



Access to Information Report

Media Freedom, Media Pluralism, Access to Government Information

Sustainable Governance Indicators 2022

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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.

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.

News coverage of the coronavirus crisis has been credible and trustworthy. No news organization has published any reports whose accuracy could be questioned. On the contrary, news media organizations have proactively debunked coronavirus-related misinformation that has circulated on social media platforms (Heikkilä 2020).

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 Swedish Freedom of the Press Act, first enacted in 1766 (and thus the world's oldest) is underpinned by five principles: the freedom to express one's thoughts in print, the freedom to disseminate printed matter accompanied by free access to this material, free access to official information, and the right of anonymity. A document is categorized as official if received or created by a public authority. Such documents are freely available unless they are classified as secret (Larsson and Bäck 2008).

Contact information for public servants working for municipalities or regions is readily available online, enabling citizens to communicate with them to offer questions, suggestions or complaints. Several municipalities have implemented electronic participation procedures such as citizen dialogues, electronic notice boards or citizen chats (Norén Bretzer 2010).

During the last few years, the media have expressed frustration with government departments for not being forthcoming in providing public documents to the media or individual citizens (Andersson et al., 2018). Government departments increasingly use information as a strategic means of communication. Nevertheless, the Swedish government and administration still meet high standards of transparency and access to information. This is reflected in, for example, the Reporters Without Borders' 2021 World Press Freedom Index, in which Sweden is ranked third, after Norway and Finland.

Citation:

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

Larsson, Torbjörn and Henry Bäck. 2008. "Governing and Governance in Sweden." Malmö: Studentlitteratur.

Norén Bretzer, Ylva. 2010. "Sveriges Politiska System." Malmö: Studentlitteratur.

Reporters Without Borders. 2021. "World Press Freedom Index, 2021." <https://rsf.org/en/ranking>.

Canada

Score 9

The only publicly owned media organization in Canada at the national level is the Canadian Broadcasting Corporation (CBC)/Société Radio-Canada (SRC), which runs radio and television stations. CBC/SRC is a Crown corporation operating at arm's-length from the federal government as specified in the 1991 Broadcasting Act. Its programming features a variety of political views. Of course, privately owned media organizations can also take any political position they wish. All media is

regulated by an independent body, the Canadian Radio and Television Commission (CRTC), without overt political influence.

Denmark

Score 9

Denmark is a liberal democracy. According to section 77 of the constitution, freedom of speech is protected: “Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced.” Freedom of speech includes freedom of the press. Denmark ranks 4th out of 180 countries in the Global Press Freedom Index for 2021. Recently, a report from Roskilde University found that a strong norm of non-interference and acceptance of media independence helps media freedom thrive in Denmark (Schrøder et al 2021)

The penal code sets three limits to the freedom of speech: libel, blasphemy and racism. The independent courts interpret the limits of these exceptions.

Public media outlets (Denmark’s Radio and TV2) are required by law to meet diversity and fairness criteria in their programming. All political parties planning to take part in elections have the right to equal programming time on the radio and on television. Private media, mostly newspapers, tend also to be open to all parties and candidates. The decline in newspapers has led to a concentration of a few national newspapers, which has reduced media pluralism. However, all newspapers are, for instance, open to accepting and publishing letters to the editor. Likewise, all parties and candidates have equal opportunity to distribute pamphlets and posters. Finances can be a limiting factor, however, as larger parties have more money to spend on campaigns than do smaller parties.

Citation:

Schrøder, K. C., Blach-Ørsten, M., & Eberholst, M. K. (2021). Denmark. I N. Newman, R. Fletcher, A. Schulz, S. Andi, C. T. Robertson, & R. K. Nielsen (red.), Reuters Institute Digital News Report 2021 (s. 74-75). Reuters Institute for the Study of Journalism. <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2021>

Reporters Without Borders (<https://rsf.org/en/ranking/2020>)

Reporters Without Borders (<https://rsf.org/en/ranking>)

Straffeloven [The Penal Code],

Zahle Henrik, 2001, Dansk Forfatningsret I

Estonia

Score 9

Estonia follows a liberal approach to media policy, with minimal legal restrictions. The Estonian Public Broadcasting (ERR) company is constituted under the Estonian Public Broadcasting Act and 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).

Private audiovisual media services and radio services are regulated under the Media Services Act (2010), which defines procedures and principles for service provision. A series of amendments in 2022 have clarified principles concerning the freedom to publish content and political balance during election campaigns. All providers of radio and TV services must apply for a fixed-term license in Consumer Protection and Technical Regulatory Authority.

Issuing private newspapers and magazines is not specifically regulated, they operate on free market principles. An umbrella organization, Eesti Meediaettevõtete Liit, represents the interests of its members and advocates policymaking initiatives.

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. But a year later when EKRE, a populist right wing party, was in the governing coalition (2019–2021), Estonia dropped to 15th place in the rankings. On several occasions, government ministers refused to provide information to journalists at press conferences without giving any valid reason. Although the sitting government (in power since 26 January 2021) does not include the EKRE, limiting access to information and avoiding clear responses to journalists' questions has remained a problem.

Citation:

Reporters without Borders, RWB 2021. <https://rsf.org/en/estonia> (accessed 07.01.2022)

Media services act 2010. <https://www.riigiteataja.ee/en/eli/514032022003/consolide>

Germany

Score 9

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.

Print media, which are largely self-regulated, are broadly independent of political interference. The German Press Council is tasked with protecting freedom of the press. 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 2021, Germany was ranked 13th out of 180 countries, showing only minor fluctuations in the years before.

The Interstate Treaty on the Modernization of Media (Medienstaatsvertrag) 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. The relationship between public authorities and private media can be seen as unproblematic.

In 2020, the Federal German Constitutional Court, in its ruling on the BND Law, which governs the activities of the country's foreign intelligence agency BND, has strengthened the protection of foreign journalists against surveillance. The court has thus brought an end to the previous approach to mass surveillance, in which the secret service was essentially unconstrained in its mass surveillance of non-Germans, including foreign journalists.

Citation:

World Press Freedom Index 2021, <https://rsf.org/en/ranking> (accessed: 13 January 2022).

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 annual television 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 the ombudsman, citizens have access to an independent press complaints mechanism, which 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 an 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. In 2014, the European Court of Human Rights ruled that The Irish Times had to pay its own costs in a case on this issue that the newspaper filed against the state (MacCormaic, 2014). 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.”

Ireland ranked sixth in the 2022 Press Freedom Index produced by Reporters without Borders, a reflection of the openness and plurality that characterize the Irish media landscape.

Citation:

MacCormaic, R. (2014) European court rules against ‘Irish Times’ on Mahon tribunal case costs, The Irish Times, 24 October, available at: <https://www.irishtimes.com/news/crime-and-law/european-court-rules-against-irish-times-on-mahon-tribunal-case-costs-1.1974970>

Rafter, K. (2018), ‘The Media and Politics,’ in Politics in the Republic of Ireland (6th edition, Routledge).
Reporters without Borders (2022), ‘Ireland’, <https://rsf.org/en/index>

Lithuania

Score 9

Lithuania’s media is 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’ 2021 Press Freedom Index, Lithuania was ranked 28th out of 180 countries on the issue of press freedom, an increase of two positions compared to 2019. Despite this generally positive situation, court decisions and prosecutors’ orders are sometimes a threat to media independence. The parliament 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.

In 2020, the courts ruled in favor of journalists' rights to access information in an important case. The Skvernelis government had refused to provide information about a government meeting, and had deleted the recordings. "This set a very important precedent, giving journalists right of access to all non-classified information," wrote Reporters Without Borders about the case.

During the pandemic, the state provided financial assistance to the media, but according to Reporters Without Borders, this aid "was not distributed fairly and transparently." In addition, the group said, "hospitals, municipal councils, courts and other state institutions restricted journalists' access to information" during the pandemic.

Citation:

2021 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 2021 World Press Freedom Index – published by Reporters Without Borders – New Zealand is ranked eighth, up one place compared to 2020. The report notes that the media's "independence and pluralism are often undermined by the profit imperative of media groups trying to cut costs to the detriment of good journalism" (Reporters Without Borders 2021). 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 largest print and online media providers, NZME and Stuff Ltd., have sought to merge, but this was

twice blocked by the Commerce Commission, which cited concerns about the effects on democracy in justifying its decision (Pullar-Strecker 2018). In mid-2020, Stuff was sold by its parent company, Nine Entertainment, to the organization's management for \$1 (Rutherford 2020).

Citation:

Pullar-Strecker (2018) "Court of Appeal explains decision to decline media merger." Stuff. <https://www.stuff.co.nz/business/industries/107378879/court-of-appeal-explains-decision-to-decline-media-merger>

Reporters Without Borders (2021) New Zealand: Press freedom threatened by business imperatives. <https://rsf.org/en/new-zealand>

Rutherford (2020) "Stuff sold for \$1 to CEO Sinead Boucher by Nine Entertainment." New Zealand Herald. <https://www.nzherald.co.nz/business/stuff-sold-for-1-to-ceo-sinead-boucher-by-nine-entertainment/WSETW73L7M7VV2FCP4PZ6LCSHY/>

Norway

Score 9

Media market and media consumption behaviors are rapidly changing in a country featuring the widespread use of digital media. The dominant TV and radio channel is the state-owned Norwegian Broadcasting Cooperation (NRK). It is a public service channel, financed by public grants set by the parliament. One national, commercially financed private TV channel receives financial compensation for producing a broad range of content, a condition that is anchored in an agreement with the government. In addition, several broadcasters operate from other countries. Aside from commercials for tobacco, alcohol and gambling, and commercials directed at children, which are banned, there are no restrictions on content.

The state-owned broadcaster (NRK) is organized in a way that ensures considerable autonomy. It is independent in all aspects of editorial policy, and the government does not intervene in the organization's daily operations or editorial decisions. The head of NRK reports to a board of directors. Board members are appointed by the government. A separate 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 all privately owned. The freedom of the press is explicitly guaranteed in the constitution; the article addressing press freedoms was amended and strengthened with a constitutional amendment in 2004. In Norway there is a historical tradition of two or more local newspapers, often representing different political views. In order to maintain this pluralism, the state provides financial

support for the smaller newspapers through unconditional grants.

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 diversified and national media increasingly competes with international digital news sources.

Switzerland

Score 9

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.

Since 2014, journalists reporting on (illegal) financial activities face up to three years in prison if they use information that violates bank secrecy regulations. Hence, no Swiss journalists took part in the "Suisse Secrets" investigations (NZZ 2022).

The Swiss government subsidizes media in various ways. It subsidizes delivery of subscribed daily and weekly newspapers, as well as of club and association magazines, so that all parts of the country and all language regions can be covered by the media. This applies in particular to daily newspapers in sparsely populated regions. Likewise, private local radio and regional television receive money from the government. More far-reaching subsidies were rejected in a recent popular vote on 13 February 2022. However, the government has no means to influence the contents of these media. To the best of our knowledge, there have been no attempts to use these subsidies to influence the work of journalists. Likewise, no scandals or conflicts have become public regarding the government's choice of board members of the quasi-public media organizations.

Citation:

NZZ 2022: Suisse Secrets: Datenleck bei der Credit Suisse, available at <https://www.nzz.ch/wirtschaft/suisse-secrets-datenleck-bei-der-credit-suisse-ld.1670838#subtitle-warum-ist-kein-schweizer-medienhaus-beteiligt-second>

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

The rules and practice of media supervision guarantee sufficient independence for public media. Privately owned media organizations are subject to licensing and regulatory regimes that ensure independence from the government. 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 since then. 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." However, in the context of the social unrest that began in October 2019, repression against reporters was observed to increase, another phenomenon that was publicly denounced.

The latest Press Freedom Index 2021, published by the international NGO Reporters Without Borders, ranked Chile at 54th place out of 180 countries, a drop of three places compared to the previous year. Given Chile's media landscape and its ideological and economic concentration, the degree of government influence over the media depends largely on which coalition is leading the government and clearly limits democratic debate, a fact also highlighted by the latest Press Freedom Index. The presidency of Piñera, a successful entrepreneur, was more market friendly, and was consequently closer to business and media interests.

Citation:

Freedom House, Freedom of the Press Index 2017, <https://freedomhouse.org/report/freedom-press/freedom-press-2017>, last accessed: 13 January 2022.

Reporters Without Borders, World Press Freedom Index 2021, <https://rsf.org/en/chile>, last accessed: 13 January 2022.

