



Access to Information Report

Media Freedom, Media Pluralism, Access to Government Information

Sustainable Governance Indicators 2020

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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 five represent different political parties that hold seats in the national parliament. Members of the ERR Council are elected for five years (members of parliament 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 2019, Estonia ranked 11 out of 180 countries, which is one rank higher compared to the previous year.

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 the country was ranked third in 2017 and fourth in 2018, it climbed to second place in 2019, trailing behind Norway. 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 avoided interfering with press freedoms, although a few exceptions to this rule have occurred in recent years. At the end of 2016, prominent journalists at YLE, the national broadcaster, 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 were 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 August 2019, Finland's Supreme Court 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>

https://yle.fi/uutiset/osasto/news/supreme_court_upholds_legality_of_hs_journalists_home_search/10920367

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, U., A. Carlander, E. Lindgren, M. Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

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

SOU 2017:79 *Finansiering av public service – för ökad stabilitet, legitimitet och stärkt oberoende* (<https://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 budget has recently been cut by 20% and the financing model is being changed 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 same government also announced that TV2 should be fully privatized. Licenses for radio stations have been contested and the recent closure of the channel 24/7 has increased debate.

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, and the murder of Swedish journalist Kim Wall by the inventor Peter Madsen in 2017.

Citation:

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

Zahle, Dansk forfatningsret 3: Menneskerettigheder. Copenhagen: Christian Ejlertsen's 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’ 2019 Press Freedom Index, Lithuania was ranked 30th out of 180 countries on the issue of press freedom, a rise of six positions compared to 2018. Despite this generally positive situation, court decisions and

prosecutors' orders are sometimes a threat to media independence. 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, but new legislative proposals were later introduced to implement them. 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:

2019 WORLD PRESS FREEDOM INDEX, see <https://rsf.org/en/lithuania>

New Zealand

Score 9

New Zealand performs well in terms of media independence. In the 2019 World Press Freedom Index – published by Reporters Without Borders – New Zealand is ranked seventh, up one place on 2019. The report highlights that “its independence and pluralism are often undermined by the profit imperatives of media groups trying to cut costs.” However, the media is considered to be free from political pressure and intervention. This assessment also applies to state-owned broadcast networks: Television New Zealand (TVNZ) and Radio New Zealand (RNZ). Despite being identified as a public broadcaster, TVNZ is fully commercially funded. The question of whether to make TVNZ non-commercial or steer it toward a more public service-oriented role keeps coming up in the political debate. The two major print and online

media providers sought to merge but this was twice denied by the Commerce Commission, with concerns about democracy cited as one of the reasons.

Citation:

Anthony, Government working to “strengthen public media,” but will TVNZ remove ads?, Stuff (<https://www.stuff.co.nz/business/industries/115127719/government-working-to-strengthen-public-media-but-will-tvz-remove-ads>)

Reporters Without Borders, New Zealand: Press freedom threatened by business imperatives (<https://rsf.org/en/new-zealand>)

Norway

Score 9

The media market and media consumption behaviors are rapidly changing in a country that has a very high digital penetration.

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 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.

All TV channels and media outlets have developed digital platforms. Increased numbers of 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 platforms. 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 undermine its ability to engage in high-quality reporting while fostering and building informed public debate.

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, 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. In its last edition (2017), 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 stated that the level of violence and harassment faced by journalists covering protests had significantly decreased in recent years. However, this might have changed in the context of the October 2019 demonstrations. 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 2019, published by the international NGO Reporters Without Borders, ranked Chile at 46th place out of 180 countries, a significant drop of eight places compared to the previous year. The report states that 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 is consequently closer to business and 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. Since 2016, the law governing the work of Germany's foreign intelligence agency (BND) has allowed the surveillance of foreign journalists, thus legalizing potential infringements of media freedom rather than preventing them. A constitutional complaint against this regulation was still pending at the Federal Constitutional Court during the period of observation.

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 published in 2019, Germany was ranked 13th out of 180 countries, a slight improvement from previous years, but representing a slight decline since its best ranking of 12th place in 2015.

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

Citation:

World Press Freedom Index 2019. Available online: <https://rsf.org/en/ranking>

South Korea

Score 8

In the 2019 World Press Freedom Index compiled by the Paris-based Reporters Without Borders, Korea gained two places relative to the previous year, reaching rank 41. However, some issues remain problematic. For example, Reporters without Borders criticizes the system by which managers are appointed at public broadcasters. Editorial independence is also underdeveloped at many outlets. Public

broadcaster KBS was accused of preventing journalists from reporting critically on President Moon's appointment of Cho Kuk as justice minister. Furthermore, Korea has very problematic anti-defamation laws that can result in harsh prison terms for those convicted of defamation – even if the statements are true – if the statements are seen as being contrary to “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.

Citation:

Freedom on the Net 2018, <https://freedomhouse.org/report/freedom-net/2018/south-korea>

Cho, Sang-hun. 2018. “South Korea Declares War on “Fake News,” Worrying Government Critics.” *The New York Times*, October 2. Retrieved October 13, 2018 (<https://www.nytimes.com/2018/10/02/world/asia/south-korea-fake-news.html>).

Yonhap News. 2019. “S. Korea climbs again in press-freedom index.” Retrieved from <https://en.yna.co.kr/view/AEN20190418006000315>.

Reporters Without Borders. 2019. “South Korea: Distinct Improvement after a bad decade.” Retrieved from <https://rsf.org/en/south-korea>.

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>

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 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 are 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. During the 2019 election campaign, the role of the media and media independence was fiercely debated.

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.

Under the 2017 – 2019 coalition government, the FPÖ adopted an openly confrontational, even hostile, approach to some media outlets, especially vis-à-vis the public broadcaster ORF. FPÖ politicians accused the ORF of not being "objective." In contrast, most other parties (especially opposition parties) and most media outlets perceived this hostile attitude as a threat to the independence of the ORF in particular and of the media in general.

The openness of that hostile attitude came into the open due to the "Ibiza scandal" when the then FPÖ chairman, Heinz-Christian Strache, tried to convince a (fake)

Russian “oligarch” to buy the leading daily newspaper “Krone” – a change of ownership which would have immediately resulted in an editorial policy shift in the interest of the FPÖ. Strache referred to journalists, in this secretly filmed video, as “prostitutes.” The “Ibiza scandal” reflected an attitude incompatible with the written and unwritten rules of a democracy based on media freedom and plurality. However, the “Ibiza video” resulted in the collapse of the coalition, and in the following elections the FPÖ lost a significant (but not dramatic) number of votes and seats in parliament.

Citation:

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

Frederik Obermaier, Bastian Obermayer: “Die Ibiza-Affäre. Innensicht eines Skandals. Wie wir die geheimen Pläne von Rechtspopulisten enttannten und darüber die österreichische Regierung stürzte.” Köln 2019 (Kiepenheuer&Witsch)

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, as well as between legal independence and 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 porous nature of the barrier between the media and political worlds, as well as the fact that most daily and weekly newspapers are owned by large business interests. As an exception, the daily *Le Monde* newspaper was in September 2019 able to agree with its main stakeholders that the publication’s journalists’ organization would wield veto power if a single investor were to attempt to take a majority share in the company.

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.

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. They sold the paper in 2019. Meanwhile, Iceland's second largest daily newspaper is partly owned by fishing magnates. 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 (RÚV) of bias against the government in their news reporting, partly because RÚV played an important role in exposing political scandals. Despite criticism that Iceland lacks a strong, independent media, the position of those seeking to dominate the media has been considerably weakened by the advent of online social media platforms.

Citation:

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

Statistics Iceland (Hagstofa Íslands) www.statice.is

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 increased the powers of the CEO while reducing the powers of the board, which has typically comprised representatives of the main political parties. This somewhat reduced political parties' direct influence over RAI, but can result in increased government influence. The Conte governments have not differed substantially from previous governments, continuing to exercise a significant influence over 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, though almost all newspapers and a number of online media organizations 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 which primarily benefit the country's two big newspapers.

However, the Luxembourg Press Council says journalists critical of the government sometimes have to fear "legal proceedings and intimidation." Furthermore, Raphael Kies of the 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 receives a poor rating. According to the law, all press organs are once a year obliged to publish the names of any shareholders that hold more than 25% of their total shares. However, 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 over whether the public service broadcaster (Radio 100.7) in Luxembourg was independent. A study published by the European Broadcasting Union called the broadcaster's independence partially into doubt, arguing that 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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Bumb, Christoph: "Parteien und Presse in Luxemburg – Der politisch-mediale Komplex." <https://www.reporter.lu/der-politisch-mediale-komplex/> Accessed 20 Oct. 2019.

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 at fourth place out of 180 countries, one rank down from the

previous year, and below Norway, Finland and Sweden. The somewhat lower ranking results from the way that right-wing populist parties treat journalists (e.g., questioning the legitimacy of the traditional media and restricting targeted journalists' access to political meetings), as well as from internet-based smear campaigns against reporters, particularly women who are not native-born Dutch. As a consequence, the report argues, Dutch journalists practice self-censorship on sensitive issues such as immigration, race, Islam and the ostensible national character. However, by international standards, journalists in the Netherlands are free from governmental interference. For example, their right to protect their sources even when called upon as witnesses in criminal cases is usually formally upheld.

