but only 28% thought that the media provided information free from political or commercial pressure. In the same survey, 44% believed that the media provided trustworthy information, with the lowest scores assigned to newspapers and social media. Also, only 39% viewed the national regulator as free and independent. The 2017 Media Monitor also ranked Malta as a medium-risk country with regard to political-independence indicators and regulatory safeguards. Although state and party-related activities dominate the media, the reality of media diversity and a recent increase in competition ensure that the system is essentially pluralist, and that a range of opinions remain available. However, given the difficulties associated with maintaining anonymity in public procurement tendering processes in a small society such as Malta, most Maltese administrations have proven reluctant to respond to media requests for information.

In 2016, Malta reformed its defamation laws to allow for greater freedom from prosecution. Prior to this reform, Malta overhauled its censorship laws, allowing for near zero control on the media and the arts. Journalists continue to claim that existing draconian libel laws undermine their work. However, in 2018 the government removed the criminal libel section from Malta's press laws, thereby removing the threat of a prison sentence. Other proposed reforms include the removal of defamation of the president, a cap on libel damages (including a clause stating that courts needs to take into account the impact that financial damages may have on a media outlet), and voluntary registration of media outlets. The OSCE welcomed

recent changes made to the proposed legislation, but offered additional recommendations, including that a more balanced approach is needed with regard to the defense of truth.

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

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Malta Today 29/11/17 OSCE analysis of Malta's upcoming media law

Legal analysis of the draft law of the Republic of Malta to provide for the updating of the regulation of media and defamation matters and for matters consequential or ancillary thereto, Commissioned by the office of the OSCE Representative on freedom of the media from Dr. Joan Barata November 2017

Draft law of the Republic of Malta to provide for the updating of the regulation of media and defamation matters and for matters consequential or ancillary thereto 2017

Special Eurobarometer 452. Media Pluralism and Democracy November 2017

World press freedom index of reporters without borders 2018

Greece

Score 5

The financial crisis, and the continuing decline in circulation and advertising has strained Greece's media sector. Numerous media outlets have shut down, reduced staff and salaries, scaled down or eliminated news departments, or failed to pay wages. These developments have made media outlets more susceptible to government influence.

In the period under review, the public broadcaster's (ERT TV) television channels adopted a clearly pro-government bias across all news programming. News presenters toe the government line on almost all issues, with invited commentators often following a solid government line. This trend was disquieting in view of the government's attempt to also control the private television sector, though this attempt was finally aborted between September and December 2016. At the end of 2017, the government was preparing to hold new auctions for television licenses under the auspices of the independent National Council for Radio and Television. During the period under review, a major private television channel (Mega) ceased operations. As a consequence of very intense meddling by the Syriza-ANEL coalition in television and with the press, Greece was ranked 74 out of 180 countries in the 2018 World Press Freedom Index, on par with Hungary, Mauritania and Albania, though there is some improvement compared to the 2017 ranking (88/180).

Citation:

The information on Greece's ranking on the World Press Freedom index is available at <https://rsf.org/fr/classement#> (information available in French).

Slovenia

Score 5 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 the period under review, however, there have been some cases of political pressure on public media journalists covering sensitive issues, such as the Magna corporation investment in Maribor, killings after the Second World War or the second referendum on the new railway line in May 2018. Some private media outlets are owned by companies from other economic sectors (e.g., construction) and reporting sometimes seems to be biased toward the ruling coalition as a means of securing public sector procurement contracts. Another problem is that a lot of local newspapers and publications are owned and funded by the municipalities and exploited by mayors for political purposes.

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 very limited. Many private 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. Transparency regarding the ultimate ownership of private media organizations is very low, allowing for illicit influence over editorial policy and the abuse of de facto monopolistic positions without the possibility of legally proving them. This is especially true in the area of print media. It is widely understood that more than 80% of the print media market is controlled by one person.

As a result, Bulgaria's international ranking in media freedom continues to deteriorate. This is one of the reasons why there was a widespread international coverage of the murder of a regional TV personality in the fall of 2018. Viktoria Marinova had covered the work of investigative journalists on government-connected corruption. There have been serious rumors of possible political ulterior motives behind her murder. These allegations have not completely disappeared, despite the arrest and indictment of a perpetrator who confessed to raping and murdering the journalist.

A major development in the media space has been the growth of non-traditional outlets. On the one hand, non-traditional media are much more difficult to suppress by the powerful of the day. On the other hand, they are more susceptible to specific manipulations.

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, as is the influence of private media owners. After the change in the governing coalition in May 2017, the HDZ intensified its control over the public media. In some cases, controversial journalists have been fired and critical programs discontinued. Interviews with the prime ministers and other cabinet members have become less confrontational. The case that attracted the most attention in the period under review was the dismissal of the journalist Hrovje Zovko, the president of the Croatian Journalists' Association (CJA) who had served as executive editor of HTV 4, one of the TV programs of HRT, Croatia's national broadcaster, after he had criticized the government for interfering with the broadcaster's independence. The government has weakened independent media by delaying the allocation of EU funding for non-profit media.

Citation:

South East Europe Media Organization (SEEMO) (2018): *Press Freedom in Croatia: Hate Speech and Hope for Change*. Vienna (<http://seemo.org/assets/pdf/Croatia-Report-final%203152018.pdf>).

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 that infringes on the independence of the media. The NHK, the major public broadcasting service, has

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

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

As a result of the passage of the State Secrets Act, which came into effect in 2014, journalists and others charged with leaking relevant information now face jail sentences of up to five years. What exactly constitutes “state secrets” is left very much up to the discretion of the government agencies in question.

In recent years, Japan’s ranking in the World Press Freedom Index has plummeted, from 22nd place in 2013 to 67th in 2018. This is the lowest rank among the G-7. During the reporting period, however, no major new scandal in this area emerged.

Citation:

Chisato Tanaka, Japan’s press freedom ranking rises in 2018 - due in part to deteriorating conditions elsewhere, *The Japan Times*, 25 April 2018, <https://www.japantimes.co.jp/news/2018/04/25/national/japans-press-freedom-ranking-rises-2018-due-part-deteriorating-conditions-elsewhere/>

Daisuke Nakai, *The Japanese Media in flux: Watchdog or Fake News?*, Forum Report 013, Suntory Foundation, April 2018, download from <https://www.suntory.com/sfnd/jgc/forum/013/index.html>

Slovakia

Score 4

The murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová in February 2019 has highlighted the limits to media freedom in Slovakia. Of concern is the fact that prominent representatives of the governing coalition, most notably Robert Fico, Smer leader and prime minister until March 2018, and Andrej Danko, head of the SNS and speaker of parliament, have shown a habit of criticizing and intimidating journalists. In addition, the increased politicization of the public radio and TV broadcaster RTVS since June 2017, when Jaroslav Rezník became its new director, has also raised concerns. The government also failed to deal with the threats to Kuciak by the politically well-connected businessman Marian Kočner, a major subject of Kuciak’s investigative work, and has only half-heartedly sought to clarify and investigate the murder. Fico himself downplayed the murder by consistently speaking of the “death of two people” rather than a murder of a journalist. He has continued his attacks on journalists after his resignation as prime minister. In November 2018, over 500 Slovak journalists denounced in a public statement his degrading and offensive statements about journalists.

The conflicts over the politicization of RTVS have intensified since the murder of Kuciak and Kušnírová. In April 2018, Rezník fired four reporters (out of 60) who

signed a critical open letter to management. In May 2018, 12 RTVS reporters resigned in protest of the politicization of news coverage under Rezník's leadership. These conflicts led to an unprecedented mobilization of journalists and the public that forced the RTVS top management to restore the investigative TV program Reportéri, which had been suspended in January 2018, and to rein in its intervention in political affairs. Petra Stano Maťašovská, the head of the RTVS radio news section, had to resign in October 2018 after she had formulated internal rules for RTVS journalists that showed a strong bias for the governing parties.

Citation:

Kalan, D. (2018): Press Freedom Is Still Under Attack in Slovakia, in: Foreign policy, August 8 (<https://foreignpolicy.com/2018/08/06/press-freedom-is-still-under-attack-in-slovakia-rtvs-reznik-jan-kuciak-murder-fico-kocner/>).

Reporter without borders (2018): Press freedom in Slovakia after investigative reporter's murder, February 28 (<https://rsf.org/en/news/press-freedom-slovakia-after-investigative-reporters-murder>).

Školka, A. (2018): Why Press Freedom in Slovakia is More Complicated Than it looks (Interview), in: World Politics Review, June 13 (<https://www.worldpoliticsreview.com/trend-lines/24874/why-press-freedom-in-slovakia-is-more-complicated-than-it-looks>).

Mexico

Score 3

Officially, freedom of expression is protected and the media is independent from the government. Through extensive spending on advertisement, the government exerts influence over the tone and type of coverage by news outlets. Broadcasting networks and newspapers depend on government advertising spending, the big television networks Televisa and Azteca receive around 10% of their advertisement revenue from the federal government. Newspapers depend as well on government spending on advertising. While it is difficult to know the true extent of biased coverage, there is concrete evidence that investigative stories about collusion and corruption are suppressed, and journalists and outlets pay a high price for publishing such pieces. Moreover, critical journalists have been tracked using surveillance technology, such as the "Pegasus" spyware, sold to and used by the Mexican government.

While media freedom is not severely restricted by the government, substantial restrictions exist on what news outlets can cover without fear of reprisal. Topics such as corruption or collusion between organized crime and public officials are particularly dangerous territory. According to data from the Committee to Protect Journalists, Mexico is one of the most deadly places for journalists, surpassed only by Iraq and Syria, with regard to the number of journalists murdered. In 2017, more than 500 journalists have been attacked and 12 journalists were killed. In 2018, eight journalists were killed between January and October. Journalists are routinely harassed and kidnapped. Since 2000, 138 journalists have been killed, 24 have disappeared. These dangers particularly affect journalists working for subnational news outlets as well as those who report critically on corruption and linkages between politicians and organized crime. The federal government fails to act decisively to protect journalists. When journalists are murdered, there is broad

impunity for their killers. Thus, even though press freedom is codified in national laws, in practice there are substantial restrictions on press freedom. Mexico ranked 147 out of 180 countries in the Press Freedom Index 2018.

Citation:

New York Times (10 July 2017) “Spyware in Mexico Targeted Investigators Seeking Students.”

Articulo 19: <https://articulo19.org/periodistasasesinados/>

Poland

Score 3

The PiS government does not respect the independence of the media. The Council of National Media was established in June 2016, and appoints the management boards of public TV and radio, and the Polish Press Agency (PAP). The council is dominated by the PiS and takes instructions directly from Jarosław Kaczyński. The National Broadcasting Board (KRRiT), a constitutional body overseeing electronic media, has been staffed exclusively with PiS personnel. Cases of politically motivated appointments and dismissals at TVP, Poland’s public TV broadcaster, and the public Polskie Radio are numerous. According to estimates, at least 225 journalists either lost their jobs or stepped down from their positions for political reasons in 2016.