South Korea

Score 8

In 2020 and 2021, Korea was ranked 42nd in the World Press Freedom Index – down one spot from 2019, but still ahead of all other Asian countries. 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. While media freedom is constitutionally guaranteed, government influence and agenda-setting efforts remain strong, especially among TV broadcasters. Most major newspapers outlets have a strong conservative and pro-business bias, making it difficult to have access to diverse opinions. The politicization of media was evident in COVID-19 reporting. Conservative media were quick to blame the ruling liberal administration for its failure to ban visitors from China, which they portrayed as a direct cause of South Korea's role as the next COVID-19 hotspot after China.

Korea also 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.”

One critical issue being debated is if and how to control the spread of misinformation, or “fake news.” The Moon administration introduced a revision of the Press Arbitration Act that would allow courts to impose punitive damages on media outlets that publish fake news “by intent or through grave negligence,” or that infringes on aims to push media to be more serious and thorough in fact-checking what they publish. The bill encountered much resistance, including from Human Rights Watch and the United Nations special rapporteur for freedom of expression and opinion. The concern is that the vague definition of “fake news” and the associated hefty penalties could deter journalists from investigating corruption, while increasing censorship and self-censorship. At the same time, there are serious concerns about the increasing incidence of fake news. Between 2009 and 2018, more than 2,000 civil lawsuits were filed seeking compensation for harm caused by fake news. Given the ongoing, contentious debate, the bill has been shelved to allow more discussion and negotiation.

Notwithstanding these controversies, media manipulation seemed much less rampant under the Moon administration than under the two prior conservative administrations of Park Geun-hye and Lee Myung-bak. The Park and Lee administrations were found to have secretly funded pro-government media, blacklisted 10,000 critics and utilized the National Security Agency to conduct online smear campaigns against opponents. These and other actions led to Korea dropping to as low as 70th place on the World Press Freedom Index during the decade prior to Moon's election. Freedom

House also bumped up Korea’s internet freedom score in part due to “less systematic manipulation of online content by the (current) government.”

Citation:

Choe, Sang-hun. “South Korea Shelves ‘Fake News’ Bill amid International Outcry.” *The New York Times*, October 1, 2021. <https://www.nytimes.com/2021/10/01/world/asia/south-korea-fake-news-law.html>.

Kim, Hyejin. “How South Korea Is Attempting to Tackle Fake News.” *The Diplomat*, November 17, 2021. <https://thediplomat.com/2021/11/how-south-korea-is-attempting-to-tackle-fake-news/>.

Freedom House. “Freedom on the Net 2020,” <https://freedomhouse.org/report/country/south-korea/freedom-net/2020>.

Freedom House. “Freedom on the Net 2021,” <https://freedomhouse.org/report/country/south-korea/freedom-net/2021>.

Reporters Without Borders. “World Press Freedom Index, 2020,” <https://rsf.org/en/ranking/2020>.

Reporters Without Borders. “World Press Freedom Index, 2021,” <https://rsf.org/en/ranking/2021>.

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 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 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. Occasionally, the government threatens to cut or even abolish the BBC license fee, but so far this has not been put into practice.

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. The United Kingdom is a signatory of the Global Pledge on Media Freedom, launched in 2019. However, a recent assessment by the Paris-based NGO Reporters without Borders (RSF) is critical of the UK

record, notably citing curbs on freedom of information requests. 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 in Austria is guaranteed by the constitution. There is no censorship, 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.

However, the federal and regional governments use public money to promote specific policies during election campaigns and beyond in various print publications. They have even used public money to pay fines for violating established rules. This tradition, which has repeatedly been criticized by the Austrian Court of Audit and by media organizations, has not stopped or been reined in by stricter regulations. This also holds true for the current ÖVP-Green government, which assumed office in early 2020. 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, nevertheless, reduces the credibility and freedom of 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 by international standards. 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 "Ibiza scandal," which dominated the headlines in 2019, highlighted in a spectacular way the extent to which some political actors (in this case then former FPÖ party leader and Vice-Chancellor Heinz-Christian Strache) consider the media a territory potentially "up for grabs" by big money and media journalists as "prostitutes." However, while this case was unprecedented and led to the downfall of the ÖVP-FPÖ government in the same year, highly problematic attempts to influence media reporting by using public money have continued. In fact, accusations that then ÖVP party leader Sebastian Kurz had used public money to influence media

reporting on the 2017 electoral campaign in a highly improper way (including the publication of “fake surveys” to his own and his party’s benefit) eventually became one of the major factors prompting Kurz’s resignation from all political offices in late 2021.

While many observers considered the period of the ÖVP-FPÖ government to be rock bottom for media freedom from government intervention (with unusually aggressive attacks by the FPÖ on the ORF for being “not objective”), the overall situation has not changed much for the better under the new ÖVP-Green government. This can be seen from Austria’s position in international rankings for press freedom. For example, in the Reporters Without Borders ranking, Austria dropped out of the top-12 group in 2019, ranking 16 out of 179 countries. The same source ranked Austria 18th in 2020 and 17th in 2021. However, even this slight improvement for 2021 was owed to deteriorations in other countries, as the 2021 score for Austria indicated a slightly more negative perceived overall state of play.

Citation:

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

https://rsf.org/en/ranking_table

<https://www.derstandard.at/story/2000125974495/ranking-oesterreich-weiter-nicht-in-spitzengruppe-bei-pressefreiheit>

<https://www.diepresse.com/6051153/rechnungshof-strafe-soll-partei-harter-treffen>

Cyprus

Score 7

The regulatory framework for the press, radio and television guarantees media independence. However, no law exists for digital media.

In practice, attacks against the media and efforts by the government to influence the media continued in 2020 and 2021. The most notable incident took place in October 2020, when President Anastasiades told journalists, “Don’t mention Al Jazeera to me, so that the devil does not take you away!” Media treatment of third-party reports and statements attempts to shield the president and government from criticism. Individual columnists are often critical of the government, but editorial media lines remain “protective.” This may be the result of the government’s efforts to gain favor with the media through appointments to political and other positions.

Legal requirements for launching a publication are minimal. The Press Law 145/1989 is supplemented by self-regulation. Media owners, publishers and the Union of Journalists 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 politically motivated and the board lacks media expertise. Interference by both the government and political parties undermines freedom of expression and limits pluralism.

Provisions of EU media directives are the backbone of the law that governs private audiovisual media services. Oversight of commercial media and RIK's compliance with its public-service mandate is carried out by the Cyprus Radio Television Authority (CRTA). The CRTA has extensive powers and a broadly independent status. However, appointments, made 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.

On another level, the attorney general's constitutional powers to seize newspapers or printed matter constitutes a threat to freedom of expression.

Citation:

1. President defends gaffe over Al Jazeera 'gotcha video', Financial Mirror, 15 October 2020, <https://www.financialmirror.com/2020/10/15/president-defends-gaffe-over-al-jazeera-gotcha-video/>
2. Reporters without borders, Cyprus, 2021, <https://rsf.org/en/cyprus>

France

Score 7

In principle, media independence is guaranteed by a complete set of constitutional, legislative and administrative rules. There is not much more that can be done to improve the legal status of the press. This being said, media independence is multifaceted. One must distinguish between public and private media, 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 the political world, as well as the fact that most daily and weekly newspapers are owned by large business interests. Financial independence from private owners is rare. Most weekly and daily media are owned by moguls wishing to influence public opinion. 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 play a significant role in the media market.

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.

There has been a recent exodus of competent news reporters from Iceland's state-run TV station (RÚV), an apparent consequence of their exposure of wrongdoing by Iceland's largest fishing firm, Samherji, in Namibia and elsewhere.

In early 2022, the editorial office of a news magazine (Mannlíf) was burglarized in an attempt to eliminate certain sensitive material from its computer system, the first such recorded incident in Iceland.

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.

Israel

Score 7

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.

Citation:

Albin, Einat, Ittai Bar-Siman-Tov, Aeyal Gross & Tamar Hostovsky-Brandes. (2021). Israel Report, LAC19 Compendium, Lex-Atlas: Covid-19. Retrieved from: <https://lexatlas-c19.org>.

Freedom House: Israel. 2020. Civil liberties. Retrieved from: <https://freedomhouse.org/country/israel/freedom-world/2020>

Israeli's Prime Minister Office. 2020. Prime Minister Netanyahu's press briefing after consulting on the coronavirus subject. Retrieved from: https://www.gov.il/he/departments/news/spoke_corona150320

Itonaim Website. 2020. Journalist union court appeal accepted: The Supreme Court exempted journalists from shin-bet tracing. Retrieved from: <https://www.itonaim.org.il/%D7%91%D7%92%D7%A5-%D7%A7%D7%99%D7%91%D7%9C-%D7%90%D7%AA-%D7%A2%D7%AA%D7%99%D7%A8%D7%AA-%D7%90%D7%A8%D7%92%D7%95%D7%9F-%D7%94%D7%A2%D7%99%D7%AA%D7%95%D7%A0%D7%90%D7%99%D7%9D-%D7%95%D7%94%D7%92%D7%91/>

Man, Elad and Tehila Shwartz-Altshuler. 2020. "Journalistic work out to be exempt from emergency regulations" the Israeli Democracy Institution. Retrieved from <https://www.idi.org.il/parliaments/30997/31079>

Persico, Oren. 2020. "State rejects supreme court proposal to exempt journalists from shin-bet corona tracing." The Seventh Eye. Retrieved from <https://www.the7eye.org.il/369853>

Persico, Oren. 2020. "The pressure worked." The Seventh Eye. Retrieved from: <https://www.the7eye.org.il/380096#comments>

Tausig, Shuki. 2020. "Withholding information, blunt discrimination between reporters and delivering partial information." The Seventh Eye. Retrieved from: <https://www.the7eye.org.il/366923>

The Knesset Website. 2020. "Finally approved: shin-bet to be certified to perform cellular tracing on a limited measure for three weeks." Retrieved from: <https://m.knesset.gov.il/news/pressreleases/pages/press02.07.20.aspx>

Italy

Score 7

Traditionally, parties and governments have 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.

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 has opened the door for greater government influence. Under the Draghi government, nominations to senior RAI positions have reflected a stronger merit-based component.

RAI has enjoyed abundant funding, combining a mandatory subscription from every

person that owns a TV set and advertising revenue.

While the privately owned Mediaset channels continue to be subject to the political influence of Mediaset's owner, Berlusconi, the increasing importance of other channels has balanced things out.

As for 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.

Latvia

Score 7

Private media are generally free from direct government influence. Licensing and regulatory regimes are politically neutral and generally do not create a risk of inappropriate political interference. However, in the past, private media ownership structure and the media working environment have enabled actors associated with the government to influence editorial decisions.

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

The National Broadcasting Council (Nacionālā elektronisko plašsaziņas līdzekļu padome, NEPLP) has previously been criticized for violating the independence of public broadcasting after making swift, poorly substantiated changes in the leadership ranks of the public radio and television services. In 2019, the chairwoman of the National Electronic Mass Media Council resigned as a result. The council has similarly been criticized for being subject to political influence and susceptible to conflicts of interest, as there was no separation between the specific task of overseeing the public media services, and that of regulating the media industry as a whole.

After four years of draft law development, a new Law on Public Electronic Media was adopted in 2020, intended to address these and other challenges regarding the media environment in Latvia.

The law provides for the establishment of a new council – the Public Electronic Media Council (Sabiedrisko elektronisko plašsaziņas līdzekļu padome, SEPLP) – which is intended to function as an independent autonomous body representing the

public interest in the public electronic media sector. SEPLP will lead public procurement efforts and control their execution, but will not have the right to interfere in the specific editorial choices of the public service media.

The new law also creates a Media Ombudsman to monitor the public electronic media services' compliance with their statutory purpose and operating principles, codes of ethics, and editorial guidelines. The Ombudsman will also have the right to initiate the dismissal of an SEPLP member or the council as a whole if the council member's actions or omissions pose a threat to the editorial independence of the public media.

Overall, these developments are welcome and timely, and should be viewed as improvements in the quality of public media in Latvia, as they draw a clearer distinction between political influence and media oversight. The new law eliminates the conflicts of interest that have existed for years in the NEPLP, separating the supervision of public media from the functions of the regulator of the entire industry.

Citation:

1. Law on Public Electronic Mass Media and Administration Thereof (2021) Available at: <https://likumi.lv/ta/en/en/id/319096>, Last accessed: 10.01.2022.

2. Rožukalne, A. (2016) Monitoring Risks for Media Pluralism in the EU and Beyond: Latvia, Available at: https://cadmus.eui.eu/bitstream/handle/1814/46802/Latvia_EN.pdf?sequence=1&isAll_owed=y, Last assessed: Last accessed: 10.01.2022.