Public-broadcast programming is produced by a variety of civil 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. At the time of writing, this board was not yet functioning due to as yet unresolved internal disagreements. 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 has led to controversy around television celebrities' salaries in public broadcasting, and blurred boundaries between "information" and "infotainment." The bill has been criticized for failing to take broadcasters' financial needs into account, and critics have argued that younger people and non-Dutch population groups will no longer be served by the public broadcasting system. Currently, broadcasting is both privately funded through advertisements and publicly funded. Regional broadcasters have been subject to budget cuts that have left them in fragile health, and will need to collaborate to survive. Politically, the existence of a public broadcasting system is becoming an increasingly contested issue. At least four different scenarios for the future of the public broadcasting system are under discussion.

Citation:

Freedom of the Press 2019, Dutch Country Report, Freedom House (rsf.org, accessed 3 November 2019)
NRC-Handelsblad, 27 November 2018. Vier publieke omroepen: welke wordt het?

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.

Spain

Score 7

Spain has a diverse and free media. Though the approval of new laws, which can constrain media freedom, combined with Spain’s struggling economy have created difficulties for journalists in recent years. Moreover, there is a high degree of public concern about the dissemination of false information.

The public TV and radio network (RTVE) have been criticized for its lack of impartiality and credibility. Under the new multiparty scenario, all parties 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 PSOE government appointed 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. At the time of writing, no president has been appointed 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).

Citation:

Freedom House (2018), Press 2017 report. - <https://freedomhouse.org/report/freedom-press/freedom-press-2017>

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. 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.

Both in his presidential campaign and as president, Trump has threatened news organizations in various ways for their critical coverage of him, which he dismisses, nearly always falsely, as “fake news.” Throughout 2018, there were 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. He has persistently attacked the mainstream media, falsely accusing them of corruption and dishonesty, referring to them as “enemies of people.” In 2019, the Trump administration withheld a \$10 billion military contract for cloud services from Amazon in an apparent attempt to retaliate against owner Jeff Bezos, who also owns the Washington Post and which has published several reports critical of the president.

The vast majority of the news media have not been intimidated by Trump’s attacks or threats, which have become more or less ceaseless at this writing.

Australia

Score 6

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 has mainly been restricted to material of a violent or sexual nature. However, there are 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. Various pieces of recently passed legislation also impinge on media freedom. 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 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. Further, the Data Retention Act makes it almost impossible for journalists to protect government sources; the Foreign Fighters Act potentially criminalizes stories covering militant extremists; and the most recently passed measure, the Foreign Interference and Espionage Act, significantly broadens the scope of information defined as “classified.” The implications of these pieces of legislation for media freedom have not yet been tested in court, although two cases are pending that will most certainly shed further light on this issue.

Recent events have shown that the government is prepared to use these laws to restrict media freedom. Federal police raids on journalists’ homes and media offices have clearly been driven by political motives rather than by national-security concerns. This has given rise to a concerted campaign by journalists and media

organizations for changes to legislation that would protect the media and whistleblowers, with proponents arguing that the country's democratic functioning is at stake. In response to raids on a journalist's home and the offices of the ABC, Australian newspapers appeared with blackened front pages in October 2019.

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://pressfreedom.org.au/the-publics-right-to-know-3aee204f9036>

<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>

<https://www.bbc.com/news/world-australia-50119559>

Cyprus

Score 6

Efforts by the government to influence the media appear to have intensified since 2017. This is visible in the treatment of third party reports or statements critical of the president and government. Formal and informal relations between the government, journalists and media owners have intensified through appointments to political positions or in the governing boards of semi-state organizations. NGOs have noted a tendency of some media to be indulgent to the government, a phenomenon they consider as a threat to democracy.

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. 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.

RIK, the public broadcaster, is a public entity governed by a board appointed by the Council of Ministers. Appointments to this body are often politically motivated and very often include party officials. Disagreement from political parties with a government decision to ban advertising on RIK increased budgetary pressures for RIK in 2019. 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 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 mandate. The CRTA has extensive powers and a broadly independent status. Though no high-level party official can be a member or chairperson of the CRTA, appointments by the Council of Ministers are often politically motivated rather than

based on expertise or competence. The regulatory role of the CRTA has been very limited over the years.

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

Citation:

1. OPEK: A blow to democracy the control of media by the executive (in Greek), Politis, 12 July 2019, <https://politis.com.cy/politis-news/kypros/opek-pligma-gia-ti-dimokratia-o-elegchos-ton-mme-apo-tin-ektelestiki-exoysia/>

2. Reporters without borders, Cyprus <https://rsf.org/en/cyprus>

3. Auditor-general has abused his position yet again in attack on Cyprus Mail, Cyprus Mail, 2 July 2019, <https://cyprus-mail.com/2019/07/02/our-view-auditor-general-has-abused-his-position-yet-again-in-attack-on-cyprus-mail/>

Czechia

Score 6

Czechia was long characterized by a high degree of media freedom, partially due to the independence of the public media, but also because foreign media owners did not exercise any visible influence over the content and coverage of the private media. However, the replacement of foreign owners by domestic oligarchs and the capture of much of the Czech media market by Andrej Babiš, who has served as prime minister since 2018, have reduced media freedom. Babiš has used his media power to support his political position and to denigrate opponents.

Prime Minister Babiš and President Zeman have repeatedly criticized the public media for their alleged bias. Concerns about the independence of the public media have also been raised by controversial nominations and appointments to the council supervising the Czech news agency (ČTK). Since 2016, members of parliament from the right-wing SPD and the Communist Party have sought to block parliamentary debate on the annual reports of Czech Public TV (Česká televize, ČT), with a view to opening the way to dismissal of the ČT Council, the oversight body that has the power to elect and dismiss the ČT director.

Citation:

Jiráková, J., B. Köpplová (2020): Advantages and Problems of a Liberal Democratic Media Model: Media and Politics in the Czech Republic, in: A. Lorenz, H. Formánková (eds), *Czech Democracy in Crisis*. Cham: Palgrave Macmillan, 157-178.

Greece

Score 6

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, especially during the electoral campaigns leading to the European Parliament elections of May 2019 and the national parliamentary elections of July 2019, the public broadcaster's (ERT TV) television channels adopted a clearly pro-government bias across all news programming, openly supporting the two government coalition partners, Syriza and ANEL. News presenters toed 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 earlier attempt to control the private television sector as well, though this attempt was ultimately aborted between September and December 2016. In late 2018 an auction of nationwide TV licenses was conducted under the auspices of the independent National Council for Radio and Television, and five such private licenses were handed out.

The public broadcaster's performance improved after the government turnover of July 2019, even though the journalist appointed as head of the broadcaster in August 2019 was a close associate of the new prime minister (the leader of the New Democracy party, Kyriakos Mitsotakis). As a consequence of the Syriza-ANEL coalition's intense meddling in the television sector and with the press more generally for most of the period under review, Greece was ranked 65th out of 180 countries in the 2019 World Press Freedom Index, although there was some improvement compared to the 2018 ranking (78/180).

The targeted purchase of advertisements from specific media outlets, a typical means by Greek governments of influencing reporting, was also seen in the period under review. In July 2018, following deadly wildfires in Mati, Syriza and ANEL announced that members of their parties would not participate in any programs on Skai TV and Radio, accusing the broadcasters of systematic anti-government reporting surrounding the disaster. In response, the opposition New Democracy party announced that its members would not make appearances on public television.

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The information on Greece's ranking on the Word Press Freedom index is available at <https://rsf.org/en/ranking>

Israel

Score 6

Israel's media environment is considered lively and pluralistic, and the media is able to criticize the government. 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.

However, in recent years, Israeli media has been downgraded to partially free by Freedom House. Furthermore, the 2019 Reporters without Borders report stated that Israeli media is free but constrained by military censorship, with Israel ranked 88 out of 180 countries. 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.

Recent affairs also seem to call into question several important aspects of media independence. For example, Prime Minister Benjamin Netanyahu was investigated following allegations that his staff offered regulatory favors to the telecommunication company Bezeq in return for positive coverage by Walla, an Israeli web portal. As mentioned in Freedom House’s Freedom and the Media 2019: A Downward Spiral report (p.3), “although Netanyahu has resisted efforts to formally indict and try him on these charges, the evidence suggests that the prime minister was willing to sacrifice press freedom in order to maintain political power.” In light of the investigations, Netanyahu was forced to resign his position as communications minister.

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Ravid, Barak. “Miri Regev: Why Set Up New Broadcasting Corporation if We Don’t Control It? read more: <https://www.haaretz.com/israel-news/1.734527>,” Haaretz, 31/07/2016: <https://www.haaretz.com/israel-news/1.734527>

Ravid, Barak and Chaim Levinson, “Netanyahu Appoints Ayoub Kara as Communications Minister,” Haaretz, 28/05/2017: <https://www.haaretz.com/israel-news/1.792289>

Reporters without Borders. “Israel,” 2019: <https://rsf.org/en/barometer>, <https://rsf.org/en/israel>

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 the 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. The current council has been repeatedly criticized for violating the independence of public broadcasting after making swift, poorly substantiated changes in the leadership of public radio and television. In 2019, the chairwoman of the National Electronic Mass Media Council resigned as a result.

Independent local print media is under increasing competitive pressures from local government-owned media outlets. The latter not only offers 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.