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 part of the print media, have sought to counter the biased message of the (once) public TV. Following pressure from abroad, most notably from the United States, the PiS government dropped its original plans to “re-polonize” the media by limiting the maximum foreign ownership stake allowed in Polish media companies to 15% – 20%.

Citation:

Chapman, A. (2017): *Pluralism Under Attack: The Assault on Press Freedom in Poland*. Washington, D.C.: Freedom House (https://freedomhouse.org/sites/default/files/FH_Poland_Report_Final_2017.pdf)

Wielinski, B. (2018): Polish government continues efforts to stifle free media, in: Euractiv, May 11 (<https://www.euractiv.com/section/freedom-of-thought/news/polish-government-continues-efforts-to-stifle-free-media/>).

Romania

Score 3

In Romania, the independence of the media is limited. The government exerts strong control over the public media, as can be seen by the way the latter have covered anti-government protests. The 2017 decision 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 further increased the political control of the public

media. Most private media owners have ties to national and local politicians and serve them in exchange for favors. Many private media spread fake news, with the regulatory body doing almost nothing to discipline these outlets.

Citation:

Expert Forum (2018): Media Clientelism in Romania 2016-2018. Policy Brief No. 63, Bucharest (<https://expertforum.ro/en/media-clientelism-in-romania-2016-2018/>).

Gross, P. (2015): (Happily) Living in Sin: Media and Politics in Romania, in: Southeastern Europe 39(1): 12-34.

Hungary

Score 2

In Hungary, media freedom exists only on paper, since more than 90% of media are controlled by the government, either directly, as in the case of the public media, or indirectly, as in the case of private media owned by Fidesz oligarchs. The highly controversial media laws in 2010/11 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. Since then, media freedom has been further restricted by the takeover of formerly independent media by oligarchs close to Fidesz, supported through the strategic allocation of government advertisements. Fidesz oligarchs now control all regional dailies, which still have a large readership, and almost all local radio stations. The situation with weeklies is not as bad, but their readership is limited to the elite of the country. Moreover, society is vulnerable to disinformation campaigns and fake news. In recent years, the Hungarian media has been penetrated by around 100 locally operated, Russia-linked disinformation sites, which have supported the Fidesz agenda.

Since the 2018 elections, Fidesz has completed its media capture through the liquidation of Simicska media. The government has also brought about radical changes in pro-government media, which includes a reorganization of media outlets that are close to or owned by Fidesz. This involves disciplining employees and bringing in new editors to outlets such as *Kommentár* (monthly) and *Mandiner* (online). There has been a big scandal surrounding Fidesz’s first and most prestigious media outlet, the monthly *Századvég*, which was launched in the late 1980s. Because the fall 2018 Issue of *Századvég* contained critical papers about the government’s economic policy, it was destroyed, and the editors dismissed. The government has also announced plans to merge all Fidesz papers into one company (Media Fundamentum) in order to exercise better control over them.

Turkey

Score 1

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. Transparency and accountability of the board meetings of TRT, the state run audio-visual media, were eliminated by an amendment to the relevant regulation just before the early presidential and parliamentary election in April 2018.

The editors of Turkey's leading media outlets were summoned to a meeting in January 2018 at which the prime minister gave them 15 "recommendations" on how to cover the military operations in a "patriotic" manner. The current legal framework and practice do not guarantee the exercise of freedom of expression in the media and internet. In March 2018, RTÜK was entitled to license, monitor and suspend Turkish media services operating from abroad. This was considered by OSCE Media Freedom representative a further limitation of media pluralism. Despite several limitations, traditional media brand as well as some digital-born brands operate freely, providing alternative perspectives.

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. 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 sale of the Doğan media outlet to Demirören media group, which has shown a pro-governmental business profile, reshuffled the outlet's structure. Approximately 70 journalists, including directors, were removed from TV channels, forced to resign, or left because they could not work with the new administration. Journalists and media organizations critical of the government faced threats and physical attacks, fines and closure of TV and radio channels, and restrictions on access to the airwaves. As of October 2018, 145 journalists and media workers had been jailed and hundreds of journalists remained on trial. During the review period, some of the convicted journalists (e.g., Şahin Alpay, Deniz Yücel, Mehmet Altan and Enis Berberoğlu) were released for various reasons.

In 2017, six temporary or permanent broadcasting bans were applied, three instances of accreditation discrimination occurred, 47 passports and one press card were cancelled, and three media outlets were closed. During this period, 10 websites, six newspapers, 97 news reports and articles, eight books, six magazines, three Twitter messages and eight caricatures were censored, while nine censorship cases were noted. During the review period, one Syrian woman and one U.S.-Saudi Arabian journalist were killed in Istanbul, 20 journalists were physically assaulted and five journalists verbally assaulted, one newspaper and one publishing house were attacked, and 12 journalists and five media outlets were threatened.

The Venice Commission reported that the use of state of emergency powers had violated media freedom. The Committee to Protect Journalists joined 18 other international press freedom and freedom of expression organizations in calling on Turkey's politicians to prioritize press freedom and journalists' safety, just before the 2018 elections. The ECtHR examined some applications and found that the Turkish authorities had violated journalists' rights to liberty, security and freedom of expression.

Citation:

Venice Commission, "Turkey Government Memorandum on the Measures Taken During the State of Emergency Relevant to the Freedom of the Media," 22 February 2017, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2017\)010-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)010-e) (accessed 1 November 2017)

European Commission, Turkey 2018 Report, Brussels, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf> (accessed 1 November 2018)

"CPJ calls on Turkey's presidential candidates to prioritize press freedom," <https://cpj.org/blog/2018/06/cpj-calls-on-turkeys-presidential-candidates-to-pr.php> (accessed 1 November 2018)

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Freedom House, Freedom of the Press 2017, https://freedomhouse.org/sites/default/files/FOTP_2017_booklet_FINAL_April28.pdf (accessed 1 November 2018)

Freedom House, Freedom on the Net 2018: The Rise of Digital Authoritarianism, <https://freedomhouse.org/report/freedom-net/freedom-net-2018/rise-digital-authoritarianism> (accessed 1 November 2018)

N. Newman and et al., Reuters Institute Digital News Reports, <http://media.digitalnewsreport.org/wp-content/uploads/2018/06/digital-news-report-2018.pdf?x89475> (accessed 1 November 2018)

"4 soruda internete RTÜK denetimi düzenlemesi," 22 March 2018, <https://www.bbc.com/turkce/haberler-turkiye-43494950> (accessed 1 November 2018)

BIA Media Monitoring Report 2017: One Year of Journalists, Media, <http://bianet.org/english/politics/194098-bia-media-monitoring-report-2017-one-year-of-journalists-media> (accessed 1 November 2018)

Bora Erdem, *Avrupa Standartlarına Göre Türkiye'de Basın Özgürlüğü*, İstanbul: Cinius Yayınları, 2017.

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. According to a recent report by Reporters without Borders, Finland ranks fourth in terms of newspaper readers per capita. 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 is almost 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 has generally been viewed as unbiased. Yleisradio is complemented by several private broadcasting companies.

Citation:

http://www.stat.fi/tup/suoluk/suolu_k_kulttuuri_en.html#newspaper;

Ville Manninen & Heikki Kuutti, "Media Pluralism Monitor 2015 - Results - Finland", monitor.cmpf.eui.eu/mpm2015/results/finland

Official Statistics of Finland (OSF): Use of information and communications technology by individuals [e-publication].

ISSN=2341-8710. Helsinki: Statistics Finland.

Denmark

Score 9

There are currently about 35 daily newspapers in Denmark. This includes six daily (Politiken, Jyllands-Posten, Berlingske, Børsen, Kristeligt Dagblad and Information), two main tabloids (BT and Ekstra Bladet) and several smaller regional newspapers, as well as an increasing number of online news sites. Most 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 owned by separate foundations. 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 and are moving more toward paid content. Danes increasingly get their information digitally via social media platforms, such as Facebook, Instagram, Twitter and Snapchat. The readership of print media has declined substantially in recent years. But traditional print media and TV still play an important role in public debate.

Citation:

"Media Landscape – Denmark," http://ejc.net/media_landscapes/denmark (accessed 10 October 2015).

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

"Media Landscape Denmark. Update May 2017," http://www.mediabrands.dk/job/Media_Landscape_Denmark_2017_update_May.pdf (Accessed 25 September 2018).

“Denmark Newspapers,” <http://www.allnewsmedia.com/Europe/Denmark/newspapers.htm> (accessed 16 April 2013).
“Media Insights,” <http://frontpage.dk/en/medie-insights/> (Accessed 16 October 2017).

Estonia

Score 9

A great variety of newspapers exist in the country. There are 11 national newspapers (including two major daily broadsheets), 19 regional newspapers and several Russian-language newspapers. As a rule, newspapers are privately owned but some local and regional papers receive support from the municipalities or counties. Some weeklies (e.g., the Teachers’ Gazette and the cultural weekly Sirp) receive government funds. Printed newspapers struggle with decreasing readership since electronic media has become increasingly dominant. 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 Estonian Public Broadcasting (ERR), while another, Delfi, is owned by the private Ekspress Group. All TV and radio channels offer an online presence and make increasing use of social media.

Aside from 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. Some minor online news portals (e.g., the independent www.poliitika.guru.ee or radical right objektiiv.ee) enjoy an increasing number of followers.

Germany

Score 9

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, in 2018 public broadcasters hold a market share of 47.8%, slightly more than in previous years. In the private sector, the RTL Group holds 20.6% market share, while the ProSiebenSat.1 Media AG accounts for 16.9% of the total television market. TV is the most used media (80%), followed by radio (65%) and the internet (63%). The rise of streaming media service providers like Netflix has led to a slight fall in the market share of private television broadcasters.

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. However, the latent economic crisis of newspapers and publishing houses may slowly but steadily undermine media pluralism.

With newspaper circulation continuously falling, the internet including the streaming media services 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. In summary, Germany has a comparatively plural and diversified media ownership structure and modestly decentralized television and radio markets.

Citation:

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

https://www.bdzv.de/fileadmin/bdzv_hauptseite/aktuell/publikationen/2017/ZDF_2017.pdf

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

Norway

Score 9

The state-owned channels control a dominant share of the country's TV and radio audience ratings, and increasingly also on digital platforms. 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:

Andersson, U. et al. (eds.) (2017), *Larmar och gör sig till* (Gothenburg: The SOM Institute) (<https://som.gu.se/publicerat/bocker/70.-larmar-och-gor-sig-till>).

Andersson, Ulrika, Anders Carlander, Elina Lindgren, Maria Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

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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 long-term trend toward concentration has reduced the number of independent newspapers to 92, this is a reduction of 8% in the period 2005-2017 (1950-1994: -35%, 1995-2005: -20%).