3. Official Gazette 'Latvijas Vestnesis' (2020) New Law on Public Media Management, Available (in Latvian): <https://lvportals.lv/skaidrojumi/322417-jauns-likums-sabiedrisko-mediju-parvaldibai-2020>, Last accessed: 10.01.2022.

Luxembourg

Score 7

Freedom of the press and the protection of sources is guaranteed by the constitution and a broad legislative framework, and both are generally respected in practice. The Chamber of Deputies, alongside the Press Council of Luxembourg and a number of regulatory bodies including the Independent Luxembourg Broadcasting Authority (ALIA) are involved in ensuring the independence of media. The Press Council, which is a non-governmental association with a good reputation for fairness and integrity, seeks to guarantee the freedom and the quality of the news media, and to improve their accountability. It is also the guardian of the code of ethics for professional journalists, and has the capacity to receive complaints from the public and give its opinion on specific grievances, but lacks coercive power.

In Luxembourg, each political party once had an affiliated newspaper. Although those affiliations ended in 2010, it can be noted that some perceived affinities still persist. Nevertheless, the media operate independently and journalists enjoy a great degree of freedom with respect to the government and the political class. In the 2021 World Press Freedom Index, Luxembourg fell from 17th to 20th place among 180

countries. Early in January 2022, the Luxembourg Association of Professional Journalists (ALJP) appealed to the authorities to protect journalists who have received death threats, mainly originating from militant anti-vaccination campaigners. The Media and Communication Minister strongly condemned these acts, saying that “where there is no independent reporting, human rights are violated.” The issue is also under discussion in the Chamber of Deputies. Although the government intend to legislate on this subject, such activities are not currently penalized by the existing legal framework.

Citation:

“Conseil de Presse Luxembourg.” <https://www.press.lu/en/who-we-are/history/>. Accessed 26 April 2022

“Journalists association issues appeal following death threats “. RTL Today (07 January 2022). <https://today.rtl.lu/news/luxembourg/a/1843608.html>. Accessed 14 January 2022.

“Freedom in the world: Luxembourg 2021.” Freedom House (2021). <https://freedomhouse.org/country/luxembourg/freedom-world/2021>. Accessed 14 January 2022.

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.

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. 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 threatened news organizations in various ways for their critical coverage of him, which he dismisses as “fake news.” He persistently attacked the mainstream media, falsely accusing them of corruption and dishonesty, referring to them as “enemies of people.” Yet, the vast majority of the news media were not intimidated by Trump’s attacks or threats, which became increasingly ceaseless over time. Although President Biden has moved away from the negative rhetoric of his predecessor about news organizations, many Republicans remain convinced most of these organizations are biased against them.

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.”

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>

<https://www.theguardian.com/media/2021/may/19/australia-needs-to-strengthen-press-freedom-laws-and-promote-transparency-inquiry-finds>

<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>

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, prime minister from the end of 2017 to the end of 2021, have reduced media freedom. Babiš has used his media power to support his political position and to denigrate opponents. The independence of the public media has been questioned given the controversial nominations and appointments to the councils supervising the public broadcaster Czech Television (ČT), the country's most trusted news source, Czech Radio (ČR) and the Czech news agency (ČTK). In December 2021, hundreds of ČR employees signed a petition against the new director for news given fears of undue influence. The candidate had a public track record of manipulating media coverage of the "refugee crisis" in her prior job as head of news at a private TV channel. After several days of employee and public pressure, the director of ČR withdrew the controversial nomination. Prime Minister Babiš and President Zeman have repeatedly criticized the public media for their alleged bias, thereby showing a lack of respect for media freedoms. Just before the parliamentary elections in October 2021, Babiš banned a group of journalists from Czech and foreign media outlets from attending his press conference with Hungarian Prime Minister Viktor Orbán (Boková 2021).

Citation:

Boková, T. (2021): Babiš's Media: The Erosion of Freedom of Press in Czechia, in: VerfBlog, October 15 (<https://verfassungsblog.de/babiss-media/>, DOI: 10.17176/20211016-045233-0).

Greece

Score 6

In 2020 and 2021, owing to the COVID-19 public health crisis, there was a further decline in the circulation of printed media, while a reduction in advertising has strained Greece's media sector. These developments have made media outlets more susceptible to government influence.

After the COVID-19 outbreak in early 2020, the Greek government disbursed €20 million to print and electronic media to carry public health messages, such as the "Stay at Home" campaign during the first lockdown of that year. The government was accused of allocating the aforementioned amount in a discriminatory fashion and withholding information on the list of funding recipients. It made the relevant information public with a few months delay in July 2020. After that disclosure, it turned out that in some cases (mainly news websites) the allocation of funds had relied on political or unclear criteria, although opposition outlets had received funds. Nevertheless, most private mass media held a generally responsible stance on the COVID-19 pandemic, promoting vaccination.

Journalists were sometimes subject to mistreatment, particularly while attempting to cover protests or report on migration issues. For example, German and Italian media teams were temporarily detained by police on the islands of Lesbos and Samos. The European Commission flagged concerns about attacks and threats against journalists in Greece in its July 2021 Rule of Law Report, in particular the killing of Greek investigative journalist Giorgos Karaivaz.

In late 2021, the Greek parliament approved an amendment to the Penal Code and the Code of Criminal Procedure, which extended the previous definition of “false information” and reinforced the relevant penalties. The new regulations, which include the possibility of prison sentences for offenders, provoked much criticism.

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 New Democracy, Kyriakos Mitsotakis). To sum up, in 2020–2021, the government largely respected media autonomy, although it made occasional efforts to influence them.

Citation:

European Commission, Rule of Law Report, July 2021 (https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report/2021-rule-law-report-communication-and-country-chapters_en)

Freedom House, Freedom in the World 2021, Greece (<https://freedomhouse.org/country/greece/freedom-world/2021>)

Reporters without Borders, “New Greek law against disinformation endangers press freedom,” December 1, 2021 (<https://rsf.org/en/news/new-greek-law-against-disinformation-endangers-press-freedom>)

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. The prime minister appoints all the directors of the State Media Board, as well as all the members of its editorial board. 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. COVID-19 has made this more acute. 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. Eurobarometer surveys have consistently shown that less than a quarter of respondents trust local media. By contrast, trust in the government has wavered between 52% and 58%. Malta’s ranking in the World Press Freedom Index fell to 81st, with Malta characterized as problematic. The following issues were highlighted: the use of defamation lawsuits to target journalists; and a media climate

deeply divided as a result of political party ownership of media outlets, which stifles debate and encourages propaganda. The situation was further compromised during the COVID-19 crisis through the opaque allocation of state funds to independent media. This ranking has been influenced by the murder of journalist Daphne Caruana Galizia. But this was an exceptional, tragic event. Recent events, especially the failure of the courts to stop the publication of evidence given behind closed doors or which the courts had specifically banned from publication, demonstrate the power that the press enjoys in Malta. Government does attempt to influence private media, however, to what extent and how successfully remains speculative. According to the 2021 Malta Media Pluralism Monitor, the protection of freedom of expression indicator receives a relatively low risk score of 28%, although it is up four percentage points from the MPM2020. The protection of the right to information indicator received a medium risk score of 61%, which is on the higher end of this spectrum and up 13 percentage points from the MPM2020. The journalistic profession, standards and protection indicator received a medium risk score of 36%, down four percentage points from the previous MPM (MPM 2020, 40%). The independence and the effectiveness of the media authority indicator received a low risk score of 28%, down nine percentage points from the previous MPM (MPM 2020, 37%). Lovin-Malta filed a court case in 2021 to determine whether propaganda on political party TV stations should be declared unconstitutional.

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. At the time, the OSCE welcomed the changes, but offered additional recommendations, noting that a more balanced approach is needed with regard to the defense of truth. In 2021, the government produced six draft acts, and appointed a commission of experts to review and report on these drafts.

Although state and party-related activities dominate the media, the reality of media diversity and a recent increase in competition, notably because of online portals, ensure that the system is essentially pluralist and that a range of opinions remain available.

However, there have been calls for reform of the public broadcasting service in order to ensure transparency and objectivity. Government pressure on media houses in election years is increasing. One such case is that of the General Workers Union (GWU), which is closely aligned with the government. The union has suspended the chief editor of its newspapers it is alleged after he refused to not publish certain stories that were said to paint the government in a bad light.

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>

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

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

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

Standard Eurobarometre 84 Autumn 2015

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

https://www.maltatoday.com.mt/news/national/114311/press_experts_committee_to_propose_antislapp_law_to_prime_minister#.Yd6yAfxLGP8

Centre of Media Pluralism and Media Freedom: country report Malta 2021

Netherlands

Score 6

The freedoms of the press/media and of expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2021 ranked the Netherlands at sixth place, one rank lower than previously. The somewhat lower ranking results from the fact that despite accepting an Open Government Law in both houses of parliament in 2021, the government, hampered by the coronavirus crisis, hasn't improved the media's access to state-held information, with the result that documents requested by journalists often arrive late and are incomplete, with entire pages or lengthy passages erased or redacted. Mass data collection by the government has sometimes violated the privacy of journalists and their right to protect their sources.

Even parliament has fallen victim to active blocking of access to government information. According to one high-profile professor of public law, over the last decade the Rutte governments have incompletely or misinformed parliament 43 times; that is, about 10 times more frequently than the governments in power during the 2001-2010 period. Paradoxically, in the follow-up to the childcare benefits scandal, where for several years the tax authorities and the government actively blocked information to the press and to parliament, SMS messages by the prime minister were made public for the very first time.

Another factor is that right-wing populist politicians attack the mainstream media and journalists as messengers of so-called fake news and as "enemies of the people," questioning the legitimacy of the traditional media and restricting targeted journalists' access to political meetings. In this way, they legitimize and encourage interference with the work of journalists. Such sometimes violent interference has become much more common, making public broadcasting organizations remove logos from their equipment. Some individual journalists from local media have been visited at their homes by these people, with attackers throwing stones through windows or inserting Molotov cocktails into their houses through mailboxes. As a consequence, Dutch journalists practice precautionary self-censorship on sensitive issues such as immigration, race, Islam and national culture and character. However, by international standards, journalists in the Netherlands are free from governmental interference. For example, their right to protect their sources is usually formally

upheld even when called upon as witnesses in criminal cases.

Public-broadcast programming is produced by a variety of civil organizations, some reflecting political and/or religious denominations with roots in the era of pillarization, others representing more contemporary societal and cultural 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 government-nominated supervisory board, which tests and allocates broadcasting time. This board has never functioned well, due to 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 blurred boundaries between “information” and “infotainment.” Critics have argued that younger people and non-Dutch population groups are not well served by the public broadcasting system. Currently, public broadcasting is both privately funded through advertisements and publicly funded. Regional broadcasters have been subject to budget cuts, which forces them to collaborate to survive. Influenced by a new EU guideline, a new more comprehensive Media Law has sought to harmonize regulations for commercial advertising through traditional linear public and private broadcasting through radio and TV, and those for non-linear, digital platforms and streaming services like YouTube and Netflix.

Citation:
Reporters Without Borders, 2021. Netherlands

NRC, Nieber, 18 January 2021. ‘Overheid deelt liever geen stukken’

NRC, De Koning en Hofman, 17 June 2021. Voor het eerst sms’jes van premier Rutte openbaar gemaakt.

Trouw, Julen, 5 October 2021. Wet Open Overheid eindelijk aangenomen, komt nieuwe bestuurscultuur ook een stapje dichterbij?

W. Voermans, 2021. Het land moet bestuurd worden. Machiavelli in de polder, pp. 175-6

Spain

Score 6

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. Reporters Without Borders reported on physical violence against journalists by both police and demonstrators, due above all to the conflict over Catalan separatist demands and the rise of the far-right Vox party. Moreover, the climate of polarization is eroding society’s confidence in journalists and fueling hate speech against the media. But journalists have also

criticized the lack of government transparency. The lack of transparency was exacerbated by the state of alarm during the first few months of the pandemic. Moreover, there is a high degree of public concern about the dissemination of false information. Spain was ranked 29th in the 2021 World Press Freedom Index.

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, a provisional "sole administrator" was appointed to direct the public broadcasting group. In February 2021, the PSOE and PP reached an agreement to renew the Board of Directors of RTVE. Under the terms of this agreement, the Congress of Deputies elected six members of the board, and the Senate four members. A new president was appointed in March 2021.