Finally, Reporters Without Borders ranked Latvia 24 out of 180 countries in the 2018 and 2019 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, legislation that does not favor the media or media sources, and lawsuits brought against several journalists. In 2018, Re:Baltica, an investigative journalism outlet,

was sued for criminal defamation on two occasions – once by the then-mayor of Riga Nils Usakovs and the other by Aldis Gobzems, a member of parliament – both claims have been rejected by the courts.

Citation:

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2. Rožukalne, A. (2010), Research Paper on Hidden Advertising Issues in the Media, Available at (in Latvian): http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009, Last assessed: 04.11.2019.

2. RSF (2019), World Press Freedom Index, Available at: <https://rsf.org/en/ranking>, Last assessed: 04.11.2019

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. In Malta, media independence more generally is influenced by who owns a given media outlet, as well as the source of its revenues. In many cases, media organizations depend on commercial and public expenditures for these revenues. Furthermore, journalists in all media often display a clear party preference close to that of the media organization's owner, whether the outlet is owned by a party or not. This, rather than government interference, is the primary reason that Malta's media suffers from a lack of public trust. 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. Only 39% viewed the national regulator as being free and independent. Freedom House's Freedom of the Press report 2017 gave Malta a score of 23/100 (with zero indicating the maximum amount of freedom). The 2017 Media Monitor ranked Malta as a medium-risk country with regard to political-independence indicators and regulatory safeguards, with three indicators assigned a high level of risk: the political independence of the media, editorial autonomy, and independence of public sector media governance and funding. Malta's ranking in the 2019 World Press Freedom Index fell to 77th place due to the government's failure to launch a public inquiry into the murder of journalist Daphne Caruana Galizia, the failure to withdraw approximately 30 pending posthumous civil defamation cases against the Caruana Galizia family, and the incidence of local strategic lawsuits against public participation (SLAPP) laws, which can be used to muzzle the media. In the time since the ranking, the Caruana Galizia inquiry has been set up, although the government has argued that its first priority was to ensure that the judicial process against three persons accused of her murder would not be tainted by the inquiry.

Recent amendments to the press laws have abolished criminal libel, introduced the concept of mediation, and banned the filing of multiple libel lawsuits based on the same journalistic report. Other proposed reforms include the elimination of defamation of the president as a sanctionable offense, a cap on libel damages (including a clause stating that courts need to take into account the impact that financial damages may have on a media outlet) and a voluntary registration process for media outlets. The OSCE welcomed the changes, but offered additional recommendations, noting that a more balanced approach is needed with regard to the defense of truth.

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. Online news outlets have added to this pluralism.

Citation:

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

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

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

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

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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

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 reports of political pressure being placed on public media journalists covering sensitive political issues, such as the corporate governance of state-owned companies or write-off of tax debts to the family of the Ljubljana mayor Jankovic. Media freedom has also suffered as owners of private media exert their influence. 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, which helps these outlet owners secure public sector procurement contracts. Growing political polarization has fueled a debate over whether or not to ban acts of hate-speech, though it is unclear whether doing so would actually strengthen a culture of public discourse or serve instead to be used as a ruse by authorities and other centers of power and influence in persecuting otherwise-minded people.

Croatia

Score 4

Media freedom in Croatia is limited. Political influence on public media is still fairly strong, as is the influence of private owners on private media. 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. Media freedom has also suffered from the large number of defamation lawsuits against journalists and media. In January 2019, there were more over 1,000 ongoing trials against Croatian journalists or media outlets. Some of them have been brought to the courts by the public broadcaster HRT, which has been unique in suing its own journalists, other media outlets and professional journalist associations. As a result, many Croatian journalists who investigate corruption, organized crime or war crimes are often subject to harassment campaigns. The government has weakened independent media by delaying the allocation of EU funding for non-profit media. Even after the fall of Balkan tycoon Iвица Todorčić in 2017, there are still many cases of powerful businesspeople using advertising to hinder media freedom. In 2019, however, a new generation of investigative journalists have brought a series of scandals involving public officials to the fore, which have resulted in several high-profile resignations.

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 primary 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.

Apparently bowing to government pressure, Japan's largest English-language newspaper, *The Japan Times*, announced in November 2018 that it would no longer refer to "forced laborers," but would instead use the term "wartime laborers." It also said it would revise its definition of "comfort women," no longer defining these as women "forced" to provide sex to the Japanese army during the war effort, but rather as "women who worked in brothels, including women who did so against their will." Some major Japanese-language newspapers including the *Asahi shimbun*, the *Mainichi shimbun* and the *Tokyo shimbun* have to date withstood pressure to engage in this form of "language revisionism." Japan's ranking in the World Press Freedom Index has plummeted in recent years, from 22nd place in 2013 to 67th in 2019, the lowest rank among G-7 members.

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.

The Ministry of Internal Affairs and Communications (MIC) formed a Platform Services Study Group in 2018 to discuss measures combating misinformation ("fake news") on social and possibly other forms of media.

Citation:

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Mexico

Score 4

Officially, freedom of expression is protected and the media is independent from the 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 countries for journalists, surpassed only by Iraq and Syria. Between January and August 2019, 10 journalists were killed. 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 144 out of 180 countries in the Press Freedom Index 2019.

Citation:

Reporter ohne Grenzen: <https://www.reporter-ohne-grenzen.de/mexiko/>

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

Slovakia

Score 4

The murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová in February 2018 has highlighted the limits to media freedom in Slovakia. Even after the murder, prominent persons in the government coalition continued to criticize and intimidate journalists. Media freedom has also suffered from the new law on the right to reply for politicians, passed in September 2019. The law has given politicians the right to receive a reply or have a correction published. If a media outlet fails to fulfill this right, it could be fined up to €5,000. A right to reply was originally introduced by the first government of Robert Fico in 2008, but then abolished by the Radičová government in 2011 following widespread domestic and international criticism of the resulting intimidation of journalists.

Citation:

German Sirotnikova, M. (2019): Never-Ending Story: The Fight for Media Freedom in Slovakia, Balkan Investigative Reporting Network, August 8 (<https://balkaninsight.com/2019/08/08/never-ending-story-the-fight-for-media-freedom-in-slovakia/>).

Bulgaria

Score 3

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, media independence is limited in Bulgaria, and the situation further worsened in 2019. After a series of well-known investigative electronic-media journalists lost their positions and on-air exposure over the last two years, the

public radio's leading station was pressured into actually shutting down for several hours with the sole purpose of keeping a particular investigative journalist off the air. This journalist had been asking inconvenient questions about the selection procedure for the new prosecutor general in September 2019. This caused a major crisis, and forced the Council for Electronic Media to fire the recently elected executive director of the radio service. In the process, it became clear that the decision to shut down the broadcast was a result of outside pressure by unrevealed persons.

During the municipal election campaign in Sofia, one of the mayoral candidates, who is also a leader of one of the three parties forming the junior partner in the ruling coalition, created a scandal during a live broadcast of a candidate debate on public TV. While the show was on the air, he directly threatened that if his behavior was not tolerated, he would cut the funding of the public TV service, which is voted on every year by parliament as part of the state budget.

Media outlets' dependence on advertising and other revenues from the government or government-owned enterprises continues to be a problem. Similarly, some outlets or their owners are involved in business deals with the government. Transparency regarding the ultimate ownership of private media organizations is very low, especially for the print media.

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

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 that oversees public 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 250 journalists either lost their jobs or stepped down from their positions for political reasons in 2016. TVPs selectivity in framing and priming has gone so far as to manipulate the news in social, cultural and artistic matters. Unbelievable as it may sound, the Polish public TV broadcaster decided not to broadcast the official speech given in Stockholm of the Nobel Prize winner in literature, Olga Tokarczuk, who has been critical of the current Polish government. 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 two major private 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 between 15% and 20%. However, it has continued its attempts to weaken independent media by limiting advertisements bought by public organizations in media perceived as hostile to the government, and by exercising pressure on critical media and journalists. A case in point is the scandal at the Polish Financial Supervision Authority (KNF) in November 2018, which ultimately forced its chairman, Marek Chrzanowski, to resign amid allegations of corruption. When the media discussed the role of Adam Glapiński, Chrzanowski’s tutor and confidant, the president of the National Bank of Poland (NBP), the NBP tried to force *Gazeta Wyborcza* and *Newsweek Poland* to remove several articles.

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).

Romania

Score 3

In Romania, the independence of the media is limited. The government exerts strong control over the public media, and most private media are owned by shady oligarchs that do not respect editorial independence. Many have strong ties to national or local politicians and some of them have been charged with corruption. Harassment of journalists remains a key concern, with journalists routinely subjected to physical and verbal abuse by police.

Citation:

Prysiazniuk, M. (2019): *Threatened from the Inside: Why State Disinformation Is the Main Concern in Romania*. Visegrad Insight, October 22 (<https://visegradinsight.eu/threatened-from-the-inside/>).

Reporters without Borders (2018): *Romania’s press freedom in free fall as its takes over EU presidency*, December 29 (<https://rsf.org/en/news/romania-press-freedom-free-fall-its-takes-over-eu-presidency>).

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 and 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. In late 2019, the Fidesz media has been completely centralized in KESMA (the Central European Press and Media Foundation), with about 500 media outlets brought under the common leadership and financing of one big organization.

Citation:

Brogi, E. et al. (2019): Assessing certain recent developments in the Hungarian media market through the prism of the Media Pluralism Monitor. EUI, Centre for Media Pluralism and Media Freedom, Firenze (https://cadmus.eui.eu/bitstream/handle/1814/64284/Hungarian_media_market.pdf?sequence=1&isAllowed=y).