In a popular vote in March 2018, a proposal for a constitutional article on public radio and television was rejected by a large majority of 72%. The proposed article would have prohibited the federal government from subsidizing or running radio and television stations. This would have implied the abandonment of public radio and television. Although rejected, the debate on the initiative triggered reform processes within public radio/television, such as increasing efficiency and resources.

Citation:

<https://www.medienmonitor-schweiz.ch/>

<https://www.bfs.admin.ch/bfs/de/home/statistiken/kultur-medien-informationsgesellschaft-sport/medien/medienangebot-nutzung/printmedien/angebot-print.assetdetail.5586416.html>

Ireland

Score 8

A wide range of newspapers – national and local – are published in Ireland and this is augmented by the circulation of the main UK newspapers and weeklies. In addition to the range of public-service state-owned radio and TV stations, a variety of privately owned stations also exist. Irish listeners and viewers also avail themselves to 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.

Broadcasters try to meet their statutory requirements of achieving balance in electoral coverage by adopting what Kevin Rafter describes as a “stopwatch” approach – making adjustments during the campaign to try and make sure that actual coverage closely corresponds to the pre-determined on-air allocations. This can be more difficult to judge at times when there is a large swing in the fortunes of the parties. The collapse of the Fianna Fáil vote at the 2011 election was a dramatic example of this difficulty. In 2011, RTE introduced a new weighting system composed of four elements (each element weighted at 25%), namely: first preference votes at the previous general election of 2007; percentage of seats held by the party at the time of the 2011 election; an estimate of the number of candidates nominated by each party in 2011; and an average of (a) mean opinion poll results from 2007 to 2011, (b) percentage of first preference votes in the 2009 European parliamentary elections and (c) first preference votes in the 2009 local government elections.

Citation:

Kevin Rafter (2018), ‘The Media and Politics,’ in *Politics in the Republic of Ireland* (6th edition, Routledge).

Spain

Score 8

In the context of the EU, Spain is unique in that a majority of adults (59%) consider the news media to be very important to society, even if a smaller portion (31%) say they trust the news media. Spain’s citizens have become more interested in politics in recent years. Even if the print media’s circulation is declining, the population’s growing access to the internet (with a penetration rate of approximately 85%) 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.

The largest newspaper is the very influential center-left *El País*. Other nationwide newspapers include the center-right *El Mundo* and the conservative *ABC*. 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 *Eldiario.es* and *Publico.es* have a large number of readers. There are also significant center-right to right-wing digital media sites such as *Elconfidencial.com*, *Elespanol.com* and *Okdiatio.com*. Nevertheless, the country’s most widely read information websites are the electronic versions of print newspapers.

With regard to television, 55% to 60% of the market is controlled by two groups: the Italian company Mediaset (which includes the *Telecinco* and *Cuatro* channels) and the *Atresmedia Corporación* (which owns both the right-wing *Antena 3* and the more leftist channel *La Sexta*). In addition, there is the public broadcaster *Televisión Española* (with a market share of about 15%), as well as regional public-television networks and small private stations. The radio market is dominated by the center-left

SER station, followed by the center-right Onda Cero, the Cadena Cope (which belongs to the Catholic Church) and the publicly owned Radio Nacional de España.

Citation:

Abril-Mayo (2018), Audiencia de Internet
<https://www.aimc.es/egm/audiencia-internet-egm/>

Media Pluralism Monitor (2017), Monitoring Risks for Media Pluralism, <http://cmpf.eui.eu/media-pluralism-monitor/>

PEW Research Center(2018), News Media in Spain
<https://www.pewglobal.org/fact-sheet/news-media-and-political-attitudes-in-spain/>

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, in addition to the centrist CNN. There has been an unprecedented consolidation of ownership of local media outlets in recent years. Since 1995, the number of independent television-station owners has dropped by 40%, and the number of commercial radio stations by 36%. Just five big media corporations control nearly 75% of primetime viewing. Nevertheless, people in most places have access to at least six different national television news networks in addition to multiple radio stations and the vast array of internet sources. Because of declining readership, there has been a steady decline of competition in the print media; few cities today have more than one newspaper. The main challenge with respect to media pluralism is the decline in financial resources available for actual news gathering and reporting, as opposed to commentary.

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 inevitably also led to less critical reporting. Strict ownership rules are enforced on radio and television, with a threshold of 25% on capital share, disallowing cross-media conglomerates. However, very limited ownership data are publicly available. To assist print media companies that faced serious challenges, with some publications closed down, the government promoted in 2017 a scheme of de minimis financial grants.

The Cyprus problem remained a dominant subject also in 2018 and continued to also underpin polarized media positions on other issues. A glossary for the coverage of

the Cyprus problem, compiled under the auspices of OSCE, produced very strong reactions from journalists. Other themes, including the Cooperative Bank default, instances of corruption in the public domain, explorations for hydrocarbons, and a crisis between the government and teachers unions, also made the headlines. Issues of social concern such as multiculturalism and the need for transparency and quality governance occupied less space in 2018 than in previous years. The absence of analytical reporting, combined with advocacy journalism remain major challenges and constrain pluralism in society.

The government and mainstream actors largely monopolized media access, limiting the spectrum of themes covered and the viewpoints expressed. A focus on partisan confrontations, polarization and blame games led to critical problems rarely being discussed in a meaningful manner.

Citation:

1. Media Pluralism Monitor Cyprus, 2016 <http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/cyprus/>
2. Our View: Journalists making absurd claims over glossary, Cyprus Mail, 7 August 2018, <https://cyprus-mail.com/2018/08/07/our-view-journalists-making-absurd-claims-over-glossary/>

Czechia

Score 7

The private media market in Czechia has changed significantly in recent years. The most critical 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).

The rise of Andrej Babiš to power transformed the media landscape – both on the journalistic side (supply) and the readers (demand). Babiš's businesses dominate the daily print media, with an estimated 2.4 million readers, and also the online media, with an estimated 3.4 million daily users. However, readership of independent weekly publications and a number of new journalistic projects has grown. On October 28, 2018 (centenary of the establishment of Czechia) and following the example of the Slovak Denik N (Journal N), a new daily (which will be available in print in 2019) was created using the Slovak know-how and combining investor- and crowd-sourced funding. Key journalists and staff own 23.5% of the shares. Most of the staff are experienced journalists, who left the MAFRA owned media. The crowd-funding campaign raised CZK 7 million (€270,000) and 5,500 digital subscribers. To ensure independent operation and a long-term viability, 25,000 regular subscribers are needed. Among the online media 2018 also brought the launch of Seznam TV, a major internet platform and email provider ventured into online media content including investigative journalism. During the first six months of its existence, the investigative journalists of Seznam TV found irregularities in party finance, lobbying and in November 2018 revealed potentially damning evidence on corruption in Babiš's business activities.

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-babiš/>).

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. 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 counterbalance its influence. A large television company, Mediaset, continues to exercise significant influence over electoral campaigns. With the decline of Berlusconi's political prominence, the influence of Mediaset may become less important.

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.

Despite the fact that the regulation of Latvia's media is liberal and has allowed a diverse media system to develop, Latvia was evaluated as a showing medium risk of media pluralism under the Media Pluralism Monitor in 2017. This was due to issues such as media ownership transparency, media communication on the regional level and media access to people with disabilities.

Citation:

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

2. European University Institute, Centre for Media Pluralism and Media Freedom (2017) Country report: Latvia, Available at: http://cmpf.eui.eu/wp-content/uploads/2018/11/Latvia_MPM2017_country-report.pdf, Last assessed: 04.01.2019

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. Five groups of media companies (*Delfi*, *15min*, *Lietuvos rytas*, *Verslo žinios* and *Alfa*) dominate the media market. In addition, although state and municipal institutions cannot legally act as producers, the *Druskininkai* municipality finances a newspaper that is freely distributed to locals 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. According to Transparency International's Vilnius office, about 25 Lithuanian politicians and civil servants have stakes in the country's media companies. *Ramūnas Karbauskis*, the co-leader of the ruling Lithuanian Farmers and Greens Union, recently sold his shares in the newspaper *Ūkininko patarėjas*. The population has a relatively low trust in media, with 37% of respondents indicating that they trust and 23% stating that they do not trust media, according to a December 2018 survey by *Vilmorus*.

Citation:

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

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

Luxembourg

Score 7

All of Luxembourg's daily newspapers have links to political parties. The Luxemburger Wort is owned by the Catholic Church and therefore has ties to the Christian Social People's Party. The market share of the Luxemburger Wort fell to 29.5% in 2018.

The market share of L'Essentiel, the most successful of the free papers, recorded a share of 23.5% in 2018. L'Essentiel and Tageblatt (Luxembourg's second-largest newspaper, with a market share of about 8.1%) are both published by Editpress, which has ties to the Luxembourg Socialist Workers' Party and the socialist trade union OGB-L.

In March 2018, an ambitious online newspaper project (Reporter.lu) driven by several young journalists was launched. These developments, in addition to a restructuring of the Luxemburger Wort, are signs of change in Luxembourg's media market.

Radio Télé Luxembourg has no competitors in the television market and remains well ahead in radio, despite liberalization the early 1990s that led to the creation of public broadcaster Radio 100.7. In 2018, RTL had the largest audience share (34%), much larger than Elodoradio (19.2%) that had the second largest audience share.

A lot of foreign media is consumed, especially on television. TF1 (France), and ARD and ZDF (Germany) reach more than 10% of the Luxembourg population.

The most important online media presence in Luxembourg is "www.rtl.lu," which represents all political views and is impartial. Also widespread is the online presence of "Spiegel Online" from Germany.

Citation:

Etude TNS ILRES PLURIMEDIA LUXEMBOURG 2018.II. 12.9.2018. <https://www.tns-ilres.com/news/tns-ilres/2018/etude-tns-ilres-plurimedia-luxembourg-2018ii/> Accessed 22 Oct. 2018.

Des médias. Service information et presse du gouvernement luxembourgeois, 2013. www.luxembourg.public.lu/fr/publications/e/ap-medias/AP-Medias-2013-FR.pdf. Accessed 22 Oct 2018.

„Reporter: Über uns“. <https://www.reporter.lu/ueber-uns/> Accessed 22 Oct. 2018.

Netherlands

Score 7

The Dutch media landscape is very pluralistic but nonetheless subject to a gradual narrowing of media ownership, 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 still 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. 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%). However, online access to news and entertainment has increased due to the prevalence of smartphones, widespread availability of wifi, and paid news and entertainment sources. Though the issue of ownership concentration also affects the social media and internet search engines. Internet usage rates in the Netherlands are high and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch residents use the internet on a regular basis, amounting to almost 95.5% of the population aged over six years old. For both print and digital media, users usually trust news reports and do not worry excessively about the issue of fake news, although a clear majority believe that technology and media companies ought to provide better information about and more opportunities for identifying fake news. The government also has a responsibility according to many internet users.