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. In Madrid, the regional government passed a law in 2021 to strengthen the control over the channel's board. In Catalonia there was an agreement among the main parties at the end of the year to appoint a new director (with a partisan bias), after three years of delay.

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.

Citation:

Reporters without borders (2021), World Press Freedom Index. <https://rsf.org/en/spain>

Slovakia

Score 5

The murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová in February 2018 has drawn public attention to the issues of media freedom and independence from state intervention and, at the same time, highlighted the limits to media freedom in Slovakia. The Pellegrini government did little to improve the situation. A law passed in September 2019 restored the right to reply, giving 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.

Under the new center-right government, the relationship between the government and the media has been less tense. The new government has refrained from the verbal attacks on independent journalists characteristic of its predecessors and has announced to improve the institutional protection of media freedom. With some delay, it has prepared a number of amendments to media legislation and the criminal code. However, progress so far has been limited (Reporters without Borders 2021). Contrary to initial announcements, the governing coalition has not agreed on changes that would have reduced the grip of the parliament on the selection of the director-general of the public radio and TV broadcaster RTVS. While the government has proposed reducing the prison sentence for defamation from eight years to one, it has also suggested criminalizing the spreading of disinformation and promoting hoaxes. These suggestions, which have resembled controversial laws in Hungary, have been criticized by the journalistic community, NGOs and even parts of the governing coalition for opening the way to arbitrary prosecutions of journalists and for encouraging self-censorship.

Citation:

Reporters without Borders (2021): Slovakia must be more ambitious in its support for media independence, December 16 (<https://rsf.org/en/news/slovakia-must-be-more-ambitious-its-support-media-independence-rsf-says>).

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 than 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 Ivica Todorić in 2017, there are still many cases of powerful businesspeople using advertising to hinder media freedom. In 2019 and 2020, 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.

In November 2021, the president of the Croatian Journalists' Association (HND), Hrvoje Zovko paid a visit to independent media organizations in Serbia. During the trip, he noted that the media in Croatia face major problems, such as the large

number of lawsuits filed against journalists (making Croatia one of the worst locales Europe in this regard), various forms of pressure exerted particularly on local media, and the significant influence by political forces on the public media services (the Croatian Radio-Television, HRT). However, he added that the situation in Croatia is incomparably better than in Serbia, Hungary, or Bosnia and Herzegovina.

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 (2012-2020) pursued a more heavy-handed approach, 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 2021, 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 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 UN special rapporteur on the freedom of expression expressed in 2017 serious concerns, stating that the Act could erode media freedoms and stifle public debate.

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:

Arielle Busetto, Press Freedom in Japan: When A Discussion Isn't A Discussion, Japan Forward, 10 January 2019, <https://japan-forward.com/press-freedom-in-japan-when-a-discussion-isnt-a-discussion/>

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

Umeda, Sayuri, Initiatives to Counter Fake News: Japan, Library of Congress (United States) Legal Reports, April 2019, <https://www.loc.gov/law/help/fake-news/japan.php>

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Japan, UNHRC, 23 June 2017, http://hrn.or.jp/wpHN/wp-content/uploads/2017/05/A_HRC_35_22_Add.1_AUV.pdf

Reporters without borders, 2021 World press freedom index, https://rsf.org/en/ranking_table

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 has become the world's most deadly country for journalists. According to The Guardian, nine journalists were killed in 2021, and eight in 2020 eight. Other sources mention 14 journalists killed in 2020. Since 2000, at least 138 journalists have been killed, and 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 was ranked at 143rd place out of 180 countries in the Press Freedom Index 2021.

Citation:

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

THE GUARDIAN: Two more Mexican journalists killed as reporters condemn worsening violence, 1.11.2021

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

Slovenia

Score 4 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. (Only five are proposed by political parties). 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 in October 2015, strengthened media freedom by making it clear that an individual disclosing classified information no longer incurs criminal liability. In the period under review, however, there have been reports of political pressure being placed on public and private journalists covering sensitive political issues by both government and opposition representatives. There was attempt by the government to introduce a public media service reform, but it was never submitted to parliamentary procedure, as there was no support for the reform even among the coalition partners. Media freedom has further suffered in the period under review, as the owners of private media exert their influence. Most private media outlets are owned by companies from economic sectors such as construction and rubbish collection. Reporting often seems to be biased, which helps these owners secure public sector procurement contracts, either with right-wing or left-wing governments. There was a long and exhausting stand-off between the government (represented by UKOM, the government communication office) and Slovenian Press Agency (STA) over the details of the agency's public service tasks, which was fueled by the prime minister's rather aggressive comments regarding the media situation on Twitter. This dispute was viewed as an attempt to strengthen the government's influence over STA, and led to protests from the European Commission and international media advocacy organizations. In November 2021, the directors of UKOM and STA signed a new public service contract and ended the stand-off. During the period under review, both highly polarized political sides tried to create and strengthen their own media system, often via opaque financing and odd business practices. For example, right-wing media have received financial support from Hungary, while left-wing media are connected with private sector oligarchs and sometimes within unknown owners.

Citation:

STA signs deal on public service with UKOM valid until end of the year, STA, 8 November 2021, available at <http://agency.sta.si/2964066/sta-signs-deal-on-public-service-with-ukom-valid-until-end-of-the-year>.

Bulgaria

Score 3

In legal terms, media 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 management of the public Bulgarian National

Television and Bulgarian National Radio are elected by the Council for Electronic Media.

In practice, however, media independence has been compromised since 2010-2011, a situation that has only worsened during the review period. 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.

Different governing parties have either sought or tacitly succeeded in restricting media freedoms, particularly during periods of public discontent and protests. The BSP and MRF did so in 2013-2014, and GERB in 2020. In 2021, six alerts concerning attacks and the harassment of journalists were registered on a Council of Europe platform established to protect journalists.

A major development in the media space has been the growth of non-traditional outlets.

During the 2021 elections, many candidates and journalists used public registries and data in their campaigns. The refusals of some public officials to disclose information publicly ended up being challenged in administrative courts, and the caretaker governments did their best to disclose as much information as possible. Access to information thus seems to have improved somewhat.

Citation:

Access to Information Program (<https://www.aip-bg.org/en/>)

Council of Europe Platform to promote the protection of journalism and safety of journalists
<https://fom.coe.int/accueil>

Poland

Score 3

Since entering office in 2015, the PiS government has intensified its grip on the media (Guzek/ Grzesiok-Horosz 2021). It has transformed the public media into a PiS propaganda mouthpiece and has weakened the remaining independent private media by forcing state-owned enterprises to refrain from placing advertisements in newspapers considered leftist or liberal. Public gas stations and other businesses have been urged not to sell particular newspapers.

In 2020 and 2021, the PiS government launched a number of attempts to further weaken independent media outlets. In December 2020, the state-owned oil company

PKN Orlen, led by Daniel Obajtek, a close ally of Jarosław Kaczyński, bought Polska Press for €27 million from the German Verlagsgruppe Passau. The deal included 140 local and regional newspapers, and 500 internet portals with 17.4 million users. PKN Orlen has largely ignored an April 2021 court decision suspending the approval of the purchase by the competition authority UOKiK and has revamped the editorial structures of Polska Press (Klimkiewicz 2022). Two other initiatives of the government have been less successful. In February 2021, it announced the imposition of a “solidarity” tax of up to 15% on the advertising revenues of all TV, radio, print and internet media. Officially justified as an attempt to raise funds for the healthcare system, pandemic challenges and Polish culture, this move was widely perceived as another strike against independent media and stirred massive protests. When the Senate rejected the bill and the junior coalition partner Porozumienie refused to support it, the governing coalition did not follow up on the issue. A second initiative was pursued more persistently by the government. In July 2021, it launched a new attempt to get rid of the U.S.-owned private TV channel TVP. The bill foresaw that media enterprises who are situated outside the European Economic Area should not be allowed to own more than a 49% stake in Polish media. This time the government tried to over-ride the Senate’s rejection and did so violating parliamentary procedures. However, on December 27, President Duda vetoed the bill.

The PiS government’s lack of respect for media independence is also shown by the large number of lawsuits against critical journalists. After the 2020 presidential election, President Duda’s administration temporarily revoked the press passes of several journalists involved in publishing critical articles about him. During pro-government and far-right rallies, the police have done little to protect journalists. After the introduction of a state of emergency at the Polish-Belarusian border in September 2021, journalists were banned from entering the emergency zone.

Citation:

Guzek, D., A. Grzesiok-Horosz (2021): Political Will and Media Law: A Poland Case Analysis, in: East European Politics and Societies and Cultures, forthcoming (<https://doi.org/10.1177/08883254211049514>).

Klimkiewicz, B. (2022): Orlen’s Takeover of Polska Press: Media Market and Pluralism Issues Are Intertwined. Florence: EUI, Centre for Media Pluralism and Media Freedom (<https://cmpf.eui.eu/orlens-takeover-of-polska-press-media-market-and-pluralism-issues-are-intertwined/>).

Romania

Score 3

Overall, Romania enjoys a relatively free media environment and ranks 48 out of 180 countries worldwide regarding press freedom, according to the 2020 Reporters Without Borders Ranking. However, journalists often report subtle obstructions by authorities intended to impede their work and the government exercises outsized influence on the content of media coverage. This was exacerbated during the COVID-19 pandemic, which saw a collapse in private advertising revenue around the world, including in Romania. This loss in revenue left private media outlets

dependent on government for funding, which, according to the Freedom House 2020 report, presented an opportunity to the authorities to gain editorial access through publicly funded advertising.

Across the country, there have been increasing signs that lawsuits are being strategically used against public participation. For example, politicians, church officials and businessmen with links to the state have sued well-established newsrooms of investigative journalists (e.g., Recorder, RISE and Libertatea) to stifle legitimate criticism through the abuse of existing laws (most notably, defamation).

Citation:

Prysiashniuk, 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 it takes over EU presidency, December 29 (<https://rsf.org/en/news/romania-press-freedom-free-fall-its-takes-over-eu-presidency>).

Hungary

Score 2

Since Fidesz's return to power in 2010, media freedom in Hungary has been drastically curtailed (Council of Europe, Commissioner for Human Rights 2021). The government has gradually brought the public and large part of the private media under control. Thriving on government advertising, media outlets are used by the government to influence and deceive public opinion (Bátorfy/ Urbán 2020).

This process has continued during the COVID-19 pandemic. In July 2020, the editor-in-chief of the leading news site, Index, was fired by the outlet's new owner, who has close links to the government. In September 2020, the government-aligned Media Council revoked the license of Klubradio, the last independent radio station – a decision that was criticized by the European Commission as disproportionate and non-transparent, and consequently incompatible with EU law (European Commission 2021). Media freedom has also been limited by the “fake news paragraph” included in the March 2020 Authorization Act (Polyák 2020). It threatens journalists engaged in producing fake news with a prison sentence of up to five years for scaremongering. While the regulation has not produced the avalanche of cases feared by its critics, it has harmed media freedom by inducing self-censorship. While somehow limiting its scope, the Constitutional Court essentially approved the controversial paragraph in a decision in June 2020. Also in June 2020, the Constitutional Court eventually declared legal a controversial 2018 government decree which prevented the Hungarian Competition Authority from examining the centralization of leadership and financing of about 500 media outlets by KESMA, the Central European Press and Media Foundation, a pro-government media conglomerate.

In 2021, it turned out that the government had used Pegasus spyware to track critical journalists in a number of cases. There were also incidences that some critical

journalists were no longer invited to press conferences involving the prime minister or individual ministers. In late 2021, the government dismissed the entire leadership of Mediaworks, the news agency of KESMA, in an attempt to bring pro-government media even further in line before the 2022 parliamentary elections.

Citation:

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.

Council of Europe, Commissioner for Human Rights (2021): Memorandum on freedom of expression and media freedom in Hungary. CommDH(2021)10, Strasbourg (<https://rm.coe.int/memorandum-on-freedom-of-expression-and-media-freedom-in-hungary/1680a1e67e>).

European Commission (2021): Media freedom: The Commission calls on Hungary to comply with EU electronic communications rules. Brussels, December 2 (<https://digital-strategy.ec.europa.eu/en/news/media-freedom-commission-calls-hungary-comply-eu-electronic-communications-rules>).

Polyák, G. (2020): Hungary's Two Pandemics – COVID-19 and Attacks on Media Freedom. Leipzig: ECPMF (https://www.ecpmf.eu/wp-content/uploads/2020/06/Legal-opinion-Hungary_2020.pdf).