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 elections in April 2018.

Journalists, who have reported on allegations of corruption in government and the judiciary, have become targets of judicial investigations (facing possible imprisonment) for "bringing the economy into disrepute." In a three-month period during 2019, at least 40 journalists, columnists and editorial office personnel were fired or forced to resign. Many media organizations of various political tendencies have parted ways with long-time columnists who refused to "adapt to the new political period." In November 2019, 45 journalist and media workers were dismissed from Hürriyet daily newspaper as a reaction to unionization.

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.

Journalists and media organizations critical of the government have faced threats, physical attacks and fines. TV and radio channels have been closed, and access to airtime has been restricted. As of November 2019, a total of 115 journalists and other media workers had been imprisoned. Some of the convicted journalists (e.g., Ahmet Altan and Nazlı Ilıcak), many detained during the 2016 to 2018 state of emergency, were released from jail for various reasons, although several were immediately detained again.

The 2019 judicial reform package added a new provision to anti-terror law (Article 7), which states that “statements of opinion that do not exceed the limits of reporting or for the purpose of criticism shall not constitute a crime.” This is considered a mark of progress for freedom of expression.

According to an amendment to the Law No. 5651 on Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publication (also known as the Internet Law), authorized access blocks should be imposed on a specific URL rather than an entire website. However, when placing an access block on a specific URL is technically impossible, an entire website can be blocked.

New regulations will enable the Supreme Board of Radio and Television (RTÜK) to control online broadcasters, threatening the existence of online broadcasters through a costly and opaque licensing regime.

As of September 2019, RTÜK had started to monitor online broadcasting and online broadcasters must be licensed. In 2018, 2,950 online news reports, 77 Twitter posts, 22 Facebook posts, five Facebook videos and 10 websites were blocked; three broadcast bans (one temporary) were issued. Throughout 2018, eight newspapers, two TV channels, two letters, one report, one TV series and one interview were censored. During the first nine months of 2019, RTÜK banned 21 broadcasts, and fined 48 TV channels for the news reports, films or programs they had broadcast. In addition, Wikipedia continues to be censored; one newspaper was banned; and one website, one TV program, one advertising movie and one election propaganda video were censored. The RSF 2019 Index ranks Turkey 157 out of 180 countries, with a score of 52.81.

Under the existing political, regulatory and market conditions, Turkish media cannot act as an independent and critical force for democratic and sustainable societal development. Consequently, media remains the least trusted institution in public opinion polls.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

Reporters Without Borders, 2019 World Press Freedom Index, <https://rsf.org/en/ranking> (accessed 1 November 2019)

2019 Edelman Trust Barometer Global Report, https://www.edelman.com/sites/g/files/aatuss191/files/2019-03/2019_Edelman_Trust_Barometer_Global_Report.pdf (accessed 1 November 2019)

N. Newman and et al., Reuters Institute Digital News Reports 2019, https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2019-06/DNR_2019_FINAL_0.pdf (accessed 1 November 2019)

Freedom House, Freedom and the Media 2019: A Downward Spiral, https://freedomhouse.org/sites/default/files/FINAL07162019_Freedom_And_The_Media_2019_Report.pdf (accessed 1 November 2019)

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BİA Media Monitoring Report 2018: One Year of Journalists, Media, <https://bianet.org/english/media/205640-bia-media-monitoring-report-2018-one-year-of-the-journalist-and-the-media> (accessed 1 November 2019)

Judicial Reform Package on Pretrial Detention, Freedom of Expression Passes in Parliament, BİANET, 17 October 2019, <http://bianet.org/english/politics/214573-judicial-reform-package-on-pre-trial-detention-freedom-of-expression-passes-in-parliament> (accessed 1 November 2019)

BİANET Media Monitoring reports 2019 (first three-quarters), <http://bianet.org/english/media> (accessed 1 November 2019)

“Resmi Gazete’de yayımlanan yargı reformu paketi neleri kapsıyor?” 26 October 2019, <https://tr.euronews.com/2019/10/26/yarg-reformu-paketi-resmi-gazete-de-yayimlandi> (accessed 1 November 2019)

“Türkiye’de internet yayınlarına RTÜK denetimi başladı,” 2 September 2019, <https://www.dw.com/tr/t%C3%BCrkiyede-internet-yay%C4%B1nlar%C4%B1na-rt%C3%BCk-denetimi-ba%C5%9Flad%C4%B1/a-50261311> (accessed 1 November 2019)

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 most recent Media Monitor Report pointed out that the high level of concentration in the Finnish media market constituted a high risk for media plurality. Although regional newspapers remain comparatively strong, most local newspapers have been assimilated into larger newspaper chains. Internet use is open and unrestricted, with 89% of the population using the internet, 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;

Manninen, Wille. "Monitoring Media Pluralism in Europe 2017. Country Report: Finland,"

https://cadmus.eui.eu/bitstream/handle/1814/61138/2018_Finland_EN.pdf

https://www.stat.fi/til/sutivi/2018/sutivi_2018_2018-12-04_kat_001_fi.html

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 Although several national newspapers and TV channels exist in the country, media ownership is increasingly concentrated. In addition to Estonian Public Broadcasting (ERR), there are two large private media companies owned by domestic investors (the Ekspress Group and the Eesti Meedia Group). These companies dominate the print and electronic media market. Print newspapers are struggling with decreasing readership figures and increasing expenses, which has resulted in some media outlets closing and other outlets moving to online only content. Economic hardship has particularly affected local media outlets, forcing the closure of some local newspapers and Tallinn TV, which was owned by the Tallinn city government. Several weeklies (e.g., the Teachers' Gazette and the cultural weekly Sirp) receive government funds.

High internet and cable-TV penetration rates ensure that most of the population can still access a diverse range of media channels. All major newspapers provide content online and there are two major online only news portals. One of these is publicly funded and run by ERR, while the other, Delfi, is owned by the private Ekspress Group. All TV and radio channels offer an online presence and make increasing use of social media. Some minor online news portals (e.g., the independent poliitika.guru.ee and edasi.org, and the radical-right objektiiv.ee and uueduudised.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 inadmissible dominance over public opinion (RfStV, Sec. III, Subsection 2). The Federal Cartel Office regulates most questions of oligopoly and monopoly in Germany, and has blocked several potential mergers in both print and electronic media markets.

Two main public television broadcasters operate at the national level in Germany: the Arbeitsgemeinschaft der Rundfunkanstalten Deutschlands (ARD), a conglomerate composed of various regional TV channels, and the Zweites Deutsches Fernsehen (ZDF). According to the Arbeitsgemeinschaft Fernsehforschung (AGF), a broadcast media research group, public broadcasters hold a market share of 44.3%, slightly more than in previous years. In the private sector, the RTL Group holds a 24.3% market share, while the ProSiebenSat.1 Media AG accounts for 18.8% of the total television market. TV is the most commonly used media (80%), followed by radio (65%) and the internet (63%). Daily media use has increased marginally as compared to previous years, with German residents' average media-consumption time now slightly exceeding five hours per day.

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 being experienced by newspapers and publishing houses may slowly but steadily undermine media pluralism.

With newspaper circulations continuously falling, the internet has become an increasingly important medium for citizens to gather information. This has forced print media to engage in significant cost cutting measures, including reducing the size of editorial staff. 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/> vom 01.11.2019

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.

Increasingly, international digital companies such as Facebook and Google, have gained a huge share of the advertising market, and this has triggered a renewed debate about the role of monopolies in media.

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, U., A. Carlander, E. Lindgren, M. Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

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

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

Switzerland

Score 9

The most important electronic media organizations in Switzerland in terms of coverage and intensity of citizen use are publicly owned. Private sector television stations play only a small role in the country's media landscape. These are largely regional stations. A number of foreign radio and television stations can be received in Switzerland, contributing to the country's media plurality. The country has a high

number of privately owned newspapers, with a highly decentralized system of regional concentration. However, a strong tendency toward centralization has weakened the regional newspaper market. This has been amplified by the strong growth of free papers for commuters such as 20 Minuten in the morning (similar publications exist in the French-speaking part of Switzerland). These newspapers have crowded out the readership of traditional newspapers which are collectively suffered from a decline in subscriptions. The number of independent newspapers has also been on the decline as media concentration continues. In parallel, online media consumption is outgrowing print media consumption.

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.gnpdetail.2019-0244.html>

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

Czechia

Score 8

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. Babiš's businesses dominate the daily print media, with an estimated 2.4 million readers, as well as the country's online media, with an estimated 3.4 million daily users.

More recently, however, the readership for a number of independent weekly publications and several new journalistic projects has grown. On 28 October 2018 (centenary of Czechia's establishment), following the example of Slovakia's Denik N (Journal N), a new daily was created with Slovakian advice and a combination of investor- and crowd-sourced funding. Key journalists and staff own 23.5% of the shares. Most of the team are experienced journalists who had left media owned by MAFRA, Babiš's media conglomerate. In November 2019, Denik N was published in print five times a week, had more than 40,000 subscribers, and had become one of the digital-media landscape's dominant voices.