In the European Union's Media Pluralism Monitor 2017, the Netherlands was characterized low risk in the domains of basic protection, political independence and social inclusiveness. However, the country was characterized medium risk in market plurality and high risk for concentration of cross-media ownership, as there are no legal restrictions at all and transparency of ownership is low. Consequently, a typical person's media sources are likely to be controlled by the same, one owner. This requires better regulation of media mergers.

Citation:

P. Bakker, 30 jaar kranten in Nederland: consolidatie en monopolievorming, in mediamonitor.nl, consulted 5 November 2014

Media Pluralism Monitor 2017 – Results, Netherlands, October 2017 (monitor.cmpf.eu, consulted 13 October 2017)

Mediamonitor 2018 -Reuters Institute Digital News Report Nederland 2018 (cvdm.nl, accessed 25 October 2018)

Portugal

Score 7

Portugal's media market is competitive and relatively diversified. There are four free broadcast-television networks – one public (RTP, with four 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 also added to the roster of free channels.

The national cable television news channels, once restricted to offerings from the RTP and SIC groups, has been diversifying substantially since 2009.

The newspaper market has shown diversification, with several leading groups emerging. The 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 held several print outlets, its flagship being the influential *Expresso* weekly. In January 2018, the Impresa group sold all its titles, except *Expresso*, to a new group, called Trust in News. This sale included the *Visão* weekly news magazine.

Meanwhile, the Sonae group is behind another influential title, the daily *Público*. Cofina Media owns the *Correio da Manhã* tabloid and the daily *Jornal de Negócios* financial newspaper, while Newsplex owns *The Sol* weekly and “i” daily. There is also an online daily newspaper, called *Observador*, which has a classical liberal orientation (as set out in its editorial statutes).

This diversity results in a degree of pluralism. At the same time, most media outlets – notably newspapers – face considerable financial challenges.

These financial challenges contribute to the considerable volatility in media-ownership patterns, as evidenced by the sale of the Impresa titles.

The attempt by telecom and cable supplier Altice to take over the Media Capital group – which includes the TVI television channels, several radio stations and internet news services – this fell through in June 2018, with Altice dropping the offer after it was not approved the Competition Authority.

Citation:

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

United Kingdom

Score 7

The strong concentration of newspaper ownership has long been a feature of the United Kingdom's media market and that continues to be the case. The BBC as a public-service broadcaster has a dominant position, especially with regard to broadcast and online news. 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 United Kingdom'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 normal within an economy of this size and within 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. Most of the major print press groups, both Flemish and Francophone, are encountering severe financial difficulties as print sales continue to decline and web-based business models appear unable to sustain a broad pool of professional journalists.

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). This trend has accelerated with the of projected shutdown of several dozen local newspapers following a deal between two national newspaper corporations, Torstar and Postmedia Group.

A case can be made that the lack of competition in the industry 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. Although 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 (RÚV - Sjónvarp) and two state-owned radio channels (RÚV - Rás1 and RÚV - Rás2). There are also five private national TV channels (Stöð2, Sjónvarp Símans, ÍNN, Hringbraut, and N4) and two national private radio channels, separately owned. Until March 2017, the private 365 Media Corporation (365 Miðlar) owned a TV station (Stöð 2), Bylgjan radio station and Fréttablaðið, the larger of the country's two daily newspapers. 365 Media Corporation was the largest media actor in Iceland and has clear connections to Jón Ásgeir Jóhannesson, a business magnate and former bank owner until the 2008 economic collapse. In March 2017, 365 Media Corporation sold all the TV, radio, and multimedia components of the company to Vodafone – everything except the newspaper Fréttablaðið, which is distributed free of charge to nearly all households in the country. Consequently, Síminn and Vodafone own the largest privately-run TV stations in Iceland. Síminn operates Sjónvarp Símans (Síminn's TV) while Vodafone is now the owner of all of 365's broadcast media, namely the TV stations (Stöð 2, Stöð 2 Sport, Stöð 3 and Bíórásin) and radio stations (Bylgjan, FM957 and X-ið).

Morgunblaðið, the second largest newspaper after Fréttablaðið, has long been considered the voice of the Independence Party. Since 2009, its chief editor has been the former prime minister and leader of the Independence Party, Davíð Oddsson. Other newspapers include DV, Stundin and Kjarninn. Kjarninn is an online news site founded in 2013 by disgruntled journalists previously employed by Morgunblaðið and Fréttablaðið. The most recent development in the Icelandic media market has been the launch of the radio channel K100 by Árvakur hf., which owns and publishes Morgunblaðið.

Given the somewhat broader ownership of TV and radio media combined with several smaller TV broadcasters, radio stations and newspapers, media ownership in Iceland can be considered fairly pluralistic.

Israel

Score 6

The pluralistic makeup of Israeli society is reflected in the press landscape, which includes more than a dozen daily newspapers and a wide range of weeklies and news websites serving readers from various religious, ethnic, and linguistic groups. A similarly diverse selection of broadcast media is also available in Israel, including local radio stations that cater to the country's regional communities as well as ultra-Orthodox, Russian-speaking, and Arabic-speaking populations.

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, media regulation in Israel is largely structural, controlling ownership in media channels (radio, public and private television via cable or satellite). The regulators are charged with authorizing concessionaires, and enforcing regulation in matters of owners' concentration, cross-ownership and foreign ownership. However, print media is not under the same restraints as the broadcast media and is dealt with through antitrust regulation or voluntary self-regulation. Most of the news websites in Israel are operated by print media companies. There are current attempts to expand the regulation to the digital sphere but no change has been legislated by parliament as of yet. According to Freedom House 2017 report, ownership concentration among private stations is still a growing concern.

Due to increasing public awareness about matters of government transparency in recent years, public interest concerning the ownership of media (e.g., TV, newspaper and news websites ownership) and the politicization of mainstream media has become more intense. Several reports exposed the ownership structure of the media market in Israel highlighting aspects of cross ownership, crony capitalism and centralization, and the influence this has on the coverage of topical political and economic issues.

A comprehensive map of media ownership – which tracks the identities of tycoons, corporations and other entities that hold key shares in Israel's media companies and outlets – shows diversified ownership structures both in the electronic and print

media markets. The public and regulated private media compensates for deficiencies or biases in private media reporting by ensuring representation of a wide range of opinions. Recent years have brought trends of ideological and financial centralism along with governmental efforts to improve regulation and competition in the communication market. Israel's diverse newspaper industry was joined in 2007 by "Israel Hayom," a free daily newspaper owned by Sheldon Adelson, an American businessman who is openly aligned with the prime minister and the Likud Party. Israel Hayom quickly gained power, capturing 40% of the market, thus raising concerns due to its partisan coverage and its negative effect on competing commercial newspapers.

In November 2017, after almost 25 years on the air, Channel 2's two broadcasters (Keshet and Reshet) split and began airing on separate channels (channels 12 and 13 respectively), while Channel 10 moved to channel 14. Since the split took effect last year, all three commercial stations (Keshet, Reshet and Channel 10) sustained losses of millions and sometimes tens of millions of shekels per month, which will amount to more than ILS 200 million over the year. Recently a planned merger between Channel 10 and Reshet was canceled.

Citation:

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

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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, which rarely criticizes the status quo. The

NHK director-general installed by the LDP-led government in 2013 has made it clear 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.

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

However, new competition has emerged from international media, and particularly from interactive digital-media sources such as blogs, bulletin boards, e-magazines and social networks. Their use is spreading rapidly, while the circulation of traditional newspapers is in decline. Currently, the biggest online news source is Yahoo! Japan, which is increasing the amount of original content it produces. The loss of public trust in the government and major media organizations may have intensified the move toward greater use of independent media channels, also opening some new potential for independent investigative journalism. A number of news sites have run into serious financial trouble, however. Such channels tend to cater to their specific audiences, however. So while there is more pluralism, there is also a tendency toward increasingly one-sided interpretations of events. Among Japanese youths, right-wing internet channels have gained a considerable following.

Citation:

Alessia Cerantola, *Investigative Journalism in Japan: Tough Times But Signs of Hope*, Global Investigative Journalism Network, 6 July 2017, <https://gijn.org/2017/07/06/investigative-journalism-in-japan-tough-times-but-signs-of-hope/>

Yasuomi Sawa, *Japan Digital News Report 2018*, Reuters Institute for the Study of Journalism, <http://www.digitalnewsreport.org/survey/2018/japan-2018/>

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 has expanded the range of viewpoints presented, and has had few legal cases brought against it in recent years, a significant change. The state fulfills its obligations better now than in the past. However, competition for market share has forced privately owned and politically owned media alike to publish dissenting opinions more often. The 2017 report on media pluralism in Malta by the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute, assigned the country a medium score in

terms of basic protection of journalists against violence. This score was primarily associated with the murder of a journalist (Daphne Caruana Galizia) in 2017. The report stated that, “The highest scoring risk indicators are: political independence of media, in particular of public service media; commercial and owner influence over editorial content; cross-media concentration of ownership; access to media for minorities and for people with disabilities; and media literacy. Editorial autonomy seems not to be well protected, either from political, or from commercial influences. However, media ownership is quite transparent.” Malta scored well in terms protecting the freedom of expression; yet here too, the country’s ranking fell, again primarily due to Caruana Galizia’s murder. The report pointed out that Malta is the only EU country where the two major political parties own television and radio stations as well as newspapers. According to the Media Pluralism Monitor 2016, media ownership is transparent but data on revenues are not available. Most of the risk-increasing factors relate to the lack of data on the media market, lack of protection for and self-regulation by journalists, and the lack of a media literacy policy. In a 2016 European Commission report on media pluralism, 76% of respondents stated that the media provide a diversity of views and opinions, 48% thought the media was more free and independent than five years ago; Malta showed the most improved score over the past five years in both cases. Notwithstanding, only 28% thought that the media provided information free from political or commercial pressure.

Citation:

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

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

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

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

Media Pluralism in Malta, A Test Implementation of the Media Pluralism Monitor 2016

Media Pluralism in Malta, A Test Implementation of the Media Pluralism Monitor 2017

Mexico

Score 6

The Mexican media is much more diversified and politically pluralist than it was a generation ago, but ownership is still highly concentrated. 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. Lack of government support has left regulators, like the Federal Telecommunications Institute (IFT), essentially toothless.

Mexicans take full advantage of internet-based media, which have grown in both size and significance and offer a wide spectrum of information. In the 2018 elections, the left-wing candidate, Andrés Manuel López Obrador, used social media as an alternative to mainstream media. The development of online media has done much to enhance pluralism through bypassing traditional, highly oligopolized media structures. On the other hand, however, internet-based media have also created new

challenges. There are challenges regarding the journalistic quality of small and highly diverse media outlets. Moreover, there is evidence of news websites being hacked, and spyware being used against journalists and activists. Moreover, 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.