Turkey

Score 1

The constitutional guarantees of freedom of the press and freedom of expression are rarely upheld in practice. The current legal framework governing the media is restrictive, and does not comply with EU standards. The government appoints the general director of the country's public broadcaster, Turkish Radio, and Television (TRT). By doing that, 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.

Journalists and media organizations critical of the government have faced threats, physical attacks and fines. TV and radio channels have been closed. According to Turkey's Journalists' Union, 34 journalists and media workers were in prison as of the close of the review period. Some of the convicted journalists (e.g., Ahmet Altan and Nazlı Ilıcak) were detained during the 2016 to 2018 state of emergency and were released from jail for various reasons, but several were immediately detained again. Additionally, in 2019, monetary fines were imposed 57 times on a large number of radio and TV channels. A total of 24 programs were suspended.

In October 2019, the Radio and Television Supreme Council (RTUK) announced it would silence any voice speaking out against the ongoing military operation in Turkey. The government seems to be taking further steps to undermine the already fragile media freedom. For instance, a new law passed in July 2020, the "Arrangement of Internet Publication and Combating Crimes Committed through These Publication" law, introduced heavy fines and bandwidth restrictions for content producers on the internet that do not comply with the regulations. This is widely perceived as a step toward silencing opposition programming on YouTube.

Citation:

Turkey's Journalists' Union. '34 journalists jailed in Turkey. December 12, 2021. <https://tgs.org.tr/arrested-jailed-journalists-turkey/>

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en.

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 as well as social media sites. 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. The dailies 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:

Ministry of Cultural Affairs. Media Development in Denmark. 2020.

(https://mediernesudvikling.kum.dk/fileadmin/user_upload/dokumenter/medier/Mediernes_udvikling/2020/Overblik_og_perspektivering/Summary_and_discourse_2020.pdf)

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. 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. Another significant development has been the spread of independent blogs and portals, which provide in-depth stories and analysis that is less and less found in mainstream media. These online publications, such as Edasi (edasi.org), and blogs, such as Levila, Poliitikaguru and Sharpminder, enjoy an increasing number of followers and enrich the existing media landscape. They are funded by subscription or are self-reliant for funding.

Germany

Score 9 In Germany, the Interstate Treaty on the Modernization of Media (Medienstaatsvertrag, MStV) defines the threshold at which a television broadcaster has achieved the dominant power of influence to be an annual average audience share of 30% (MStV, Sec. III, § 60). The Federal Cartel Office regulates most issues regarding oligopolies and monopolies 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 broadcast media research group Arbeitsgemeinschaft Fernsehforschung (AGF), in the television market, public broadcasters held a market share of 47% in 2021. In the private sector, the RTL Group held a 17.4% market share, while the ProSiebenSat.1 Media AG accounted for 9% of the total television market for the same year. Private broadcasters' market shares have fallen as they are increasingly crowded out by streaming providers.

TV is the most commonly used media (92%), followed by radio (94%) and the

internet (83%). Daily audiovisual media use increased significantly during the pandemic, reaching an average 9 hours and 43 minutes, which is 40 minutes more than that recorded in 2019 (Vaunet 2021).

The nationwide print media market is dominated by five leading daily newspapers: the *Süddeutsche Zeitung*, *Frankfurter Allgemeine Zeitung*, *Die Welt*, *Handelsblatt* and the tabloid daily *Bild*. *Bild* has by far the biggest circulation in Germany but its circulation numbers are falling steeply. 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. Between 1995 and 2020, daily newspaper circulation has been more than halved (Statista 2021).

The internet has become an increasingly important medium through which citizens access and collect information. This has forced the print media to cut costs significantly, which includes reducing editorial staff size.

In short, Germany continues to benefit from a comparatively pluralistic and diversified media ownership structure and somewhat decentralized television and radio markets.

Citation:

AGF (2022): Jahresmarktanteile, Top 30 Sender: 2021, <https://www.agf.de/daten/tv-daten> (accessed: 13 January 2022).

Statista (2021): Auflagenstruktur der Tageszeitungen in Deutschland im 3. Quartal 2021, <https://de.statista.com/statistik/daten/studie/382058/umfrage/auflagenstruktur-der-tageszeitungen/> (accessed: 13 January 2022).

Vaunet (2021): Mediennutzung 2020: über neuneinhalb Stunden audiovisuelle Mediennutzung pro Tag, <https://www.vau.net/studien-prognosen/content/mediennutzung-2020-neuneinhalb-stunden-audiovisuelle-mediennutzung-pro-tag> (accessed: 13 January 2022).

Sweden

Score 9

The media in Sweden operate independently of the government. This is not to say that the government is wholly inactive in the media sector, however. Government institutions offer financial support to newspapers (typically smaller newspapers) and also to magazines. The media market in Sweden has expanded considerably over the past couple of decades. Today, the public SR and SVT radio and television broadcasters face significant competition from privately owned and managed radio and television channels. The public television and radio stations have been tax-funded since 2019, when the license fee funding scheme was phased out.

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. Sweden remains at the top in the overall Inclusive Internet Index, which was commissioned by Facebook and developed by The Economist

Intelligence Unit (<https://theinclusiveinternet.eiu.com>). The index is a construct of availability, affordability, relevance, and readiness of internet services and infrastructures.

Citation:

The Economist Intelligence Unit. 2021. "The Inclusive Internet Index." <https://theinclusiveinternet.eiu.com>

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.

In February 2022, a referendum rejected a bill to increase and expand public subsidies for media, which aimed to ensure broad coverage of various media across the country. This represents a threat to smaller, regional media channels, as well as for the pluralism of media and media ownership in Switzerland.

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>

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

Notably, compared to equivalent outlets in the United Kingdom, Irish newspapers do not tend to have explicit political affiliations and tend not, for example, to support parties or candidates at election time.

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 complaints about the influence and power of the Independent News and Media Group (INM), an Irish-based multinational media company that owns the largest-circulation national titles. 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 allegations 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 Parliament elections and (c) first-preference votes in the 2009 local government elections.

The Electoral Reform Bill 2021 proposes to regulate online political advertising (Lynch, 2021). The proposals build on the Online Advertising and Social Media (Transparency) Bill (2017), and on the findings of the Interdepartmental Group on the Security of Ireland's Electoral Process and Disinformation report (Gov 2019),

Citation:

Gov (2019) Interdepartmental Group on Security of Ireland's Electoral Process and Disinformation, Government of Ireland Progress Report, available at: <https://assets.gov.ie/39188/8c7b6bc1d0d046be915963abfe427e90.pdf>

Lynch, C. (2021) The regulation of online political advertising Evaluating the Government's proposals, Houses of the Oireachtas Library and Research Service, 04 February, available at: https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2021/2021-02-08_1-rs-note-the-regulation-of-online-political-advertising-evaluating-the-government-s-proposals_en.pdf

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

Norway

Score 8

In terms of audience ratings, the state-owned Norwegian Broadcasting Corporation (NRK) dominates in TV, radio and, increasingly, digital platforms. There is a great number of private, commercial TV and radio channels, many of them based in, and sending from, other countries. A special body called the Norwegian Media Authority (Medietilsynet) is responsible for monitoring and regulating the market, although foreign actors cannot be controlled.

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., bans on commercial for alcohol, tobacco, gambling and political statements).

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 to date not 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 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 across the entire country.

Increasingly, international 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.

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 with which to gather news. 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, several local tv-shows in addition to multiple radio stations and the vast array of internet sources. The American media landscape offers a great deal of pluralism if and when people actually choose to consume it.

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.

Cyprus

Score 7

The legacy media landscape is shrinking while digital media proliferates in an unregulated environment. Media companies are extending their hold over the press, and the broadcasting (mainly radio) and online sectors. Dependency on financial interests has increased. This is evident in media content that is less critical about or lacks any reporting on specific businesses or interests. Despite strict radio and television ownership rules, which disallow cross-media conglomerates, deficient regulation and enforcement do not attract scrutiny.

Media outlets, among other businesses, benefited from state grants and subsidies during the COVID-19 crisis.

The COVID-19 crisis dominated news reporting. While corruption and migration occupied ample media space, mainstream media defined their coverage in terms of the Cyprus Problem to “defend Cyprus against threats.” Corruption linked to selling passports and the crisis with Turkey, connected to exploration for hydrocarbons, made the headlines. The influx of undocumented migrants also made the news, with

frequent interventions from state officials, which were often loaded with racist rhetoric and endorsed by the media. The absence of quality reporting and the lack of a watchdog are major problems that constrain pluralism.

Publicity of the Recovery and Resilience Plan offered the government ample coverage. Along with other mainstream actors, state officials largely monopolized media access. With parliamentary elections held in May, public focus was on partisan confrontations and blame games, which left little space for meaningful public debate.

Citation:

1. Media Pluralism Monitor Cyprus, 2021 https://cadmus.eui.eu/bitstream/handle/1814/71941/cyprus_results_mpm_2021_cmpf.pdf
2. Andrew Rosenbaum, Qatar, Al Jazeera, Turkey: a network against Cyprus, Cyprus Mail, 25 August 2020, <https://cyprus-mail.com/2020/08/25/qatar-al-jazeera-turkey-a-network-against-cyprus/>
3. Cyprus must rethink asylum policies, says MP, Financial Mirror, 24 September 2021, <https://www.financialmirror.com/2021/09/24/cyprus-must-rethink-asylum-policies-says-mp/>

Czechia

Score 7

Media pluralism in Czechia has benefited from a relatively independent public media. However, the private media market has suffered from a concentration of media ownership, the departure of several international owners and the broadening of the scope of media holdings (print, online, radio and television). Babiš's business, MAFRA, dominates the daily print media, with an estimated 3.2 million readers, and the country's online media, with an estimated 3.3 million daily users. It benefited disproportionately from pandemic-related state aid for cultural institutions (Kottova 2020). A major change in media ownership was the purchase in October 2020 of the Central European Media Enterprises (CME), an international media and entertainment company, by the PPF Group owned by Czech billionaire Petr Kellner. CME owns television stations in five countries in East-Central Europe (Bulgaria, Czechia, Romania, Slovakia and Slovenia). In contrast to Babiš's outlets, there have been no reports of political interference in news reporting. Kellner died in a helicopter crash in Alaska in March 2021, leaving the future uncertain.

Citation:

Kottova, A. (2020): Babišova vláda chystá pomoc médiím. 'Záleží na rozpočtu, teď nemůžeme rozdávat nic,' říká Zaorálek (Babiš government preparing aid for the media. 'It depends on the budget, now we cannot give away anything' says Zaoralek). in: iRozhlas, June 23 (https://www.irozhlas.cz/kultura/kor-onavirus-podpora-media-ministerstvo-kultury-zaoralek-babis-mafra_2006231300_ako).

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 in Latvia. Print media is privately owned, while broadcast media has a mix of public and private ownership. In the last decade, market pressures have created some consolidation in the market, leading to concerns about pluralism. 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.

According to the NPLP and the Media Pluralism Report (2021), media consumption in Latvia is largely determined by ethnic group and/or geographical factors – that is, Latvian speakers generally trust and use Latvian media, whereas Russian speakers choose Russian-language media, often preferring TV channels controlled by the Russian government.

Even though the regulation of Latvia's media is liberal and has allowed a diverse media system to develop, Latvia was evaluated as showing a medium to high risk to media pluralism in many of the categories addressed by the Media Pluralism Monitor in 2021. In particular, a high level of risk is observed with regard to market plurality (75%) due to increasing news media and online platform concentration, with the highest increase in concentration coming in the digital news field. The area of social inclusiveness indicates a medium overall risk of 47% due to difficulties in accessing media in some regional communities, comparatively more limited access for women, and a high level of risk with regard to the development of media literacy.

Citation:

1. Rozukalne A. (2021) Monitoring Media Pluralism in the Digital Era: Latvia Country Report, Available at: https://cadmus.eui.eu/bitstream/handle/1814/71952/_atvia_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y, Last accessed: 10.01.2022.

2. Rožukalne, A.(2017) Country report: Latvia, European University Institute, Centre for Media Pluralism and Media

Freedom, Available at: http://cmpf.eui.eu/wpcontent/uploads/2018/11/Latvia_MPM2017_country-report.pdf, Last accessed: 10.01.2022.

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 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. In its 2020 report, Freedom House noted growing risks to media freedom due to increasing ownership concentration, which often leads to self-censorship on the part of journalists and editors. Furthermore, the group pointed out the detrimental effects of the pandemic's economic effects, as well as the danger of potential restrictions on media freedom due to "a vaguely worded law restricting the dissemination of information that 'abases family values.'" Freedom House consequently lowered Lithuania's score on the freedom of expression and belief.