The tendency for foreign media owners to be crowded out is likely to continue. In October 2019, Central European Media Enterprises (CME), an international media and entertainment company, confirmed that it had entered into a definitive acquisition agreement with PPF Group. The transaction was valued at approximately \$2.1 billion, and included television stations in five countries of East-Central Europe (Bulgaria, Czechia, Romania, Slovakia and Slovenia). PPF is owned by Czech billionaire Petr Kellner, and the acquisition includes Nova, Czechia's most influential commercial television group. The acquisition is expected to be completed in mid-2020, but is still subject to regulatory approval.

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, RTÉ 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

The constitution provides for freedom of expression without censorship, as well as the right to information. According to this, the media environment is pluralistic with a variety of public and private television and radio stations, newspapers, and internet portals. However, the market is dominated by only three media groups.

In the context of the European Union, 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 the Italian company Mediaset (which includes the *Telecinco* and *Cuatro* channels), the *Atresmedia Corporación* (which owns both the right-wing *Antena 3* and the more leftist channel *La Sexta*), and 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*.

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<https://www.aimc.es/egm/audiencia-internet-egm/>

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<https://www.osce.org/odihr/elections/spain/416252>

PEW Research Center(2018), News Media in Spain
<http://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. A mere five major 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 major 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.

The main problem in the U.S. media system is not a lack of pluralism but the fragmentation of media audiences into ideological camps. In addition, the prominence of right-wing media, such as Fox News, pose a significant problem as they have largely participated in the Trump presidency's attack on mainstream media, the erosion of standards of civility, and have engaged in the dissemination of misleading claims and outright falsehoods. A significant share of the public is therefore effectively not exposed to the most important current information about public affairs.

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. Dependency on financial interests has increased, evident in media content. This has inevitably led to less critical or no reporting on specific businesses and interests. Strict radio and television ownership rules, with a threshold of 25% capital share, disallow cross-media conglomerates. However, no ownership rules exist for the press and little data is publicly available, which limits scrutiny. Financial grants to assist print media companies are in place since 2017. A similar Council of Ministers decision (2017) for grants to television organizations has been kept classified.

The Cyprus problem remained the dominant subject in 2019; it also underpins polarized media positions and biases on other issues. Other themes, including the state of the economy, instances of corruption, the selling of citizenship, and a crisis with Turkey connected to explorations for hydrocarbons also made the headlines. Issues of social concern such as immigration and refugees, multiculturalism and the environment also occupied some media space in 2019. The absence of analytical reporting, combined with advocacy journalism and lenient positions toward the government and elites persisted as major challenges, constraining pluralism in society.

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

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1. Media Pluralism Monitor Cyprus, 2017 https://cadmus.eui.eu/bitstream/handle/1814/61134/2018_Cyprus_EN.pdf?sequence=1&isAllowed=y
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/>

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 three or four significant groups ensures a satisfactory degree of pluralism. Overall one can say that all political opinions of some relevance in the political spectrum receive fair media coverage. Understandably, the largest parties obtain more space than the smaller ones.

It would be difficult to say that certain positions are not published or are marginalized, especially in the case of newspapers. One of the big issues in Italy is still the predominance of television; newspapers, radio programs and electronic media can't fully counterbalance its influence. One large television company, Mediaset, continues to exercise significant influence over electoral campaigns, but with the decline of Berlusconi's political prominence, the influence of Mediaset has 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. As the requirement is no longer in effect, the All Media Baltics group (current owner of LNT) has decided to liquidate LNT. This decision has raised concerns about weakening media pluralism in Latvia, as LNT had hitherto operated a well-respected news team.

Newspapers and magazines provide a diverse range of views, but ownership structures are in some cases opaque. Internet news portals (Delfi, TVNet and Public Broadcasting of Latvia platform) 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:

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2. Rožukalne, A.(2017) Country report: Latvia, European University Institute, Centre for Media Pluralism and Media Freedom, Available at: http://cmpf.eui.eu/wp-content/uploads/2018/11/Latvia_MPM2017_country-report.pdf, Last assessed: 04.11.2019.

3. LSM (2019) Latvian Independent Television ceases independent operations, available at: <https://eng.lsm.lv/article/economy/business/latvian-independent-television-ceases-independent-operations.a337734/>, Last assessed: 10.11.2019

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; however, these media companies have continued to show serious, regular violations of professional ethics, without being penalized. 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, sold his shares in the newspaper Ūkininko patarėjas. The population shows relatively low levels of trust in the media, with 35% of respondents indicating that they trust and 23% stating that they do not trust media organizations, according to an October 2019 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 28.5% in 2019.

The market share of L'Essentiel, the most successful of the free papers, was 22.5% in 2019. L'Essentiel and Tageblatt (Luxembourg's second-largest newspaper, with a market share of about 7.8%) 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 magazine project called Reporter launched, driven by several young journalists. 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 market, despite liberalization the early 1990s that led to the creation of public broadcaster Radio 100.7. In 2018, RTL had the largest audience share (35%), much larger than second-place Elodoradio (ca. 18%).

A considerable amount 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 RTL's website, which represents all political views and is impartial. Germany's Spiegel Online is also widely read.

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. 2019.

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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 Wi-Fi, 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, have diversified since 2009 and there are now at least four major players: RTP, SIC, TVI and CMTV.

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 newspaper, which became weekly in mid-2018). 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.

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 four private national TV channels (Stöð2, Sjónvarp Símans, 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 had clear connections to a business magnate and former bank owner, who sold his media holdings to another magnate in 2019.

Morgunblaðið, the second largest newspaper, has long been considered the voice of the Independence Party and is owned primarily by several fishing vessel owners. Since 2009, its chief editor has been the former prime minister and Independence Party leader. Other newspapers include DV, Stundin and Kjarninn.

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

Israeli policy toward media pluralism is taking a “multivalued approach,” in the sense that an open media field is viewed as part of the democratic order and is thus valued not only for economic but for normative purposes as well. This view justifies utilizing special regulatory tools (as opposed to exclusive antitrust regulation) in order to prevent the 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 of media outlets (radio, and public and private cable and satellite television). The regulators authorize concessionaires and enforce regulation in matters of ownership concentration, cross-ownership and foreign ownership. However, print media is not under the same restraints as broadcast media, and is regulated by antitrust legislation and voluntary self-regulation. Most news websites in Israel are operated by print media companies. There are ongoing efforts to expand regulation to the digital sphere, but no change has been legislated by parliament as of yet.

In recent years, ideological and financial centralism has increased, while the government has attempted to improve regulation of and competition in the communications market. Israel’s diverse newspaper industry was joined in 2007 by Israel Hayom, a free daily newspaper owned by Sheldon Adelson, an American businessman who is openly aligned with the prime minister and the Likud party. Israel Hayom quickly gained power, capturing 40% of the market, 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. In 2018, the Israeli Antitrust Commissioner approved the Rehest-Channel 10 merger. The commissioner stated that the merger would not significantly undermine competition in the media market.

Citation:

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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 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, 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, and the traditional media have begun using digital channels more actively as well. 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 in major media organizations may have intensified the move toward greater use of independent media channels, also opening some new potential for independent investigative journalism. However, such channels tend to cater to their specific audiences. 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 significant following.

Citation:

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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-leaning trade union. Thus, Malta's media landscape reflects a plurality of ownership. Pluralism of opinion within the media depends entirely on the willingness of owners 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 Center 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 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 and the mistaken claim that no action was being taken to solve the 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/articles/view/20130428/opinion/Making-PBS-a-fit-national-entity.467423>

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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

Malta today 31/12/2019 One TV Chairman Jason Micallef opposes scrapping political party media

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. Two corporations, Televisa and TV Azteca, dominate more than 90% of the TV market. Regulators, like the Federal Telecommunications Institute (IFT), are 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. Furthermore, broadband and cellphone coverage is highly unequal, with rural and marginalized citizens unable to take advantage of these new sources of information. President Andrés Manuel López Obrador announced government plans on 11 May 2019 to create a public internet company, which will allow even those in the most remote areas of the country to access the internet, but it is unlikely to be carried out in the near future.

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), which owns several TV stations in six central and eastern European countries, including the most watched private broadcaster in Slovakia, *Markíza*, failed. Instead, CME has been acquired by Czech businessman Petr Kellner in 2019. As a result, the television landscape is now controlled solely by Slovak and Czech owners. As it stands, only two of the original foreign media owners remain and both have substantially reduced their portfolio. After selling its print division, Ringier Axel Springer only owns *Actuality.sk*, the website for which the murdered journalist Kuciak worked. The Bauer Media Group still owns radio stations, but sold its magazine publications to the publishing house Mafra, which is owned by the Czech prime minister.

Citation:

Vašuta, T. (2019): *Markíza is the last drop. Financiers have divided the media market among themselves*, in: *Slovak Spectator*, October 30 (<https://spectator.sme.sk/c/22248139/markiza-is-the-last-drop-financiers-have-divided-the-media-market-among-themselves.html>).

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 either Korean or 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. In general, media pluralism is hampered by a widespread belief that criticism and critical questions are necessarily negative. In May 2019, KBS journalist Song Hyun-jung was threatened by supporters of President Moon who claimed that he had been rude while interviewing the president. They claimed that Song's questions were "inappropriate," and a petition was started to demand an apology from or even punishment of Song and KBS. Beyond the traditional media, internet-based news are widespread and very diverse, although some opinions such as pro-North Korean statements remain outlawed by the National Security Law.