Citation:

Latin American Regional Report: Mexico & NAFTA (February 2017). “Telecoms Reforms fail to impress sharp-eyed viewers.”

Slovakia

Score 6

As other East-Central European countries, Slovakia has experienced a passing of private media ownership from foreign owners to intransparent domestic owners. A large number of media outlets are now directly or indirectly controlled by a limited number of politically well-connected Slovak financial groups (such as Penta, Grafobal Group, and J&T). 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. In 2018, however, Penta’s plans to purchase the media group Central European Media Enterprises (CME) together with the Chinese energy and investment group CEFC failed as CEFC went into some trouble. CME owns several TV stations in six central and eastern European countries, including the most watched private broadcaster in Slovakia, *Markíza*. If CEFC and Penta would have bought CME, this would have further increased the concentration of the media in Slovakia. Penta’s plans prompted calls for strengthening the regulation of media cross ownership. However, Marek Mad’arič, minister of culture in the three Fico governments and a prominent advocate of such a strengthening, resigned after the murder of *Ján Kuciak* and his initiative has not been taken up by the Pellegrini government.

Citation:

Mediaguru (2018): Infografika: Přehled vlastníků slovenských médií (<https://www.mediaguru.cz/clanky/2018/09/infografika-prehled-vlastniku-slovenskych-medii/>).

South Korea

Score 6

South Korea has a vibrant and diverse media sector that includes various cable, terrestrial and satellite television stations, and more than 100 daily newspapers in

Korean and English. As the country has the world's highest internet penetration rates, a great number of readers today gain news exclusively from online sources. Yet despite the great variety of offerings, the diversity of content remains limited. 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. While there is more pluralism in the broadcasting sector due to the mix of public and private media, the diversity of political opinions in this arena is threatened by government influence over broadcasters' personnel policies. However, internet-based media such as podcasts and netcast programs have recently become very popular among younger people.

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.

Citation:

Youn S., Lee H. (2015) The Ongoing Media Pluralism Debate in South Korea. In: Valcke P., Sükösd M., Picard R.G. (eds) *Media Pluralism and Diversity*. Palgrave
 Media Us. "Eight years after Media Law," July 21, 2017.
<http://www.mediaus.co.kr/news/articleView.html?idxno=96976> (In Korean)
 Freedom of the Press 2016, <https://freedomhouse.org/report/freedom-press/2016/south-korea>

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.

On the other side, the increasing importance of new social media have created a different problem: How to guarantee the minimal degree of media fairness in the new media?

A crucial question over the next few years will be how the governing majority will reform the ORF, still the most important media outlet in the country. The details of the reform are still unclear.

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 tend to be more influential among Chile's upper-middle class and 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 first administration of President Sebastián Piñera in 2010 (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. At the end of 2017, TVN was declared bankrupt. A bailout package to ensure the channels survival was approved by the Senate in January 2018. The government also decided to create a cultural channel as part of the TVN capitalization project.

Citation:

<https://www.eldinamo.cl/entretencion/2018/01/24/senado-culmino-la-tramitacion-del-proyecto-de-capitalizacion-de-tvn/>

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. Among the few exceptions are a regional newspaper in the western part of France and the daily newspaper *La Croix*. 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. This being said, the proliferation of online news media and online offerings by print media or “pure players” (like *Mediapart*, *Rue89*, *Slate* and *Atlantico*) should be taken in account. They contribute to media pluralism, whereas social media networks – which are gaining more and more influence – tend to focus on scandals, and disseminate partial information or fake news. While social media networks may play an important role in facilitating whistle blowers, they are unable to offer in-depth analysis and well-grounded information.

Greece

Score 5

There are a large number of electronic and print media organizations, but the structure of ownership has become increasingly 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 Greek media landscape is shaped by media groups owned by magnates, shipowners and large contractors. However, the exact ownership structure of media outlets is concealed by holding companies and little-known entities listed in official records; no exact ownership information is available. Extensive cross-media ownership is common and this has negatively affected media independence. Wealthy businessmen with interests in shipping, telecommunications, and other industries dominate the largest private television, radio and social media channels.

The most dominant television channels (*Antenna*, *Star* and *Skai*) attract the majority of viewers, as they offer popular shows and infotainment. In the period under review,

the owners of Star channel acquired the financially ailing Alpha TV, increasing their influence in the media sector. Owners of television channels also hold majority shares in national daily newspapers.

Between June and September 2016, the Syriza-ANEL government attempted to control the private media landscape by passing a law that would allow only four nationwide television channels to operate across the country. The law was eventually annulled in October 2016 by Greece's Supreme Administrative Court (StE). At the end of 2017, the government was preparing to hold new auctions for television licenses under the auspices of the independent National Council for Radio and Television.

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 the coalition government failed to follow up on their pre-electoral promises.

The print media landscape is also pluralistic. There are 59 national newspapers and around 500 regional/local ones. However, between 1990 and 2008, circulation dropped by 50%. There are at least three pro-government Athens-based daily newspapers, while a similar number are critical of the government. In the beginning of 2017, the Syriza-ANEL government tried to gain indirect control of a major but heavily indebted press group, the Lambrakis group (DOL), through the attempt of a pro-government Greek-Russian tycoon to buy DOL. Eventually, the highest bidder was another tycoon who is not linked to the government but who already controls Greece's richest soccer team (Olympiacos) and has business interests in shipping and other sectors. In other words, even though the left/nationalist right coalition government's attempt to constrain private media has failed, the overall oligopolistic nature of the media sector has probably changed for the worse.

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 television 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 television and radio programs. Small circulation newspapers attract readers by printing unsubstantiated accusations regarding politicians and businessmen. Regardless of their political profile, some marginal newspapers and even Syriza's own official political party newspaper (I Avgi) do not refrain from publishing news 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.

Index on Censorship Report on Greece 2017 <https://www.indexoncensorship.org/2017/12/greece-journalists-under-golden-dawns-pressure/>

Poland

Score 5

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. Likewise, public gas stations and other enterprises have been urged not to sell particular newspapers.

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).

Recent ownership changes have raised concerns about media pluralism. In the print media, the controversial sale in July 2014 of *Večer*, a prominent 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 businessman who is believed to be politically well connected. Several prominent journalists were fired. As a result of these changes, sales of Delo newspaper dropped to the lowest level so far in late 2017 (26,884 issues sold daily). In response, FMR made the seasoned journalist and former editor-in-chief of Siol.net news portal Uroš Urbas editor-in-chief of Delo, replacing Gregor Knafelc who had little journalistic experience. In August 2018, the publishers of *Dnevnik* and *Večer*, the second and the third largest daily newspapers in Slovenia, announced a merger, which has yet to be approved by the Ministry of Culture and the Competition Protection Agency.

In the electronic media, the U.S. media conglomerate, United Media received the green light from the Ministry of Culture in October 2017 and from Competition Protection Agency in early 2018 to take over Pro Plus, the operator of the largest commercial TV channels in Slovenia, POP TV and Kanal A. As a result, United Media, which also provides telecommunication services and is a big player in the Balkan countries, will control a huge slice of Slovenian media.

Media pluralism has further suffered from the growing involvement of political parties in the media business. 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. Nova24TV got new owners in early 2017 with three Hungarian companies taking over, reported to be connected to the Hungarian prime minister Viktor Orbán. In September 2017, the SDS also started to publish the new weekly Scandal24. There were some reports of additional investments from Hungarian companies in Nova24TV during the electoral campaign.

Australia

Score 4

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.

The potential for greater concentration of media ownership increased following the passing in 2017 of amendments to the Broadcasting Services Act 1992. The amendments repeal two regulations that prevented any single person from controlling commercial television licenses that broadcast to more than 75% of the federal population or controlling more than two regulated forms of media (i.e., commercial radio, commercial TV or associated newspapers) in one commercial radio license area. Following the passage of this legislation, in mid-2018 a merger was announced between Channel 9, one of the three commercial free-to-air television networks, and Fairfax Media, the second-largest newspaper proprietor and owner of various radio stations.

Citation:

How the Fairfax takeover will further concentrate Australia's media. The Guardian. 2 August 2018. Available at <https://www.theguardian.com/news/datablog/2018/aug/03/the-fairfax-takeover-and-how-it-will-worsen-australias-media-industry-squeeze>

Bulgaria

Score 4 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, even though over the last two years at least one well known de facto owner of print media (Delyan Peevski) has made his ownership official. 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 referendum and election campaigns in 2015, 2016 and 2017 – and seem to be ever more actively used at the expense of traditional media.

Events during 2018 indicate a structural weakness related to changes in media ownership in Bulgaria. One of the largest TV stations with a national license, Nova TV, was acquired by the Czech billionaire Petr Kelner. The transaction required the approval of the antitrust body in Bulgaria, which was denied. Most observers believe that the decision was politically motivated and catered to interests opposed to the completion of the transaction.

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. After some haggling, Nova TV was taken over by Slovenia Broadband, a subsidiary of United Media, in July 2018. While United Media had been forced by Croatia's Electronic Media Council (AZTN) to sell its shares in Total TV, it also owns the N1 (cable) television and multimedia platform that has a growing audience in Croatia. The market for print media has likewise been dominated by a handful of companies.

New Zealand

Score 4 New Zealand's media market is only partly competitive. The national media market is dominated by a small number of mostly foreign companies (mainly from Australia), though there are two public television stations (Māori TV, TVNZ) and one national, commercial-free, public radio station called Radio New Zealand (RNZ). The combined audience reach of RNZ's main programs showed an increase in three consecutive surveys and the latest survey showed a 12% share of the total radio audience in the country.

Sky TV monopolizes pay TV. 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 Commerce Commission rejected the merger in May of 2017, raising doubts about whether or not this amounted to a win or loss situation for democracy. In September 2018, the Court of Appeal also ruled against an NZME-Stuff merger, which brought that merger to a conclusion.

Bloggers have gained prominence as an alternative to traditional media offers. Some of them concern themselves with political affairs and receive high numbers of visitors. Despite this development, continued constraints on media funding help prevent a strong investigative reporting culture from developing.

With regard to print media, NZME and Stuff enjoy a duopoly control over the national print newspaper market. The combined market share of the two companies was estimated at nearly 90% in 2016 (latest available data). Furthermore, 2017-2018 saw a substantial decline in the circulation of newspapers: 20% combined circulation loss for the four largest daily newspapers and 15 regionals. In 2018, Stuff closed more than 35% of its print newspapers and announced additional cuts in community papers. In contrast to the shrinking print newspaper market, the digital news market consolidated and expanded. In addition to digital sites of conventional newspapers, there are multiple independently owned digital media outlets which provide at least some news content. On a positive note, the ethnic media market continued to expand in 2018.