The population shows relatively low levels of trust in the media, with only 25% of respondents indicating that they trust media organizations, and 34% stating that they do not, according to a December 2021 survey by Vilmorus. This represented a significant deterioration since 2019.

Citation:

See information by the Journalists' and Publishers' Ethics Commission

<http://www.lzlek.lt/index.php?lang=1&sid=371&tid=400>

Vilmorus survey:

<http://www.vilmorus.lt/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=2&cntnt01returnid=20>

Freedom House, Freedom in the World 2021, Lithuania, file:///C:/Users/Vytautas/Desktop/SGI/Lithuania_%20Freedom%20in%20the%20World%202021%20Country%20Report%20_%20Freedom%20House.pdf

Luxembourg

Score 7

The media landscape in Luxembourg is multilingual, multimedia and surprisingly rich given the size of the country and the population. Newspapers and certain online media organizations receive direct and indirect subsidies, in order to make possible a degree of pluralism of the press. The print sector includes five daily newspapers and a number of weekly and/or monthly magazines. There are about seven private radio stations with national coverage, as well as Radio 100,7, which is a public service broadcaster. RTL is Europe's most important private radio and television broadcaster, and the audiovisual sector is dominated by the group CLT-UFA. RTL Radio Télé Luxembourg carries out a public service mission in exchange for public subsidies. Luxembourg's media market is regulated by the Independent Luxembourg Broadcasting Authority (ALIA).

The country's media landscape facilitates the expression of diverse political points of view: conservative, liberal, socialist and communist. Many of Luxembourg's daily newspapers have links to political parties.

Luxemburger Wort (the country's largest daily newspaper) is owned by the Saint-Paul group (under the aegis of the Catholic Church), and therefore has had ties to the Christian Social People's Party. However, in April 2021, the Belgian conglomerate Mediahuis purchased the Saint-Paul group, and has since given priority to more online coverage. Thus, 70 employees (or 20% of the staff of Luxemburger Wort) have lost their jobs, a move criticized by analysts as potentially weakening the country's media environment.

In 2021, print and digital media were used on a daily basis by 217,000 residents (41.3% of the Luxembourg total population). The market share of L'Essentiel, the most successful of the free papers, had a market share of 29.9% (or 157,000 readers per day) in 2021. Luxemburger Wort (paper and digital) was read by 149,200 persons (28.4% of the population). L'Essentiel and Tageblatt (Luxembourg's second-largest newspaper, with a market share of about 7.8%) are both published by Editpress, which is jointly owned by the socialist trade union OGBL and the Luxembourg Socialist Workers' Party.

In 2021, RTL Télé Lëtzebuerg had no domestic competitors in the television market (with a market share of 22.6%), and remains well ahead in the radio market, despite

the market's liberalization in the early 1990s and the creation of the public broadcaster Radio 100,7 in 1993. RTL radio reaches the largest audience share (35%), while L'Essentiel Radio was the most listened-to radio service among foreign residents (20.8% daily coverage and 38.2% weekly coverage).

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 nonpartisan (217,000 readers per day, or 41.4%).

According to Media Pluralism Monitor 2020, women have less access to the media than do men (risk rating 81%). There are few women in key positions in the sector, and the Luxembourg public media service does not have a gender equality policy. Furthermore, women experts serve as invited guests on media programs less often do their male counterparts.

Another sensitive issue concentration and competition enforcement among online platforms (risk rating of 96%). The indicator addressing transparency of media ownership scores a medium level of risk (50%), as does the indicator measuring protection of the right to information (45%).

The media is independent of the government, but a wide range of mass media receive public subsidies. The press was particularly affected by the coronavirus crisis, and was therefore given a specific aid program by the government with the aim of "improving the quality of journalism and guaranteeing the pluralism of multilingual media." A new law on subsidies to the press, covering both online media and written press, was adopted on 8 July 2021. Grants are composed of a fixed amount (€200,000) and a variable amount (€30,000 per professional full-time journalist). This aid is also open to monthly publications, the free press, "citizen media," "emerging publishers" and startups in the sector.

Citation:

"Journalists association issues appeal following death threats ". RTL Today (07 January 2022). <https://today.rtl.lu/news/luxembourg/a/1843608.html>. Accessed 14 January 2022.

"2021 World Press Freedom Index." Reporters Without Borders Report. (2021). <https://rsf.org/en/2021-world-press-freedom-index-journalism-vaccine-against-dis-information-blocked-more-130-countries>. Accessed 14 January 2022.

"Financial support for professional journalism." The Government of the Grand Duchy of Luxembourg. (8 July 2021). <https://guichet.public.lu/en/entreprises/sectoriel/medias/subside-presse-en-ligne.html>. Accessed on 14 January 2021.

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Kies, Raphaël; Hamdi, Mohamed. "Media Pluralism Monitor 2020 – Monitoring Media Pluralism in the Digital Era. Country Report: Luxembourg." Centre for Media Pluralism and Media Freedom. Research Project Report. Issue 2827. July 2021. https://cadmus.eui.eu/bitstream/handle/1814/71954/luxembourg_results_mpm_2021_cm_pf.pdf?sequence=1. Accessed 14 January 2021.

“L’audience des médias luxembourgeois à la loupe.” Luxemburger Wort (12 May 2021). <https://www.wort.lu/fr/luxembourg/l-audience-des-medias-luxembourgeois-a-la-loupe-609bca80de135b923600aeb4>. Accessed 14 January 2022.

Règlement du Gouvernement en Conseil du 11 mars 2020 concernant le régime de promotion transitoire du journalisme en ligne. <http://legilux.public.lu/eli/etat/leg/rgc/2020/03/11/a176/jo>. Accessed on 14 January 2022.

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 (renamed as *Nascer do Sol* in December 2020) 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. A new weekly newspaper called *Novo* was launched by Lapanews in April 2021.

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.

Citation:

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

Spain

Score 7

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. The CMPF has warned that this concentration put media pluralism at risk in the future. The concentration of the advertising market of two large television operators – Mediaset and Altresmedia – has been confirmed via a sanction issued by the CNMC in November 2019

In 2020, the average daily consumption of media exceeded eight hours in Spain, reaching the highest figure in the last two decades. This is probably due to the change in citizens' habits as a result of the COVID-19 pandemic. TV viewing rates reached an all-time high during the first week of lockdown in March. However, Netflix, HBO and Movistar+ were the big winners during this period.

The widespread use of social networks has 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, y Espanol.com and Okdiario.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.

Citation:

Asociación para la Investigación de Medios de Comunicación (2021), Audiencia de Internet <https://www.aimc.es/egm/audiencia-internet-egm/>

Universidad de Navarra (2021), Digital News Report <https://www.digitalnewsreport.es/resumen-ejecutivo->

[digitalnewsreport-es-2021-periodismo-de-calidad-y-cercania-para-combatir-la-infodemia/](#)

European University Institute, Robert Schuman Centre for Advanced Studies, García Castillejo, Á., Suau, J., Masip, P., et al., Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019. Country report: Spain, European University Institute, 2020, <https://data.europa.eu/doi/10.2870/253126>

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.

In 2020 and 2021, the government attempted to appoint the former Daily Mail editor Paul Dacre as head of the media regulator Ofcom by repeating the interview rather than appointing one of the other candidates. There were accusations of the government manipulating the process in his favor and eventually Dacre withdrew his candidacy in November 2021.

Citation:

<https://www.theguardian.com/media/2021/nov/19/paul-dacre-pulls-out-of-running-next-ofcom-chair>

Belgium

Score 6

Relatively few entities 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 opinions, 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 (Bell, Rogers, Quebecor) dominating the mainstream print and electronic media. There is a particularly strong media concentration in some parts of the country (e.g., the Irving newspapers in New Brunswick). This trend has accelerated with the shutdown of several dozen local newspapers following a deal between two national newspaper corporations, Torstar and Postmedia Group, in 2017.

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 generally express a centrist to center-right political orientation but some (such as the *Globe and Mail* and *La Presse*) make an effort to bring in left-wing perspectives in order to provide a balanced coverage of issues. Of course, the influence of mainstream newspapers has waned considerably in the last decade or so in favor of online sources of information and social media, where Canadians can find a great diversity of opinions and political perspectives. The public media (television and radio) generally presents a good diversity of political opinions and analysis.

Iceland

Score 6

Media ownership in Iceland can be divided into three blocks, 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.

Owners of private media sometimes try to exercise influence over news coverage. Iceland's second largest daily newspaper is partly owned by fishing magnates, and fights against fisheries policy reforms as well as Iceland's application for EU membership.

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.

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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. Thus, 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, including political parties, the Catholic Church, private entrepreneurs, the General Workers' Union (GWU), a major left-leaning trade union and increasingly by civil society groups. Thus, Malta's media landscape reflects a plurality of ownership. Pluralism of opinion within the media depends entirely on editorial discretion, although the broadcasting authority and the courts may impose rights of reply when this is deemed necessary. Malta is one of the few countries with legislation defining a right of reply. 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 2021 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 (35%) in terms of basic protection of journalists against violence. The score remains unchanged from previous reports. As in the previous MPM report, Malta continues to receive an overall high risk score in the area of market plurality, with three indicators clearly hitting the high-risk band (news media concentration, online platforms concentration and competition enforcement, and media viability). The news media concentration indicator also received a high-risk score of 89%, nine percentage points up from the MPM 2020 (80%). Media legislation, namely the Broadcasting Act, contains specific limitations to prevent a high degree of horizontal concentration of ownership in the audiovisual media sector. However, the report alleges that there is a worrying lack of data pertaining to the market share of individual news outlets. The online platforms concentration and competition enforcement indicator also received a high-risk score of 83% due to a lack of available data with regards to advertising revenue and audience concentration, as well as a lack of specific regulation for the market. As per the MPM2020, political independence received a high-risk score, with three indicators being rated high risk (political independence of media, editorial autonomy, and the independence of PSM governance and funding). There is no law that makes government office incompatible with media ownership, and political parties own, control or are editorially responsible for nationwide television and radio services. However, media ownership is quite transparent and Malta scored well in terms of freedom of

expression. In a 2019 Eurobarometer survey, respondents in Malta reported low trust in the media, with only 30% saying Maltese media provided trustworthy information. Some 85% of respondents said they came across fake news and only 12% believed that the media provided information free from political or commercial pressure. Moreover, only 12% believed that the public service media was free from political pressure compared to 39% in the European Union.

Citation:

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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

Media Pluralism in Malta, A Test Implementation of the Media Pluralism Monitor 2021

Times of Malta 28/02/20 Maltese trust in democracy plummeted last November – Eurobarometer

Standard Eurobarometer 92 public opinion in the European Union Malta Autumn 2019

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.

Netherlands

Score 6

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. Nevertheless, there is also an increasing sense of news fatigue among younger citizens in particular, many of whom are increasingly avoiding the news.

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 2020, the Netherlands was characterized as being low risk in the domains of basic protection, political independence and social inclusiveness (especially the use of sign language for the deaf). However, the country was characterized as being medium risk in the area of market plurality, especially media viability. In 2020, even before the COVID-19 outbreak, the share of Dutch people who paid for online news increased from 11% in 2019 to 14% in 2020. The lockdown led to a temporary increase of the reach of television, radio and news media. At the same time, revenues decreased due to lower incomes from advertisements. There is also 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.

In 2020, a substantial reduction of media pluralism took place. With the acquisition of Sanoma by DPG Media – the owner of newspapers such as AD and De Volkskrant, along with a large number of regional papers – the commercial media market is now dominated by only two publishers, both Belgian. Next to DPG Media, Mediahuis, who own the newspapers De Telegraaf and NRC also increased concentration by acquiring the NDC mediagroep. The Netherlands has thus entered a level of media ownership concentration that raises important questions with regard to media pluralism.