Citation:

Youn S., Lee H. (2015) The Ongoing Media Pluralism Debate in South Korea. In: Valcke P., Sükkösd 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>

Kang, Tae-jun. 2019. "South Korean Journalist Under Fire for Being 'Rude' to President Moon." *The Diplomat*, May 11. Retrieved from <https://thediplomat.com/2019/05/south-korean-journalist-under-fire-for-being-rude-to-president-moon/>.

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?

Under the ÖVP-FPÖ coalition, a crucial policy question concerned how the governing majority would reform the ORF, the most important media outlet in the country. Though, when the coalition collapsed in summer 2019, no decisive step had been taken.

Chile

Score 5

In general terms, the high concentration of media ownership in Chile notoriously limits democratic pluralistic 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. A similar pattern is evident 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 rich business people, 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 circulation of the country's daily newspapers is low by Western standards, and has been negatively affected by free newspapers distributed in the streets, as well as by online publications. Indeed, the print market is largely in decline, and is suffering 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 being put in jeopardy due to the costs and general dysfunctionality 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 provided either print media or “pure players” (like Mediapart, Rue89, Slate and Atlantico) should be taken into 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 controlled by magnates, ship owners 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). Finally, in late 2018, an auction of nationwide TV licenses was conducted, and five such private licenses were sold.

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.

Further tendencies toward the consolidation of an oligopolistic media structure were evident in the period under review, as new media moguls opened new TV stations (One TV, Open TV), supporting football teams in which the stations' owners were major shareholders and seeking to influence the country's political landscape.

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 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. The main private TV

channel TVN belongs to the U.S.-based Discovery Inc. 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 2015, 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 construction businessman who is believed to be politically well connected. As a result of these changes, sales of Delo newspaper dropped to the lowest level so far in 2019 (close to 20,000 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 was approved by the Ministry of Culture and the Competition Protection Agency in late July 2019. The merger of *Dnevnik* and *Večer* will form the largest printed daily newspaper in Slovenia, with almost 40,000 issues sold daily.

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. But in January 2019, Central European Media Enterprises, the owner of Pro Plus, withdrew from the sale and remained the owner of the country's largest private TV network.

Media pluralism has further suffered from the growing involvement of political parties in the media business. In February 2016, the Slovenian Democratic Party (SDS), the main opposition party, 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 began publishing the new weekly Scandal24. The governing coalition reacted by establishing a parliamentary investigation commission in charge of determining whether the Hungarian investment in the SDS media represents illegal party financing.

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, allowing for hidden interests to operate. That said, at least one well-known de facto owner of print media (Delyan Peevski) has made his ownership official. Pluralism of

opinions is greater in the radio and print media than in the TV sector. The fact that *Sega*, one of the few newspapers that leans against the government, is shifting from daily to weekly publication in 2020 signals a narrowing of the field.

The rising importance of online media, including blogging and various independent sites, has been a significant recent development. These online resources have played a prominent role in the referendum and election campaigns since 2015. In the 2019 EU Parliament elections, a significant portion of the unexpectedly large vote for individual independent candidates can be attributed to their active use of such outreach platforms. In the municipal elections, at least one well-known blogger won a mayoral position in one of Sofia's 24 districts.

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. In the TV segment, competition is mainly between Television New Zealand (TVNZ) – which, despite being publicly owned, is run on a commercial basis – and two international media giants: U.S.-owned MediaWorks and Australian-owned Sky. Media pluralism is further threatened by MediaWorks announcing (in October 2019) that its Three network, with a significant news and current affairs element under the banner of Newshub, is for sale. In the meantime, the commercial radio market is largely divided up between MediaWorks and New Zealand Media and Entertainment (NZME), with publicly owned Radio New Zealand acting as a third player. Finally, a near-duopoly also exists in the newspaper and magazine publishing industry, where the market is essentially split between NZME and Australian-owned Stuff (renamed from Fairfax in 2018). While NZME owns the leading daily newspaper, the *New Zealand Herald*, Stuff controls the country's second- and third-highest circulation daily newspapers, *The Dominion Post* and *The Press*. Media concentration in New Zealand would have been even worse, if the Commerce Commission had not blocked a proposed merger between NZME and Stuff – a move that was confirmed by the Court of Appeal in October 2018. The merged entity of NZME and Fairfax Media

would have had a readership of 3.7 million New Zealanders and controlled more than 90% of the print media market.

There are several online media outlets that provide alternative source of news and information (The Spinoff and Newsroom) however, these outlets register much lower site visit numbers than the major news outlets.

Citation:

Newsroom, NZME and Stuff pull plug on merger (<https://www.newsroom.co.nz/2018/10/23/290277/nzme-pulls-plug-on-stuff-merger>)

RNZ, MediaWorks to sell TV Three: “Everyone is in a state of shock” (<https://www.rnz.co.nz/news/business/401246/mediaworks-to-sell-tv-three-everyone-is-in-a-state-of-shock>)

Romania

Score 4

Concentration of media ownership remains a key challenge in the Romanian media environment. Owners maintain close relationships with politicians and routinely use their media outlets to circulate systemic disinformation. Several owners have been convicted of corruption offenses and, as of October 2019, at least ten were under investigation by the National Anti-corruption Directorate for corruption-related offenses.

As journalists continue to face harassment and violence as their work is politicized, many have begun launching their own investigative media outlets. These investigative media outlets are increasingly a main source of news in the country that circumvents National Audiovisual Council regulations and administrative parameters.

State-owned media also came under threat this year following the elimination of taxes and the TV license fee, a main source of income for Romania’s public radio and TV broadcasters. While often subject to political interference, state-owned media may provide a balance to the agendas of privately owned media outlets. Within this context, a positive development in January 2019 was the reopening of the Radio Free Europe Romania news service, one of the few news services that provided information during the communist era. The move was praised by President Iohannis as being a positive step in ensuring independent media in the country.

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. The Orbán regime has relaunched the daily Magyar Nemzet and 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. The victory of the opposition in the 2019 municipal elections might change the situation. The newly elected representatives have declared that they will launch their own media outlets, open to all views and interests.

Citation:

Bátorfy, A. (2018): Data Visualization: This is How the Pro-Government Media Empire Owning 476 Outlets was Formed, in: *Átlátszó*, November 30 (<https://english.atlatszo.hu/2018/11/30/data-visualization-this-is-how-the-pro-government-media-empire-owning-476-outlets-was-formed/>).

Bátorfy, A., A. Urbán (2020): State advertising as an instrument of transformation of the media market in Hungary, in: *East European Politics* 36(1): 44-65.

Turkey

Score 1

Turkey has some level of preparation in the area of information society and media. The lack of transparency in media funding, the growing influence of political interests on editorial policies, the concentration of media ownership, the shrinking space for pluralism, the increasing restrictions on freedom of expression and the lack of independence of regulatory authorities remain key concerns.

Turkey Report, a media monitor, finds that there are high risks for three indicators of media pluralism (regulation, political independence and social inclusiveness) and a medium risk to market plurality. On the other hand, a free and independent media is one of the components of non-governmental checks on governmental power.

While small-scale digital-born brands continue to provide alternative perspectives, they have not managed to achieve significant reach. Many showcase stories from international brands (e.g., BBC Turkish, DW and Euronews) as they have limited staff to generate original content. Other perspectives are provided by foreign media outlets, such as Russian-backed Sputnik and a new Turkish version of the (UK-based) Independent, financed and run by the Saudi Research and Marketing Group, which has close links to the Saudi royal family.

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. The sale of the Doğan media outlet to Demirören media group, which has shown a pro-governmental business profile, reshuffled the outlet's structure. Moreover, Habertürk and Vatan, due to reduced sales and rising costs, stopped the print edition and started only publishing content online in mid-2018 in order to avoid closing down or being sold to pro-government outlets.

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.

Citation:

BİANET Media Monitoring reports 2019 (first three-quarters), <http://bianet.org/english/media> (accessed 1 November 2019)

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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

N. Newman and et al., Reuters Institute Digital News Reports 2019, https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2019-06/DNR_2019_FINAL_0.pdf (accessed 1 November 2019)

Y. İnceoğlu et al., Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey, Country Report: Turkey, https://cmpf.eui.eu/wp-content/uploads/2018/11/Turkey_MPM2017_country-report.pdf (accessed 1 November 2019)

“Türkiye’de medyayı kim kontrol ediyor?” <https://tr.euronews.com/2019/05/03/medya-sahipligi-turkiye-de-medyayi-kim-kontrol-ediyor-> (accessed 1 November 2019)

Indicator

Access to Government Information

Question

To what extent can citizens obtain official information?

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

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

Estonia

Score 10

The main principles of access to public and official information are laid out in the constitution. Additionally, the Public Information Act has been in force since 2001, and the Personal Data Protection Act (PDPA) 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. Estonia keeps an official gateway to all government information and public services (eesti.ee). 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 European Union's GDPR, the national PDPA was amended in 2019.

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 (in effect from 2019). The law enables whistleblowers to expose offenses 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: 04.11.2019

2. Cabinet of Ministers (2019), Whistleblowers, Available at (in Latvian): <https://www.mk.gov.lv/lv/content/trauksmes-celeji>, Last assessed: 04.11.2019.

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.

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, among other matters of criminal justice, access to an authority’s internal case material, and material gathering for the purpose of public statistics or scientific research. 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 revised Access to Public Administration Act 2014, approved by a broad majority in parliament, 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.