Citation:

JMAD New Zealand Media Ownership Report 2017.

https://www.aut.ac.nz/__data/assets/pdf_file/0006/149946/JMAD-2017-Report.pdf

JMAD New Zealand Media Ownership Report 2018.

https://www.aut.ac.nz/__data/assets/pdf_file/0013/231511/JMAD-2018-Report.pdf

Edwards, Bryce. Political roundup: Congratulating and condemning media merger rejection. (http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=11851457) (accessed January 15, 2018).

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 the main political parties. The share of private media owners directly or indirectly involved in national and local politics has increased. Formally, private media are often owned by offshore companies or non-transparent investment funds.

Hungary

Score 3

Since the second Orbán government assumed office in 2010, 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. This process continued after the parliamentary elections in April 2018 when Lajos Simicska, an enigmatic oligarch who had fallen out with Orbán in 2015, left the country and dispensed with his media empire. He closed down the daily *Magyar Nemzet*, the radio station *Lánchíd Radio* and the weekly *Heti Válasz*, and sold the news channel *Hír TV*, the most popular rightwing-conservative TV station. There are still some independent media, but they work under very difficult financial and political circumstances and reach only 10% of the overall population. *Klubrádió*, the one and only independent radio station, is on air only in Budapest. *Népszava*, the only national-wide independent daily, has a small circulation. It has been kept alive by government ads in order to serve as a fig leaf. The remaining independent weeklies (*hvg*, *Magyar Narancs* and *168 óra*) address predominantly highly educated urban readers. The internet as a source of information away from state-influenced media has become more and more important. But even free information via the internet is increasingly under threat as bots seek to influence the discourse with fake news and defamation campaigns on behalf of the government.

Turkey

Score 1

Free and independent media is one of the components of non-governmental checks on governmental power. The World Justice Project Rule of Law Index of 2017-2018 ranked Turkey 111th out of 113 countries with a score of 0.30, emphasizing the weakness of governmental accountability, including non-governmental checks on the government's power, such as a free and independent press. In addition to increasing restrictions on media freedom in Turkey, 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). On 21 March 2018, the fragility of independent journalism in Turkey was further shaken with the news that Dogan Media Company, one of the country's leading media groups, had been sold to Demiroren Holding, a pro-government industrial conglomerate. Critics of the government – including media companies, businesspeople and political opponents – argued that this has had a negative effect on the overall business environment. This has sparked concern for media pluralism in Turkey. Most critical private media groups have been turned through opaque or coerced changes in ownership into pro-government trustees by means of the ruling party's direct and indirect pressure.

Bianet Report found that media ownership lacks transparency and no information is available about the concentration of media ownership. The economic interests of media owners constitute a key problem for media freedoms. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners with stakes in other business sectors have still used media coverage to promote their outside business interests. The number of outlets belonging to the so-called pool media (Havuz

Medyası) – media owned by government-allied businesses which the government can use – has expanded. 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.

In 2018, pro-government media outlets (e.g., Sabah and Ahaber, and public broadcaster TRT) polled lowest for public trust among people who were aware of them, whereas more critical media outlets (e.g., FOX, Cumhuriyet and Sözcü) polled highest.

Citation:

European Commission, Turkey 2018 Report, Brussels, 17.4.2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-turkey-report.pdf> (accessed 1 November 2018).

Media Pluralism Monitor Results 2016, Turkey, <http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/turkey/> (accessed 1 November 2017)

Freedom House, Freedom of the Press 2017, https://freedomhouse.org/sites/default/files/FOTP_2017_booklet_FINAL_April28.pdf (accessed 1 November 2018)

BIA Media Monitoring Report 2017: One Year of Journalists, Media, <http://bianet.org/english/politics/194098-bia-media-monitoring-report-2017-one-year-of-journalists-media> (accessed 1 November 2018)

“Turkish Media Group Bought by Pro-Government Conglomerate,” <https://www.nytimes.com/2018/03/21/world/europe/turkey-media-Erdoğan-dogan.html?referer=https://t.co/> (accessed 1 November 2018)

World Justice Project, 2017-2018 Rule of Law Index, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf (accessed 1 November 2018)

Bianet, Media Ownership Monitor in Turkey, <https://turkey.mom-rsf.org/tr/bulgular/gostergeler/#!255aab01a0f9f22f09246334c9edbf8> (accessed 1 November 2018)

S. Yanatma, Reuters Institute Digital News Report 2018 Turkey Supplementary Report, <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2018-11/Digital%20News%20Report%20-%20Turkey%20Supplement%202018%20FINAL.pdf> (accessed 1 November 2018)

Bora Erdem, Avrupa Standartlarına Göre Türkiye’de Basın Özgürlüğü, İstanbul: Cinius Yayınları, 2017.

Ceren Sözeri, “Turkey’s Media Revival: Even in hostile conditions ethics and solidarity can work,” Trust in Ethical Journalism (ed. A White and C. Elliot), <https://ethicaljournalismnetwork.org/wp-content/uploads/2018/04/Trust-in-Ethical-Journalism.pdf> (accessed 1 November 2018)

Indicator Access to Government Information

Question To what extent can citizens obtain official information?

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

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

Estonia

Score 10 The main principles of access to public and official information are laid out in the constitution. Additionally, the Public Information Act (PIA) has been in force since 2001, and the Personal Data Protection Act since 2007. 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.

Because Internet use is 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.

Public access to information must be prompt and straightforward, with restrictions 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. In conjunction with the EU data protection reform (2018), the information requests to DPI regarding personal data protection, especially in the

digital environment, are growing. In order to co-ordinate the development of cross-sectoral data services and ensure compliance with the EU data protection directive, a special council has been established by the DPI at the end of 2017. It includes representatives of government ministries and the Information System Authority.

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. One such document, the so-called Tiitinen's List, continues to be highly controversial. The list was handed over to Finland by West Germany in 1990, and is assumed to contain the names of 18 people who allegedly collaborated with the East German Intelligence and Security Service. However, to date, Finnish authorities have refused to release the document.

Finland was 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 people 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.

In addition, the parliament approved a new Law on Whistleblowing in 2018 (which will come into effect in 2019). The law will enable whistleblowers to expose offences that concern public interests or interests of certain social groups.

Citation:

1. Freedom of Information Act, Available at (in Latvian): <http://www.likumi.lv/doc.php?id=50601>, Last assessed: 04.01.2019

2. Saeima (2018), Saeima adopts Whistleblower Protection Law, Available at: <http://www.saeima.lv/en/news/saeima-news/27315-saeima-adopts-whistleblower-protection-law>, Last assessed: 04.01.2019.

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

The Access to Public Administration Files Act (1985) 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." Exemptions to this framework include matters of criminal justice; access to an authority's internal case material; records of meetings of the Council of State; minutes of meetings of ministers; documents prepared by an authority for use in ministerial 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," related to state security, defense of the realm, protection of Danish foreign policy and Danish external economic interests. This list is rather detailed and open-ended. The act stipulates that requests must be dealt with quickly. If no decision has been made within 10 days, authorities must inform inquiring parties as to why their request has been delayed and when they can expect a decision.

The new Access to Public Administration Act in 2014 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.

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 18 June 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).

Helle Krunke, “Freedom of Information and Open Government in Denmark,” <http://ojs.imodev.org/index.php/RIGO/article/view/9/70> (Accessed 16 October 2017).

“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).

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, 2016 and 2018, 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 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 residents 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.

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 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 European 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:

Andersson, Ulrika, Anders Carlander, Elina Lindgren, Maria Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

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.

Citation:

Eveline Huegli, Marius Féraud (2014). *Evaluation des Bundesgesetzes über das Öffentlichkeitsprinzip der Verwaltung (BGÖ). Schlussbericht im Auftrag des Bundesamts für Justiz*. Bern: Büro Vatter.

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 (gov.uk) and it is clear that the government now regards the provision of information as a high priority. It is noteworthy that the United Kingdom 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 United Kingdom 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>

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 version of the Austrian Information Act was discussed in parliament but failed to be adopted.

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, thanks in particular to later amendments to the act. In October 2013, 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. More than 80% of the 5,900 distinct public authorities now submit the required regular reports on the enforcement of the act and about 85% have an information officer in charge of handling information requests. Transparency is lower at the local and regional level and in the case of public companies. In 2017, Croatian citizens submitted 22,226 requests for access to information. Their requests were met – fully or partially – in 85% of the cases. However, violations are rarely penalized. Commissioner Musa and others have criticized the fact that court procedures have been cumbersome, and courts have rarely passed verdicts against public authorities.

Czechia

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. Most ministries and larger public bodies now include a special section with information provided upon request. The overall transparency improved significantly.

However, there are still difficulties in access within many municipalities, mainly due to their lack of capacity. Still, 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. One example of important new initiatives is the "Right to Information" program started in 2017 by the NGO

Open Society (Otevrena Spolecnost) and co-funded by the Ministry of Interior. It has praised some public offices for openness and criticized, among others, the Chamber of Deputies and the Office of the President. Under the Babiš government, the request for information on the distribution of EU funds and public contracts has increased as a result of the concerted effort by civil society and the opposition, especially the Pirate Party.

Germany

Score 8

The Freedom of Information Act took effect in 2006. The act defines what government information is publicly available. In his 26th Activity Report, covering the period 2016 to 2017, Federal Commissioner for Data Protection and Freedom of Information (BfDI), Andrea Voßhoff, acknowledges that nearly 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 2018, Andrea Voßhoff concluded that citizens are increasingly making use of their rights and that federal authorities do no longer regard the information right of citizens as a nuisance but as a significant element of a civil society. More than 20,000 citizens turned to the BfDI concerning complaints and questions. The main activity of the BfDI and government was the adjustment of the national laws to the new Data Protection Directive of the European Union from May 2016. However, the national law did not strengthen the BfDI and its federal commissioner which was expected to be one of the main points in translating the EU directive into national law (BfDI 2018b).

Citation:

BfDI (2018a): 6. Tätigkeitsbericht zur Informationsfreiheit 2016 und 2017.

https://www.bfdi.bund.de/SharedDocs/Publikationen/Taetigkeitsberichte/TB_IFG/6TB06_18.html;jsessionid=8F278CD43752856CC559CFBB167B372D.2_cid329?nn=5217154

BfDI (2018b): Pressemitteilung 07/2018 zum 6. Tätigkeitsbericht:
https://www.bfdi.bund.de/DE/Infothek/Pressemitteilungen/2017/12_UebergabeTB_15_16.html

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. Officials are required to make declarations of their assets and income public. 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, Symvoulío 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.

A law passed in July 2010, known as *Diavgeia* (clarity), required all public authorities to upload to an electronic platform all administrative acts, laws, decrees and circular. Thus, the scope of access to official information was drastically expanded. 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. Since then no significant changes have been observed in this policy area.