Citation:

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EUI/Robert Schumann Center, Media Pluralism Index 2020, Klein, June 2021. Country Report: The Netherlands Media Pluralism Monitor 2017 – Results, Netherlands, October 2017 (monitor.cmpf.eui.eu, consulted 13 October 2017)

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<https://www.cvdm.nl/actueel/covid-19-zorgt-voor-toename-nieuwsgebruik-interesse-en-vertrouwen>

Slovakia

Score 6

As is the case in other East-Central European countries, Slovakia has experienced a passing of private media ownership from foreign owners to domestic owners that lack transparency. A large number of media outlets are now directly or indirectly controlled by a limited number of politically well-connected Slovak financial groups. In 2021, there have been two promising developments. First, Penta, the biggest of these groups, sold its 34%-stock of Petit Press which owes the most influential non-tabloid newspaper “Sme.” The new owner, the U.S.-based Media Development Investment Fund (MDIF), is a not-for-profit investment fund for independent media active in countries where access to independent media is under threat. It provides loan and equity financing to media companies that play an important role in maintaining freedom of speech in their home countries. MDIF already provided the loan to Petit Press in 1990s – when it was harassed by the Mečiar government. Second, the new center-right government has started to prepare new media legislation aimed at making media ownership more transparent. A publicly accessible register of all media outlets would be created, identifying not just the owners of any media outlet but also the so-called ultimate beneficial owner of that particular media outlet, that is, the person or entity that is the ultimate beneficiary when an institution initiates a transaction. In addition, the new government plans to install a new regulatory body supervising market shares and enforcing a maximum market share of 60%.

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 services are widespread and very diverse. The reach of these alternative media outlets is potentially quite large, as Korea's social media penetration rate (87%) is the third-highest in the world.

Citation:

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Australia

Score 5

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

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.

A positive development in 2021 was the government's success in implementing a news media mandatory bargaining code that requires digital platforms – especially Google and Facebook – to pay news media companies for content they link to or display. This, in principle, helps to promote media plurality by increasing the

viability of a broader number of news media outlets. However, there has been criticism that the code does little for small and regional news media operators. The value of payments from Google and Facebook under the code is not known because the agreements are “commercial in-confidence.”

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>

<https://www.acma.gov.au/news-media-bargaining-code>

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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 continues to be fairly concentrated, with one single daily paper, the tabloid paper Kronenzeitung (Die Krone), accounting for a 23.9% market share in 2021 (down from more than 40% in 2009). The second and third largest shares are held by Heute, a free newspaper (8.8%), and Der Standard, a high-quality newspaper (7.3%). The Krone carries particular 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 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. Again, the small size of the Austrian media market is largely responsible for this.

According to data gathered for and published by the Media Pluralism Monitor 2021, media pluralism in Austria is at medium risk in all but one of the areas investigated (i.e., market plurality, political independence and social inclusiveness) and one area (fundamental protection) shows a low risk. According to the same source, risks to media pluralism in Austria are primarily due to horizontal and cross-media concentration, a lack of sufficient reflection on the changes in the media landscape in the competition law, threats to the independence of PSM governance and funding, endangered editorial autonomy, some shortcomings in provisions on the transparency of media ownership, limited access to media for women and minorities,

the lack of a policy (or resources) to promote media literacy, and a system of state subsidies.

Citation:

https://cadmus.eui.eu/bitstream/handle/1814/67793/austria_results_mpm_2020_cmpf.pdf?sequence=1&isAllowed=y

<https://www.leadersnet.at/news/53507,media-analyse-2021-42-millionen-leserinnen-bleiben-der.html>

Ownership structure of Austrian print-media:

<https://kontrast.at/medien-oesterreich/>

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 digital sector offers a more diversified scope of opinion (especially on local radio stations and in a few online publications). All in all, 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:

Reporters Without Borders, World Press Freedom Index 2021, <https://rsf.org/en/chile>, last accessed: 13 January 2022.

Centro de Investigación Periodística (CIPER), "Crisis de la libertad de expresión en Chile", 3 May 2021, <https://www.ciperchile.cl/2021/05/03/crisis-de-la-libertad-de-expresion-en-chile>, last accessed: 13 January 2022.

France

Score 5

Media pluralism is reasonably guaranteed in France.

Public media are supervised by an independent authority, with their ranks including several national TV networks and radios. They enjoyed monopoly status until the mid-1980s, when the Mitterrand government authorized the creation of private radio broadcast services. Today, the supply has considerably increased and since the market is shrinking (young people prefer the internet), the public services are

declining but remain strong.

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 high-quality national newspapers belong to various capitalist groups. Among the few exceptions are a regional newspaper in the western part of France and the daily newspaper *La Croix*. Most of the newspapers belonging to media groups have secured a substantial degree of independence from their owners (complete in the case of *Le Monde* where the journalists are the de facto masters of the newspaper). Weekly papers belong to diverse groups (none is the property of the same group).

Local/regional newspapers belong to various local or national groups. Some are very independent (e.g., *Ouest-France*, the main daily in France), while others are more dependent on their owners, often a family group. Newspapers linked to political parties have practically disappeared from the scene, and their influence is marginal. The debate on press concentration has emerged due to the absorption of the Lagardère Group (*Europe 1*, *Journal du Dimanche*, *Paris-Match*) by a tycoon (Bolloré) who owns *Canal+* and *CNews* (accused of having offered Zemmour a forum).

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 by print media or by "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 112 analog private TV

stations with a national, regional or local license. There are also approximately 1,000 regional/local radio stations, approximately 1,500 news websites, and at least 10 daily and Sunday newspapers of national circulation.

While there are several pro-government Athens-based daily newspapers, there are some which are very critical of the government. The same holds for news websites with the majority of them being pro-government. However, there are some which are clearly and consistently influenced by the opposition.

However, this multitude of media sources conceals a much less pluralistic structure. Today in Greece, there are eight large press groups, which own the most popular and influential print and digital media. More concretely, the Greek media landscape is shaped by media groups controlled by business 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 control the largest private television, radio and social media channels. For example, the tycoon who owns Greece's richest soccer team (Olympiacos), and has business interests in shipping and other sectors also owns two of the oldest Athenian newspapers ("To Vima" and "Ta Nea"), which enjoy large national circulation, and two TV channels ("One" and "Mega").

The TV landscape is dominated by three private television channels (Antenna, Star and Skai), which offer popular shows and infotainment, and attract the majority of viewers.

Electronic media is also flourishing in the form of websites and blogs. There are an unknown number of anti-establishment electronic media, which – in the period under review – were followed by supporters of the anti-vaccination movement.

While Greece lacks an effective anti-monopoly policy for the media industry, media outlets do report a wide range of opinions. In fact, the media reports a wider range of opinions than in the previous decade. The government voices its opinions through the state-owned television broadcaster (ERT), and friendly newspapers and radio stations. The ERT also regularly broadcasts the views of the opposition, not only in news programs but also in shows of analysis and political debates. The opposition has a voice in the private media too, as political party leaders often participate 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, borders on smear campaigns against political opponents. The tendency to print or broadcast unsubstantiated information was probably accentuated in 2020 and 2021, when sensationalist media adopted an anti-vaccination stance.

Citation:

On the oligopolistic structure of Greek Media and data on websites and blogs, see Papathanassopoulos S. et al (2021), "Greece: Media concentration and independent journalism between austerity and digital disruption," available at <https://norden.diva-portal.org/smash/get/diva2:1559286/FULLTEXT01.pdf>

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 still reflecting a broad spectrum of political opinions. While the public TV station TVP and its four channels claim a large, though declining share of the market, and local authorities often publish newspapers and magazines, most Polish print media and radio are privately owned. Compared to other countries in East-Central Europe, Poland's media-ownership structures are relatively transparent, diversified and still characterized by substantial foreign ownership. For a long time, there have been no "media moguls" in the market who use their ownership positions to further a political agenda.

Media pluralism suffered a blow in late 2020 when the state-owned oil company PKN Orlen, led by Daniel Obajtek, a close ally of Jarosław Kaczyński, bought Polska Press for €27 million from the German Verlagsgruppe Passau. The deal included 140 local and regional newspapers, and 500 internet portals with 17.4 million users. It followed an earlier acquisition of PKN Orlen, which had already brought the company control over the news agency business Ruch with its nationwide kiosks. In April 2021, the approval of the purchase of Polska Press by the Polish competition authority, UOKiK, was suspended by the Court of Competition and Consumer Protection. However, PKN Orlen has continued the restructuring of the media conglomerate and has not awaited the court's still pending final decision. A further decline in media pluralism was prevented by President Duda vetoing government attempts to force the U.S. media conglomerate Discovery to give up control over TVN, the largest private broadcaster, or risk losing its broadcasting license. On a positive note, in January 2022, the Dutch investment group Pluralis BV in which George Soros holds around 17% bought 40% of the Polish publisher Gremi Media for PLN 97 million (€1.4 million). Their leading titles are *Rzeczpospolita*, Poland's second-largest non-tabloid daily, and *Parkiet*, a business and finance newspaper.

Citation:

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Bulgaria

Score 4

Media pluralism in Bulgaria is supported by a 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.

In 2021, Mr. Peevski was sanctioned by the U.S. government under the so-called Magnitski Act. Even the media outlets that he effectively owns have made modest attempts to live up to higher standards.

The COVID-19 pandemic has further eroded the financial resources of media, forcing several smaller and regional outlets to shut down. Different media, from TV, radio, new papers and internet outlets, have their own political preferences but the diversity of opinion as well as the respect of facts and media ethics seem to have improved since the ousting of the GERB-led governments in 2021. Public radio and TV outlets have led the way toward facilitating a pluralism of opinions after years of tacit but harsh pressure from the government and politicians.

Citation:

European Commission: 2021 Rule of Law Report. Country Chapter on the rule of law situation in Bulgaria, Brussels 20.7.2021 SWD(2021) 703 final

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.

In October 2021 the parliament amended the electronic media law and several other regulations with the aim of increasing transparency in the publication of information by making public the ownership structure of media service providers.

Research on media pluralism in Croatia has shown that there is a medium level of risk with regard to the protection afforded to journalists and the standards of the journalistic profession. This is reflected primarily in the relatively large number of lawsuits against journalists and lack of editorial autonomy. However, a much higher level of risk exists in the area of market pluralism, which is reflected in the high level of concentration shown by digital platforms and a significant share of the traditional media organizations. Negative aspects of media pluralism are also reflected in the market's impact on media content and the insufficient protection given to the preservation of competition in the field of digital media.

Citation:

Bilic, P. (2020) Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019. Country Report: Croatia. Florence: European University Institute.

https://www.jutarnji.hr/tag/Zakon_o_elektroni%C4%8Dkim_medijima

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 was further threatened by MediaWorks selling its Three network, as well as the news and current affairs element under the banner of Newshub, to U.S. media company Discovery in 2020, although the news and current affairs programming remained intact (Jennings 2021). In the meantime, the commercial radio market is largely divided up between MediaWorks and New Zealand Media and Entertainment (NZME), with publicly owned and noncommercial Radio New Zealand acting as a third player with a loyal audience. Additional funding for public media is currently in development. Finally, a near-duopoly also exists in the newspaper and magazine publishing industry, where the market is essentially split between NZME and Stuff. 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. Stuff, one of New Zealand's largest media companies, was sold by parent company Nine Entertainment for \$1 to its chief executive, former journalist Sinead Boucher. The deal ended years of speculation about the company's ownership after lengthy attempts by NZME to buy the company were blocked by the Commerce Commission, which had received submissions from a variety of concerned groups and networks in civil society.

There are several online media outlets that provide alternative source of news and information (e.g., The Spinoff, Newsroom, the Conversation and the Guardian New Zealand). These outlets have fewer readers than the major news outlets, but offer critical and evidence-informed analyses that are often reprinted in the mainstream outlets or are taken up by the main three broadcasting actors noted above.

Citation:

Jennings (2021) "Discovery's plans for TV3 revealed." Stuff.
<https://www.stuff.co.nz/business/300335028/discoverys-plans-for-tv3-revealed>

Romania

Score 4

Incomplete transparency of media ownership in Romania continues to favor business individuals who exploit the media environment to advance their own agendas and

provide favorable coverage to their preferred candidates. The 2021 Media Pluralism Monitor notes concerns over a lack of specific safeguards for editorial independence and professional norms, which poses a high risk to media pluralism and is further exploited by gaps in legislation related to ownership disclosure requirements. The Media Pluralism Monitor also notes that discretionary distribution of state advertising funds can be used by state authorities to interfere with media, notably at the local level. This phenomenon has been compounded by the COVID-19 pandemic, which resulted in a collapse in private advertising revenue for media companies and therefore increased dependence on state funds.

In a positive development, EuroNews announced in early 2021 that it would be launching a Romanian news channel in partnership with Universitatea Politehnica din București (Bucharest Polytechnic University). The center-left outlet is one of the largest independent news channels in Europe, and will deliver local, regional, national and international news on TV and digital platforms across the country. The outlet will also have journalists and correspondents in Romania. The entrance of EuroNews into the Romanian market marks a positive step in media pluralism and independence.