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. The percentage of citizens using the internet for obtaining information from public authorities in Slovenia is above the European average.

Citation:

European Commission (2019): Digital Government Factsheet 2019: Slovenia. Brussels (https://joinup.ec.europa.eu/sites/default/files/inline-files/Digital_Government_Factsheets_Slovenia_2019_0.pdf).

Sweden

Score 9

Sweden is a forerunner and remains a leading country on all issues related to transparency in government and public access to government information and documents. Both the political elite and 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, U., A. Carlander, E. Lindgren, M. Oskarson (eds.) (2018), *Sprickor i fasaden* (Gothenburg: The SOM Institute).

Olsson, J., H. E. Oscarsson and M. Solevid (eds.) (2016), *Equilibrium* (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.

In systems of direct democracy, federal governments bear a particular burden in terms of ensuring proper information is provided for referendums. In spring 2019, the Federal Supreme Court overturned a national referendum on how couples should be taxed because the information provided by the executive proved to have been incorrect. In its decision, the Court pointed out that the information provided by the administration on the alternatives in referenda needs to be improved.

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.

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 appears 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.

The ÖVP-FPÖ government tried to streamline government information policy by what has been called “message control.” This could be seen as an attempt to narrow public access to government institutions. As the coalition collapsed in summer 2019, a final evaluation of this attempt will have to wait until after a new coalition is formed and the future of “message control” becomes clearer.

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. While most of the requests are – fully or partially – met, 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. The Ombudsman for Human Rights has complained several times about having been denied information about police treatment of migrants.

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 the information provided upon request. The Babiš government has increased the

visibility of the eKLEP (Electronic Library of Legislative Process). eKLEP allows the public to follow legal proposals from the point of creation to approval or rejection. All draft legislative documents are available and regularly updated. While central-government bodies are rather transparent, there are still difficulties in accessing government information within many municipalities. However, these bodies too can be taken to court if officials refuse to respond to requests for information. Some smaller municipalities have faced stiff financial penalties following failures to disclose information as requested. As a result, the actions of municipalities are becoming more transparent; for instance, municipal board meetings are being streamed online, and citizens are being allowed to participate in municipal activities in other interactive ways. Larger municipalities tend to be more open than their smaller counterparts.

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 proactive approach of the Public Defender of Rights, the Czech ombudsman, have contributed to an improvement in the quality of online portals for public administration and thus have further improved access to government information. 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 2018, the new Europe-wide General Data Protection Regulation came into force, necessitating some adjustments within the German law. In his 27th Activity Report, covering the period 2017 to 2018, Federal Commissioner for Data Protection and Freedom of Information (BfDI) Ulrich Kelber stated that this process had been successful, and that nearly all German states had adopted or adjusted their own freedom of information laws, or were in the process of developing such legislation (BfDI 2019a).

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 2019, Kelber concluded that citizens are increasingly making use of their rights and that federal authorities no longer regard citizens' right to information as a nuisance, but as a significant element of a healthy civil society. The number of page views via the internet of the website of the Federal Commissioner for Data Protection strongly increased, to about 28 million in 2018 compared to just under 16 million in 2017.

The number of citizens directly contacting the BfDI with complaints or questions has also strongly increased (BfDI 2019a).

Over the past several years, beginning in May 2016, the main activity of the BfDI and government in this area has been to adjust the national laws to the EU's new General Data Protection Regulation. However, the changes did not strengthen the role of the BfDI and its federal commissioner, which was expected to be one of the main outcomes in translating the EU directive into national law.

Citation:

BfDI (2019): 27. Tätigkeitsbericht zur Informationsfreiheit 2017 und 2018 vom 8. Mai 2019:

https://www.bfdi.bund.de/SharedDocs/Publikationen/Taetigkeitsberichte/TB_BfDI/27TB_17_18.html;jsessionid=8A7BEE56DAAF7CE2782FF55DE551535E.2_cid344?nn=5217212

BfDI 2019b: Pressemitteilung zum 27. Tätigkeitsbericht vom 8. Mai 2019:

https://www.bfdi.bund.de/DE/Infothek/Pressemitteilungen/2019/16_27_TB.html?nn=5217016

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

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

In 2011, government decision No. 2950 established a designated unit for freedom of information in the Ministry of Justice. The unit is also 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, 10,736 applications were received in 2018, almost 3,000 more applications than in 2016.

In 2018, the Freedom of Information Unit under the Ministry of Justice launched a digital system for managing freedom of information requests in government ministries. The unit introduced a new procedure to increase the transparency of public committees and launched a new campaign to increase public awareness of "Kol Zchut," a comprehensive database that provides information on the rights of Israeli residents and how to exercise these rights. The unit also managed to secure an

agreement for the implementation of the Freedom of Information Law (1998) by public municipalities. In 2019, the unit announced that it would develop an index to assess the transparency of public bodies, upgrade the unit's website and reduce the time it takes to handle public complaints.

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: 2018," The Ministry of Justice website: https://www.gov.il/BlobFolder/reports/annual_reports/he/annual%20report%202018%20foiu.pdf

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

"Protection of privacy law," 1981: <http://www.justice.gov.il/NR/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 (OIA) from 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.

New Zealand's OIA scores 94 out of 150 according to the 2019 Global Right to Information (RTI) rating, which puts it ahead of many other OECD countries, including Australia (84) and the United States (83). The RTI concludes that New Zealand's access-to-information regime "functions better in practice than its legal framework would suggest."

The media continue to demand changes to the OIA and journalists routinely vent their frustration on social media using the hashtag #fixtheOIA. In particular, government agencies have been criticized for taking longer periods of time to respond to information requests than allowed for by the OIA. However, recent data suggests that processes are improving. According to data released by the OIA

Ombudsman, the number of complaints shows a downward trend. In the six months from 1 January to 30 June 2019, the Office of the Ombudsman says it received 693 OIA, down 30 (4.1%) on the previous six months.

Citation:

Global Right to Information Rating, New Zealand (<https://www.rti-rating.org/country-data/New%20Zealand/>)

New Zealand Law Society, OIA complaints to Ombudsman show decrease (<https://www.lawsociety.org.nz/news-and-communications/latest-news/news/oia-complaints-to-ombudsman-show-decrease>)

United Kingdom

Score 8

The United Kingdom has a long tradition of official secrecy. Though 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.

Yet, this exemplary policy does not include all vital documents. For political reasons (e.g., to avoid undermining of the UK negotiating position vis-a-vis the EU27), the government sought to withhold or delay publication of strategic legal and economic assessments of the government’s Brexit plans. For the most part, Parliament was able to insist on publication. The Johnson government delayed the publishing of a dossier from the intelligence and security committee concerning alleged Russian interference in the 2016 referendum campaign.

Citation:

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

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/Freedomofinformationreforms.aspx>

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

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

Belgium

Score 7

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.

However, judicial mechanisms for appeal are effective and judicial decisions can set a precedent that modify access to information. For instance, since the end of September 2018, university students in French-speaking higher education institutions have the right to access copies of their exams. The origin of this development lies in a court case of a medicine student who won the right to gain additional access to her exam copy. The court decision compelled French-speaking universities to modify their policies and allow students to take pictures of their exams as long as they commit to only use them for personal purposes. A wider impact has been the increasing realization among citizens that they can access more information about personal data.

Individual data protection however remains sacrosanct, which may hinder research. Access to individual-level data remains difficult for researchers, even when such data is anonymized. This occasionally restricts the capacity to stimulate evidence-based policymaking.

Citation:

<https://www.bruxelles-j.be/corrections-de-tes-examens-du-nouveau/>

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 (2019): Access to information in Bulgaria in 2018. Sofia (http://store.aip-bg.org/publications/ann_rep_bg/2018.pdf).

Global right to information rating: <https://www.rti-rating.org/>

Canada

Score 7

Access to official information in Canada has been regulated by the 35-year-old Access to Information Act, which was generally regarded as antiquated. In response, the Trudeau government passed Bill C-59 in June 2019, a measure intended to reform the law and bring it into the 21st century. The new legislation has widely been seen as an improvement. Importantly, it expands the power of the Information Commissioner, giving this entity the authority to order institutions to release records at the end of an investigation when a complaint is deemed to be “well-founded.” When appropriate, the Information Commissioner will also be able to issue publication orders for new complaints that cannot be satisfactorily resolved through informal resolution mechanisms, as well as publish the results of investigations. Furthermore, institutions may now ask the Information Commissioner for approval to decline access requests that are vexatious, made in bad faith or otherwise represent an abuse of the right of access.

The Commissioner had previously expressed a number of concerns about the bill, which were subsequently resolved in committee before the measure was passed into law. One caveat is that the right to information does not apply to the Prime Minister’s Office or other ministerial offices. Government institutions can 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.

As is the case elsewhere, access to information in Canada is often impeded by bureaucratic procedures and delays. The 2017 Freedom of Information Audit by News Media Canada awarded the system a grade of F for the disclosure of information, stating that the process for requesting and accessing government documents is slow and inefficient, and that very few requests are granted in a timely manner. It remains to be seen whether these realities will change under the new act.

Citation:

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

Office of the Information Commissioner, Annual Report, 2018-2019, posted at <https://www.oic-ci.gc.ca/ar-ra/2018/Home.html>

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 operates 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. This 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 in particular (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 has had the disadvantage of creating an atmosphere of permanent scandal, with petty or quasi-ridiculous issues sometimes becoming the main concern of social networks or tabloids.