Citation:

The four most important laws regulating access to information are Law 1599/1986, Law 3448/2006, Law 3861/2010 (the "*Diavgeia*" law), 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. In 2105, almost 28,000 freedom of information requests were made to public bodies, with about 20% coming from journalists.

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 on-shoring 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)

Office of the Information Commissioner, 2016. Annual Report 2015. Dublin: Stationary Office.

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, an analysis issued by the Israel Democracy Institute in 2008 stated that the restrictions are within reason and do not prevent the law from achieving its main goal (i.e., 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-entity databases. The implementation of this law is enforced by the registrar of databases in the Ministry of Justice and petitioners can appeal to the courts if they find that government practice does not accord with the law.

In 2011, government decision No. 2950 established a designated unit for freedom of information in the Ministry of Justice. The unit is also n charged with implementing OECD guidelines for managing and sharing information. As part of its mandate, the unit publishes a yearly progress report. According to the unit, 6,659 applications were received in 2016, while 63% of applications received a reply within the legal 30-day period. According to the report, in 2016 the unit disclosed classified correspondence and documentation for the first time, following a request from the official investigation committee into the Yemen children affair.

In 2016, the government announced it was launching a program designed to open all governmental databases to the public. By May 2018, 1,085 databases have been mapped and uploaded by governmental offices, most of them open to the public. This step contributes to the ongoing policy of increasing transparency by expanding the authority of the Governmental Unit for Freedom of Information and financing projects undertaken by the unit.

Citation:

“About the unit for freedom of information,” The Ministry of Justice website: <http://index.justice.gov.il/Units/YechidatChofeshHameyda/About/Pages/OdotHayechida.aspx> (Hebrew)

“Annual Report of the unit for freedom of information: 2016,” The Ministry of Justice website: <http://www.justice.gov.il/Units/YechidatChofeshHameyda/PeilotHayehida/DohotHayhida/ReportYears/Pages/report2016.aspx>

“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 Government approved today the publication of all governmental databases” <http://www.themarker.com/news/politics/1.3053541> (Hebrew)

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

Government ICT Authority: Open Government Action Plan for 2018-2019, <http://yoursay.gov.il/cio/File/Index/nap3english/>

New Zealand

Score 8

Access to government information is regulated by the Official Information Act 1982, which has been reviewed several times. 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 for how queries are handled by public bodies, including a time frame of 20 working days to respond. The Office of the Ombudsman reviews denials of access upon request. Following a number of precedent-setting decisions by the office in recent years, access to official information is now far-reaching, including access to politically sensitive communications between political advisers and ministers as soon as these communications are made. According to the Chief Ombudsman, the number of Official Information Act (OIA) complaints made to the Ombudsman had increased by 30% in the first half of 2018 compared to the equivalent 2016 period (OIA complaints data, covering the six months to December 2018, will be released in March 2019). Most of the complaints were in respect of agencies refusing or delaying their responses to requests.

The OIA scores 94 out of 150 according to the Global Right to Information (RTI) rating, and is the highest among developed, English-speaking countries. However, government agencies have been criticized for taking longer periods of time to respond to information requests than allowed by the OIA. Compliance by agencies and ministers with OIA continues to be a public concern. The independent authority, the Office of the Chief Ombudsman, publishes biannual data on OIA complaints against ministers and agencies. The previous IRM report recommended reforming the OIA to improve public access to information. Commitment 2 in the current action plan focuses on improving government agency practices around requests for official information, but the action plan falls short of addressing a comprehensive reform of the law.

Citation:

StatsNZ. 2018. Official Information Act requests. <https://www.stats.govt.nz/about-us/official-information-act-requests/#responses>

Ombudsman 2018. OIA complaints data. <http://www.ombudsman.parliament.nz/resources-and-publications/oia-complaints-data>

RTI 2018. http://www.rti-rating.org/view_country/?country_name=New%20Zealand.

David Fisher, 'Government needs to live by the spirit of the Official Information Act,' NZ Herald, 26 October 2017, www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11937072.

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 federal financial or property interests; documents relating to business affairs or research; and documents affecting the national economy.

Ministers were 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 federal/state relations. These certificates could not be reviewed at any appeal.

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

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

Citation:

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

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

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

Belgium

Score 7

While there is no law that directly addresses freedom of information, access to official information is in general granted and is supposed to be provided without impediment (Belgium was one of the signatories of the Convention on Access to Official Documents in 2009). 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), which is additionally characterized by ineffective sharing and aggregation of information across all levels.

As a researcher, it is often difficult to determine how to gain access to information. To take just 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 conditions).

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. It ensures a high level of access for citizens to government information and refusals to provide information can be appealed in court. 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. The most common excuse for refusing to release 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.

Citation:

Access to Information Programme Foundation (2018): Access to information in Bulgaria in 2017. Sofia (http://store.aip-bg.org/publications/ann_rep_eng/2017/2017_FINAL.pdf).

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. The 2017 Freedom of Information Audit by News Media assigned an F for disclosure of information, stating that the system for requesting and accessing government documents is slow and inefficient, and that very few requests are granted in a timely manner. Although the law does provide for access to much of the Canadian government's documents, there are grounds to black-out or redact many requests, and many government agencies do not fall under the act. In general, there is reluctance on the part of political and bureaucratic officials to release information that places 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.

In a recent report by the Canadian-based Centre for Law and Democracy and Madrid-based Access Info Europe, Canada's access to information legislation was

ranked 49 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. Stanley Tromp argued that the federal government has failed to reform the legislation sufficiently over time to respond to implementation problems, and incorporate new and progressive developments in the sector.

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, including updating the Access to Information Act and streamlining the process of requesting information. Although the government has eliminated most fees related to Access to Information requests, government departments and agencies continue to be reluctant to grant requests. A bill currently before Senate to revamp the Access to Information Act (Bill C-58) has proven to be controversial: On the one hand, it will expand the power of the information commissioner, enabling the officer to order the release of government documents. On the other hand, the right to information would not apply to the Prime Minister’s Office or other ministerial offices. Government institutions could also decline a request if it concerns a large number of records, is deemed to be made in “bad faith” or would interfere with government operations.

Citation:

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>

News Media Canada (2017) 2017 Freedom of Information Audit, posted at <https://nmc-mic.ca/public-affairs/freedom-of-information/2017-freedom-information-audit/>

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

Office of the Information Commissioner, Annual Report, 2016-2017, June 2017, http://www.oic-ci.gc.ca/eng/rapport-annuel-annual-report_2016-2017_1.aspx

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

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 ten 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 200 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. The current government of Sebastián Piñera presented a law proposal (Ley de Transparencia 2.0) to facilitate access to the laws. Although the Transparency Law (Ley de Transparencia) leaves very little room for administrative interpretation, there have been cases of negligence regarding access to and publication of relevant information.

Citation:

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

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

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

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

<http://www.elmostrador.cl/noticias/pais/2018/08/24/ley-de-transparencia-2-0-de-pinera-incluirea-levantar-la-reserva-de-casi-200-leyes-secretas/>

<https://www.consejotransparencia.cl/a-un-ano-de-la-publicacion-de-la-ley-reservada-del-cobre-aun-existen-199-leyes-secretas-en-nuestro-pais/>

France

Score 7

The right of access to information is solidly assured since it 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 members of parliament but divulging the information is considered a criminal offense. It is a telling illustration of the reluctance to set up a full transparency policy. In general, a large range of governmental (or public bodies') information, including official drafts, reports and audits, are freely

accessible via the internet. Beyond the legal rules, two media outlets (Canard enchaîné and Mediapart) have specialized in leaking information that public authorities would prefer to keep secret. This has become an important part of the transparency process, but it has had the disadvantage of creating an atmosphere of permanent scandal, sometimes in relation to petty or quasi-ridiculous issues.

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 national and local. Access has been made easier and more 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, makes an annual report to parliament. Though the publication of these reports is usually delayed by at least a year. The most recent report for 2016 identified a continuing increase in and 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/foia-7>

<http://www.commissioneaccesso.it/media/56634/relazione%20al%20parlamento%202016.pdf>

Netherlands

Score 7

The Government Information (Public Access) Act (WOB) 1991 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, civil servants at the national level and in municipal governments continue to strongly oppose the new government transparency bill. The new bill still awaits approval from the Senate. In 2018, the High Council of State tightened its rulings by more clearly defining when privacy protection (e.g., names of civil servants) and personal policy views expressed during governmental deliberations could be considered appropriate justifications for withholding information. The latter ruling pertains to politically salient, post-election cabinet formation negotiations.

Citation:

“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)

NRC-Handelsblad, “De moeizame weg naar open overheid,” 6 October 2017

J. Keur, Raad van State scherpt rechtspraak aan over toepassing van de Wet openbaarheid van bestuur, 22 February 2018 (Dirkzwager advocaten en notarissen N.N., accessed 25 October 2018)

Volkskrant, Hoeveel helderheid geeft de Wet Openbaarheid Bestuur nu eigenlijk?, 25 April, 2018 (volkskrant.nl., accessed 25 October 2018)

Portugal

Score 7

Free and readily available access to official information is guaranteed by Article 48, subsection 2 of the 1976 constitution, and mechanisms exist to ensure that this does in fact happen. There are extensive legal provisions 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 virtually all official information and requirements such as permits and licenses online. This information can be readily accessed through home computers and without cost 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.

The access to government documents is guaranteed in the following law:

Law number 26/2016 – Diário da República No. 160/2016, Série I de 2016

At the local level, the population generally has access to government information, documents and more through freely available computers at the local library or at government offices.

However, it should also be noted that, while information is available, it is often not well organized. Moreover, it is often not clear even to educated citizens, let alone to citizens with lower educational attainments. This renders citizens' de facto ability to obtain information less expansive than their de jure ability.

Citation:

Lei n.º 26/2016 – Diário da República n.º 160/2016, Série I de 2016

Slovakia

Score 7

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. After the 2016 elections, Lucia Žitňanská, the minister of justice in the third Fico government who resigned after the murder of Ján Kuciak, prepared a draft amendment that incorporated most of these recommendations. However, the Pellegrini government has not pursued the issue.

Citation:

Školkay, 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/>).

Spain

Score 7

The first specific law enabling free and easy access to government information in Spain is only five years old. Despite being new, this legislation establishes some limits to the freedom of information, and Spain still scores comparatively low for three reasons: 1) some institutions (including the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, and 3) the oversight body (the so-called Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information) is not fully independent, and remains understaffed. For several reasons, including the fact that most data is available only upon request, citizens make limited use of the ability to request information.

Nevertheless, since 2013, access to government information has improved significantly, largely thanks to public policies being given a higher degree of transparency. For example, at the end of 2017, the minutes of the Council of Ministers meetings for the period 1996 – 2017 were made available to the public, the first time this had been done in the country's democratic history.

Citation:
access-info,
<https://www.access-info.org>

Las Actas del Consejo de Ministros publicadas por primera vez en España <https://www.access-info.org/es/frontpage-es/30077>

United States

Score 7

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 Obama White House reported that it had reduced FOIA request backlogs and denied fewer requests than the preceding Republican administration. Moreover, the Obama administration generally responded to requests from Congress for internal documents, making fewer claims of “executive privilege.” Both as candidate and president, Trump has refused to disclose his income tax filings – a departure from the nearly consistent practice of the last half-century. His agencies refused to provide information on past lobbying activities to the Office of Government Ethics, which was legally responsible for examining the information to guard against conflicts of interest. In 2017, lawsuits seeking to force responses to FOIA requests surged by 26% over the previous year, indicating an apparent sharp increase in noncompliance.

Citation:

<https://www.newyorker.com/news/ryan-lizza/how-trump-broke-the-office-of-government-ethics>

Iceland

Score 6

The 1997 Information Act (Upplýsingalög), revised in 2012, aims to guarantee the right of access 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.

Governments have proved to be 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. There have been several other recent scandals involving information withheld from the public. One such scandal led to the collapse of the coalition government of Benediktsson in 2017.

During 2018, an opposition member of parliament from the Pirate Party managed to compel the parliament to disclose information regarding parliament's reimbursement of members of parliament's expense claims (e.g., travel costs). Parliament's failure to ratify the constitution bill, approved in the 2012 national referendum, can be

viewed in the light of the bill's provisions on transparency, freedom of information and protection of whistleblowers – reforms that many politicians continue to resist.

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.

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.

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.

South Korea’s score in the Open Data Barometer improved to 72 (out of 100) in 2017, compared to 62 the year before (though the more recent score was based on a new methodology). In the implementation section, Korea obtained 90 out of 100 points for having a detailed government budget, but only 5 points with regard to publishing detailed data on government spending. It received 50 points in the legislative category. The National Assembly has proved reluctant to disclose information about its spending, a fact that has triggered considerable public criticism.

Citation:

Article 19. Country Report: The Right to Information in South Korea. January 21, 2016.

<https://www.article19.org/resources.php/resource/38242/en/country-report:-the-right-to-information-in-south-korea>

Open Data Barometer, World Wide Web Foundation. Global Rankings 2017.

<http://opendatabarometer.org/2ndEdition/analysis/rankings.html>

Open Data Barometer, World Wide Web Foundation. Country Detail: Korea. <http://opendatabarometer.org/>

Japan

Score 5

Japan’s Act on Access to Information held by Administrative Organs came into effect in 2001, followed in 2002 by the Act on Access to Information held by Independent Administrative Agencies. The 2011 Public Records Act provides the basis for information access in Japan. In legal terms, Japan is among the leaders with respect to open-government information policies, according to the OECD’s 2017 OURdata index.

However, a number of issues remain. Various exemptions apply, for instance with respect to information regarding specific individuals, national security issues or confidential business matters. Claims can be denied and the head of the agency involved has considerable discretion. Appeals are possible but only in court, which involves a very burdensome process.

In a case highly publicized in 2017, the process through which a right-wing private school in Osaka, Moritomo Gakuen, had received public land came under scrutiny. The Ministry of Finance had designated almost all relevant files as requiring preservation for less than one year, and had accordingly destroyed them.

During the reporting period, controversial cases emerged in a number of fields, underlining the inadequacy of existing rules. In the course of a panel discussion, representatives of the Ministry of Internal Affairs and Communications denied the existence of certain records requested by a newspaper, although they did in fact exist. The Defense Ministry had to concede the existence of a number of records relating to the engagement of the Self Defense Forces in Iraq, which had previously been deemed to be missing. Moreover, it became known that ministries had given some

documents obscure names to make it more difficult for the public to obtain information.

The controversial 2014 State Secrets Law gives ministries and major agencies 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 10 years in prison, and even trying to obtain secrets can result in jail terms of up to five years. Critics argue that governments may be tempted to misuse this 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. A total of 444,000 public documents were destroyed in 2016 under a loophole in the Secrets Law applying to short-term measures lasting less than one year. While new, somewhat stricter rules were introduced in April 2018, their value is doubtful, as the process remains under government control.

Citation:

Lawrence Repeta, Backstory of Abe's Snap Election – the Secrets of Moritomo, Kake and the “Missing” Japan SDF Activity Logs, *The Asia-Pacific Journal/Japan Focus*, Vol. 15, Issue 20, No. 6, 15 October 2017

State Secrets being shredded under legal loophole in divisive 2014 law, *The Japan Times*, 4 May 2017, <https://www.japantimes.co.jp/news/2017/05/04/national/politics-diplomacy/state-secrets-shredded-legal-loophole-divisive-2014-law/>

N.N., Ministry excluded panel discussion records from freedom of information request, *The Mainichi* 21 July 2018, <https://mainichi.jp/english/articles/20180721/p2a/00m/0na/018000c>

Daisuke Kikuchi, Defense Minister Itsunori Onodera announces a fresh set of SDF logs from Iraq have been found in growing scandal, *The Japan Times*, 6 April 2018, <https://www.japantimes.co.jp/news/2018/04/06/national/politics-diplomacy/defense-minister-itsunori-onodera-announces-fresh-set-sdf-logs-iraq-found-growing-scandal/>

N.N., Deliberately obscure gov't file names leave Japan's National Archives at a loss, *The Mainichi*, 6 August 2018, <https://mainichi.jp/english/articles/20180806/p2a/00m/0na/030000c>

Jiji, New rules on managing public documents take effect amid Moritomo scandal but critics demand more safeguards, *The Japan Times*, 1 April 2018, <https://www.japantimes.co.jp/news/2018/04/01/national/politics-diplomacy/new-rules-managing-public-documents-take-effect-amid-moritomo-scandal-critics-demand-safeguards/>

Luxembourg

Score 5

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.

Media professionals need their own right of access to public information, which is enshrined in the Press Act. Prime Minister Bettel's circular letter in 2016 to the state administration on who is allowed to answer media inquiries and thus filter communication with the media – the “Circulaire Bettel” – did not help the media, because it was too complicated.

The journalist Dhiraj Sabharwal complained in May 2018: “If someone wants to talk with the employee of a state administration, journalists lose their time and the direct access to officials, due to the so-called Circulaire Bettel, because these may communicate only through the press secretary. Their job profile once again contradicts professional journalism: Not truth search is the task of the growing PR Armadas from politics and economics, but the professional advocacy with the license to conceal, twist, simplify and, if necessary, to lie. Also popular: For critical inquiries, interviews and reactions from ministers are simply rejected or approved for only less than five minutes of talk time.”

Citation:

“Zeit, sich zu wehren.” Tageblatt 3 May 2018. <http://www.tageblatt.lu/headlines/zeit-sich-zu-wehren/> Accessed 22 Oct. 2018.

Association luxembourgeoise des journalistes, www.journalist.lu. Accessed 22 Feb. 2018.

“Presse écrite.” Le portail officiel du Grand-Duché de Luxembourg, www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/. Accessed 22 Oct. 2018.

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. Accessed 22 Oct. 2018.

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 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 Ayotzinapa in the state of Guerrero, and the frustrated efforts by an international committee to investigate the role federal and local authorities and security forces played in their disappearance, is a case in point. The incoming president, Andrés Manuel López Obrador, has promised a truth committee to shed light on the event.

Cyprus

Score 4

In December 2017, the parliament approved a law “to regulate the right of access to information in the public service.” The law aimed at creating a comprehensive framework that would, among others, solve challenges with existing rules. References to the right to information are found in the constitutional clause on free

expression (Article 19) and in laws on personal-data processing, access to environmental data, the reuse of public sector information, the public service, the press, and others. Article 67 of the Law on Public Service (L. 1/1990) prohibits the disclosure without authorization of any information that comes to the knowledge of employees during the exercise of their duties. The absence of coherent legislation has resulted in contradictory policies from government officials, which ultimately is limiting transparency and constraining citizens' rights.

Some of the aforementioned laws provide for mechanisms for administrative appeal 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 the courts.

The adoption of the 2017 law is a positive step. A full evaluation will be possible in our next report as article 55 provides for the law's entry into force one year after its publication in the official gazette (i.e., late December 2018).

Citation:

1. Press report, NGO calls for FOI fees to be axed, <http://cyprus-mail.com/2017/02/18/ngo-calls-foi-fees-axed/>
2. The Law to regulate access to information in the public service, L. 184(I)/2017, in Greek, http://cylaw.org/nomoi/enop/non-ind/2017_1_184/full.html

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 Orbán governments 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. 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, 444.hu and index.hu) have regularly published categorized government information. Providing day-to-day information on fake government deals (“mutyimondó”) has become a new feature of the opposition online media. As a reaction, the government has tried to raise fees substantially for 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. While this may be justified in some cases, it might undermine 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. The 2017 Media Pluralism Monitor assigned Malta a 56% risk rating in this area. The report stated that this rating was in part a result of the weakness of legislation protecting whistle-blowers, since the law offers no protection if such individuals fail to try internal reporting procedures first, or if they report to the press or other media. Between 2015 and 2017, government ministries received 402 requests under the Freedom of Information Act from media houses and members of the public. A total of 54% of these requests were upheld in full or in part.

Citation:

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 Times of Malta 30/11/17 Over 400 Freedom of information requests in 3 years

Turkey

Score 4

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. Most public offices have a department that deals with access to information requests. These requests can be made in person or electronically.

Access to information rights and complaint mechanisms are not used effectively. A total of 1.807 million applications for information based on Law 4982 were submitted to public institutions in 2017. According to official information, 80% of requests resulted in the full provision of the requested information, 6.3% resulted in

partial information or a negative response, and 6.4% were rejected. Of the rejected applications, 797 were taken to court on appeal. A total of 15,872 applications were found to concern state secrets or private issues, while 101,057 applications were referred to other organizations. The government's annual report on access to information requests does not include details about the subject of the applications.

The Board of Review for Access to Information, which is attached to the presidency, examines administrative decisions rendered under Law No. 4982 (Articles 6 and 17). The board received a total of 2,020 objection applications in 2017. Of the applications, the board rejected 1,534 because the relevant public institutions had provided a proper response to the applicants and nine because there was no need to respond. Of the applications, 101 were accepted, 134 of were partially accepted and 184 procedurally accepted.

In addition to the right to petition (Law 3071), the Prime Minister's Communication Center (BİMER) has received public complaints, requests, denunciation and opinions since 2006. The center has received more than two million complaints, over one million of which were about public and private sector employees. Following the abolishment of the PMO in July 2018, BİMER was united with CİMER (Presidential Communication Center) on 10 July 2018. Since the beginning of 2018, the centers have received a combined 2.8 million applications, of which 2.4 million were referred to the relevant institutions and responded.

Citation:

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