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; further corrections were added in 2013. 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 hears appeals when requests for information disclosure have been denied, and can ask public administrative bodies to reconsider their decisions. However, the commission, which comprises both parliamentarians and technical officers, has limited coercive powers; its impact is mainly through moral suasion. The commission makes an annual report to parliament. Though the publication of these reports is usually delayed by at least a year. The most recent report as of the time of writing, covering 2017, identified a continuing increase in the number of citizens' appeals and documented the body's responses. 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/56712/relazione-al-parlamento-2017.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. A new Open Government Act (Wet open overheid) is being considered by parliament, which is awaiting the results of experiments in this area within several Dutch municipalities. In 2018, the High Council of State clarified its position on when the need to protect personal privacy (e.g., names of civil servants) or personal policy views expressed during governmental deliberations could be considered appropriate justifications for withholding information. This ruling pertained to politically salient, post-election cabinet-formation negotiations. Meanwhile, the old law has additionally been broadened to include messages transmitted via SMS and WhatsApp.

Citation:

VNG, z.d., Wet open overheid (vangrealisatie.nl, accessed 4 November 2019)

Stibbe, 27 March 2019. Ook WhatsApp – en SMS-berichten op privé telefoons vallen onder de Wet openbaar bestuur (Stibbe B.V., accessed 4 November 2019)

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 Law 26/2016. 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 effective than their de jure ability.

Citation:

Lei n.º 26/2016 – Diário da República n.º 160/2016, Série I de 2016
www.ministeriopublico.pt/iframe/sistema-de-informacoes-da-republica-portuguesa

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:

Školokay, 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 six 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.

Nevertheless, since 2013, access to government information has improved significantly, largely thanks to public policies being given a higher degree of transparency. For example, 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. In 2019, the PSOE-government developed the Fourth National Action Plan (2019 – 2021) with the aim of improving the transparency, quality and availability of open data, and public access to information.

Citation:

access-info,

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

EC(2019) Digital Government Factsheet 2019 – Spain https://joinup.ec.europa.eu/sites/default/files/inline-files/Digital_Government_Factsheets_Spain_2019.pdf

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. Another example is that of the opposition member of parliament who, for the last two years, has tried in vain to obtain an answer from the government to the question of who bought a large number of apartments from which the House Financing Fund had evicted the former owners between 2009 and 2019.

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.

Mexico

Score 6 Mexico's freedom of information act became law in 2002. The law was the first in Latin America to impose obligations on the state to publicly share information and increase the level of political transparency. INAI (Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales) is an autonomous body, which aims to promote government transparency, monitor developments in open government and access to information, and settle disputes between citizens and government bodies over freedom of information requests. 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. President López Obrador installed in December 2018 a commission to conduct a new investigation into the case, fulfilling a campaign promise.

Citation:

AMLO creates super-commission to investigate missing 43 of Ayotzinapa, December 4, 2018, <https://mexiconewsdaily.com/news/commission-to-investigate-ayotzinapa/>

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. The government's attempts to restrict public access to information have been partly offset by the courts, which have typically ruled in favor of citizens or journalists.

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. Authorities often try to withhold information or to restrict access through cumbersome or obstructive administrative mechanisms. Privacy and secrecy considerations, be they real or pretended, 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.

In the 2017 Open Data Barometer's implementation section, Korea obtained 90 out of 100 points for having a detailed government budget, but only five 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/>

United States

Score 6 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 from public access, 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.

In 2019, a larger issue of access to information arose in that the White House declared, in the context of the House’s various investigations into presidential misconduct, that the administration would not cooperate with the House inquiry and thus would neither provide any requested documents nor permit executive branch witnesses to testify. Although some executive-branch witnesses did testify, contrary to White House instructions, most did not. The unprecedented blanket defiance of legitimate congressional demands for information and testimony also deprived the media and the public of the access it would have had to most of that information. As of fall 2019, congressional efforts to enforce demands for information (along with some similar demands by state and local prosecutors) were tied up in judicial appeals – in most cases with little chance of getting the administration to cooperate with these demands.¹ In December 2019, the House of Representatives, on a party-line vote, impeached president Trump, in part for his “obstruction of Congress.”

Citation:

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

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 specifying who was allowed to answer media inquiries – the “Circulaire Bettel” – did not help the media, because it was too complicated.

Citation:

Association luxembourgeoise des journalistes, www.journalist.lu. Accessed 22 Feb. 2019.

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, G7.hu and index.hu) have regularly published categorized government information. Providing day-to-day information on fake government deals (“mutyi-mondó”) has become a new feature of the opposition online media. As a reaction, the government has tried to raise fees substantially for processing public documents. Over the years, the officialdom has grown increasingly less open, providing basic information to the public at an increasing price, and ignoring court obligations to release information, sometimes for years, until this information loses its significance.

Japan

Score 4

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 worldwide with respect to open-government information policies, according to the OECD’s 2017 OURdata index.

However, there are a number of issues. For example, various exemptions apply with respect to information concerning specific individuals, national security issues and 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 2019, it came to light that no records had been kept of the prime minister’s meetings with senior bureaucrats in the year ending that January, despite earlier record-keeping scandals. It also became known that documentation regarding who had been invited to a huge publicly funded cherry-blossom viewing reception had been shredded shortly after opposition members of parliament demanded to see the list of invitees, leading to a major political scandal engulfing the prime minister. It was also revealed that about half of the prefectural governments had deleted campaign bulletins, including pledges, after the last round of local elections.

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:

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>

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/>

Eric Johnston, Cherry blossom-viewing party: Breaking down Abe's latest cronyism scandal, The Japan Times, 27 November 2019, <https://www.japantimes.co.jp/news/2019/11/27/reference/cherry-blossom-viewing-party-shinzo-abe-cronyism-scandal/#.XeJq2fKiUk>

Hiroyuki Oba et al., No records remain of PM's meetings with top gov't officials over 1-yr period, The Mainichi, 15 April 2019, <https://mainichi.jp/english/articles/20190415/p2a/00m/0na/001000c>

Shotaro Asano and Shinya Oba, Half of Japan's prefectural gov'ts delted online campaign pledge info after elections, The Mainichi, 6 June 2019, <https://mainichi.jp/english/articles/20190606/p2a/00m/0fp/016000c>

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 whistleblowers, 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:

Aquilina, K, Information Freedom at Last. Times of Malta, 22/08/12
 Freedom of Information Act Comes Fully into Force. The Independent 02/09/12
 In spite of fines ministry offers no reply to Times FOI request Times of Malta 9/5/2015
<http://www.timesofmalta.com/articles/view/20160827/local/has-the-freedom-of-information-act-worked.623201>
 Government says no to most Times of Malta requests for information Times of Malta 11/06/16
 Times of Malta 12/08/17 Freedom of information requests tripled in three years
 Times of Malta 27/08/16 Has the Freedom of information Act worked?
 Times of Malta 30/11/17 Over 400 Freedom of information requests in 3 years
 Malta Independent 26/08/19 Freedom of information act: pulling off the cloak of secrecy
 Malta Independent 17/10/19 Freedom of information: Transparency needed
 The State's Duty to Inform, Edited by the Parliamentary Ombudsman Malta 2015

Turkey

Score 4

Access to information rights and complaint mechanisms are not used effectively. A total of 1.733 million applications for information based on Law 4982 were submitted to public institutions in 2018. According to official information, 82% of requests resulted in the full provision of the requested information, 7.8% resulted in partial information or a negative response, and 7.6% were rejected. Of the rejected applications, 783 were taken to court on appeal. A total of 35,875 applications were found to concern state secrets or private issues, while 192,840 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 1,159 objection applications in 2018. Of the applications, the board rejected 563 because the relevant public institutions had provided a proper response to the applicants. Meanwhile, 40 applications were accepted, 74 were partially accepted and 107 procedurally accepted.

Following the abolishment of the Prime Minister's Office in July 2018, the Prime Minister's Communication Center (BİMER) was united with CİMER (Presidential Communication Center) on 10 July 2018. Since July 2018, the center has received about 3 million applications, of which 49% are complaints.

Citizens' rights to administrative justice and right to seek compensation remain problematic, and the backlog of cases has increased as a result of the measures taken under the state of emergency. The WJP 2019 report scored Turkey 0.42 for the right to information, which is above global average. Though for complaint mechanisms, Turkey scored below average.

Citation:

European Commission, Turkey 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-turkey-report.pdf> (accessed 1 November 2019)

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Cyprus

Score 3

In December 2017, the parliament approved a law “to regulate the right of access to information in the public domain.” 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. 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 results 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.

Implementation of the 2017 law was expected in December 2018, but the parliament suspended this for an additional period of two years. Contradictory policies by the authorities will continue.

Citation:

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Address | Contact

Bertelsmann Stiftung

Carl-Bertelsmann-Straße 256
33311 Gütersloh
Germany
Phone +49 5241 81-0

Dr. Christof Schiller

Phone +49 5241 81-81470
christof.schiller@bertelsmann-stiftung.de

Dr. Thorsten Hellmann

Phone +49 5241 81-81236
thorsten.hellmann@bertelsmann-stiftung.de

Pia Paulini

Phone +49 5241 81-81468
pia.paulini@bertelsmann-stiftung.de

www.bertelsmann-stiftung.de
www.sgi-network.org