Citation:

Centre for Media Pluralism and Media Freedom (2021): Monitoring Media Pluralism in the Digital Era, Florence: EUI,

https://cadmus.eui.eu/bitstream/handle/1814/71959/romania_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y

Slovenia

Score 4

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, but never materialized.

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, temporarily withdrew from the sale and remained the owner of the country's largest private TV network, only to be sold to Czech investment group PPF in late 2020. In June 2020, the state-owned telecommunication company Telekom Slovenije sold its troubled subsidiary Planet TV to the Hungarian free-to-air channel TV2, owned by Jozsef Vida. Vida is associated in the media with the business network of the Hungarian ruling party Fidesz.

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. However, the investigation did not lead to any legal proceedings.

Citation:

EU approves takeover of Pro Plus owner, STA, 9 October 2020, available at <https://english.sta.si/2817203/eu-approves-takeover-of-pro-plus-owner>.

Ottavio Marzocchi 2021: The situation of Democracy, the Rule of Law and Fundamental Rights in Slovenia. Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies PE 690.410, p. 11

<https://www.europarl.europa.eu/cmsdata/231906/SLOVENIA%20IDA%20DRFMG.update.pdf>

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. In 2020, for instance, Index.hu, once the country's most visited news website, got a new, Orbán-friendly owner. There are still some independent media, but they work under very difficult financial and political circumstances and reach only a small part of the overall population. The internet as a source of information away from state-influenced media has become more and more

important. But even free information via the internet is increasingly under threat as bots seek to influence the discourse with fake news and defamation campaigns on behalf of the government.

Turkey

Score 1

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.

In recent years, Erdoğan and his party have tightened their control over the media. The process started with the takeover of the Cem Uzan-owned STAR TV by the Saving Deposit Insurance Fund (TMSF). This was followed by the takeover of Sabah, Takvim and a popular TV channel ATV by the TMSF; these were then sold to loyal businessmen in a procurement process. A landmark case was the sale of Doğan Group-owned Vatan and Milliyet to the pro-AKP Demirören family in 2011 with the help of loans from publicly owned banks.

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

While small-scale digital 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 small staffs and are unable to generate much original content. Other perspectives are provided by foreign media outlets, such as the Russian-backed Sputnik and a new Turkish version of the (UK-based) Independent, which is financed and run by the Saudi Research and Marketing Group, which has close links to the Saudi royal family. 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:

Bianet Media Monitoring reports 2021 (first three-quarters), <https://m.bianet.org/bianet/diger/117328-bia-media-monitoring-reports>

Euronews. “Türkiye’de medyayı kim kontrol ediyor?” May 3, 2019. <https://tr.euronews.com/2019/05/03/medya-sahipligi-turkiye-de-mediyayi-kim-kontrol-ediyor->

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.

In principle, the government of Finland has tried to actively publish information on the COVID-19 pandemic. Up-to-date information on infection rates and their temporal development, the local distribution of infections, information on specific outbreaks, and the indicators upon which the government bases its risk assessments are publicly available, and the data has been communicated in plain language. The government has published information on its crisis management policies. In all of its communication, the government has stressed the scientific basis for its coronavirus actions. Furthermore, the government has encouraged citizens to follow its website, and the website of the Finnish Institute for Health and Welfare (THL), which provide comprehensive and up-to-date information on the coronavirus. The government website contains government decisions, information produced by the ministries on the effects of the coronavirus on different administrative sectors, and topical material on the coronavirus produced by all government ministries (OECD 2020).

Other public authorities and research agencies have also actively produced information on the consequences of the COVID-19 crisis. For example, Helsinki Graduate School of Economics established an economic Situation Room with the aim of supporting rapid decision-making during the coronavirus crisis. The Situation Room consists of leading economists from Helsinki GSE and the VATT Institute for Economic Research, as well as members from several public authorities. It utilizes data from relevant public and private sources, and

produces regular reports for policymakers. The data is collected and organized in close cooperation with Statistics Finland, the Ministry of Finance, the Ministry of Economic Affairs and Employment, the Bank of Finland, the Finnish Tax Administration, Kela, and other institutions (Helsinki Graduate School of Economics 2020).

Citation:

OECD, 2020. OEDC Survey on the STI Policy Response to Covid-19. Accessed 28.12. 2020. <https://stiplab.github.io/Covid19/Finland.html>

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 the public interest or the interests of certain social groups.

Citation:

1. Freedom of Information Act, Available at (in Latvian): <http://www.likumi.lv/doc.php?id=50601>, Last accessed: 04.01.2022.

2. Cabinet of Ministers (2019), Whistleblowers, Available at (in Latvian): <https://www.mk.gov.lv/lv/content/trauksmes-celeji>, Last accessed: 04.01.2022.

Norway

Score 10

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

Information-access provisions in Lithuania apply to all levels of the executive, yet exclude the legislative branch. The right to request information is held by 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 respected. The OECD has recommended helping the country's civil service better understand the added value associated with access to information.

OECD data shows that in comparative terms, Lithuania performs very poorly in the area of government data access. In 2019, it was last in the OECD in terms of data availability and government support for reuse, and fifth from the bottom in terms of data accessibility. Its overall index score was also the worst in the OECD, although it did increase very slightly compared to 2017. The conservative-liberal coalition government formed in late 2020 has a number of provisions in its program relating to open data, and has expressed the intention of improving transparency and citizens' access to data.

Citation:

OECD, Open, Useful and Re-usable data (OURdata) Index: 2019, 2020, <https://www.oecd.org/countries/lithuania/open-useful-and-re-usable-data-ourdata-index-2019-45f6de2d-en.htm>
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 (2020): Digital Government Factsheet 2020: Slovenia. Brussels (https://joinup.ec.europa.eu/sites/default/files/inline-files/Digital_Public_Administration_Factsheets_Slovenia_vFINAL_1.pdf).

Sweden

Score 9

Sweden has been a forerunner when it comes to all issues related to transparency in government and public access to government information and documents. Both the political elite and the public cherish the fundamental principle that all government documents are public, unless they are classified or relate to individual integrity. If anything, the emergence of e-government has further promoted the objective of accessibility and transparency. Sweden is also pursuing greater transparency within the European Commission.

Governmental information, from reports to minutes from meetings and statutes to budget, is available online. The constitution ensures citizen access to all official documents, except in situations when they are classified as secret (Larsson and Bäck 2008).

There have been instances when governmental departments have been slow to provide documents to the public and the media. Media representatives in particular have criticized the government on this matter. Nevertheless, the Swedish government and administration still meet high requirements regarding transparency and publicity (Andersson et al., 2018).

Citation:

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

Larsson, Torbjörn and Henry Bäck. 2008. "Governing and governance in Sweden." Malmö: Studentlitteratur.

Switzerland

Score 9

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

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

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

apply to official documents concerning civil or criminal law processes, documents relating to foreign policy, or political party dossiers relating to administrative disputes. Consumer organizations have argued that the law contains too many exceptions.

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

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 referendums 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.

Belgium

Score 8

If anything, the COVID-19 crisis improved both media access to government information and the media's scrutiny of the government's decisions as the waves of infection succeeded one another. Most mainstream media went from an attitude of rubber-stamping government decisions in March 2020 to a relatively constructive questioning of the coherence of the various actions by December 2021. This proactive role has partially spilled over to other areas of concern, like corruption in the former colony of Congo, tax evasion, graft and so on.

The pre-COVID-19 starting point was already quite good. Legally, access to information is expected to be provided without impediment (Belgium was one of the signatories of the Convention on Access to Official Documents in 2009). In practice, some information can be (made) hard to find. 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. In particular, courts have occasionally forced authorities or government-related institutions to share internal documentation with the public. At the other extreme, Belgium often has a narrow interpretation of the individual right to data protection, which occasionally hinders research. During much of the COVID-19 crisis, for instance, even academic virologists could not even access the city-level information they needed to forecast the spread of the virus, out

of anonymity concerns. More broadly, such a narrow interpretation often makes it difficult to implement evidence-based policies.

France

Score 8

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 to be a rejection that can be challenged in court and/or by submitting a request to the Défenseur des Droits (Defender of Civic Rights; Ombudsman). 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.

Germany

Score 8

The Freedom of Information Act took effect in 2006. The act defines what government information is publicly available. Citizens are increasingly making use of their rights, and federal authorities no longer regard a citizen's right to information as a nuisance, but rather as essential to a healthy civil society. The federal commissioner for data protection and freedom of information painted a positive picture in his most recent report, expressing satisfaction with the staffing increase that enabled his agency to intensify its information and consultancy activities. From its on-site audits in 2020 of the Federal Agency for Civic Education

(Bundeszentrale für Politische Bildung) and the Federal Agency for Technical Relief (Technisches Hilfswerk), the commissioner's agency certified a swift and appropriate handling of information requests. The pandemic has led to a strong increase of requests for information that are addressed to the Robert Koch Institute (RKI) and the Federal Ministry of Health. From the commissioner's perspective, the RKI's exceptional workload constitutes a legitimate explanation for why the RKI could not always meet the 30-day deadline for responding to inquiries.

As familiarity with the Information Act has improved significantly, and its enforcement is effective, the commissioner recommends transforming the Information Act into a "Transparency Act" that would involve strengthening requirements for government institutions that would involve comprehensive and proactive disclosure policies. The new coalition has taken up this recommendation and announced a Federal Transparency Act for the new legislative period (Koalitionsvertrag 2021, p. 9).

Citation:

BfDI (2021): Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit, 29. Tätigkeitsbericht für den Datenschutz und die Informationsfreiheit.

Greece

Score 8

Citizens' free and easy access to official information has been regulated since 1986. Several laws passed since then were codified in 2015 and streamlined along the European Union's regulation GDPR of 2016, while new national legislation passed in 2019 was also adapted to the GDPR. Overall, government information is accessible, without violating sensitive personal data. However, new legislation passed in August 2019 (Law 4624/2019) expanded the range of restrictions to access official information beyond the restrictions already provided by the GDPR. In case of conflict between the principles of access to government information and personal data protection, an independent authority, the Hellenic Data Protection Authority (the APDPX), intervenes.

Owing to a law passed in 2010 (the "Clarity" law), all public documents are uploaded on a designated official platform. This requirement pertains to all administrative acts, laws, decrees, ministerial decisions and circulars. Otherwise, they are legally not valid. Public 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, in addition to the aforementioned independent authority. First, there are administrative courts, including the Supreme Administrative Court (StE, Symvoulia 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 ombuds office can demand that any public service responds to a citizen's right to information, even though ministries themselves tend to be quite unresponsive to citizen requests.

Citation:

On the Data Protection Authority, see <https://www.dpa.gr/en>

The "Clarity" law is Law 3861/2010, passed in 2010. Presidential Decree 28/2015 issued in 2015, codified all previous legislation on access to information.

Today, access to information is regulated by European Union's regulation GDPR, as complemented by Greece's Law 4624/2019. Articles 33, 34 and 35 of the law go beyond GDPR provisions and expand restrictions to the citizens' right of access to information. See L. Mitrou (2020), Greece: The New Data Protection Framework," *European Data Protection Law Review*, 1/2020, pp. 107-113.

On the Data Protection Authority, see <https://www.dpa.gr/en>

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 matters such as the manner in which ministries reach decisions, public procurement expenses, and instances of the waste of public funds. In 2018, over 37,000 FOI requests were made to public bodies, up from 28,000 in 2015 (Burns, 2019).

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 (e.g., figures on inflation and unemployment) are made available to ministries shortly before their publication, but they have no right to alter these data or to influence how they are presented. The CSO enjoys a

good reputation internationally in both its independence from political interference and the technical competence of its staff.

A major problem has arisen with respect to the compilation of national income statistics by the CSO. Following changes to the European System of Accounts in 2010 as well as other statistical reporting procedures, the CSO's statistics for GDP, exports and investment have been artificially inflated. This is due to multinational corporations transferring intellectual property rights to Ireland and then through a process of onshoring in which the profits of their affiliates abroad are attributed to their Irish operations. Such has been the pace of these activities that official statistics are often vastly exaggerated, and need to be severely adjusted to determine the real value added by multinational corporations and aircraft leasing companies in Ireland (Ihle, 2021). 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:

Burns, S. (2019) Up to 37,000 freedom of information requests made in 2018, The Irish Times, 10 July, available at: <https://www.irishtimes.com/news/ireland/irish-news/up-to-37-000-freedom-of-information-requests-made-in-2018-1.3951880>

DOF (2021) Ireland joins OECD International Tax agreement, Department of Finance, 07 October, available at: <https://www.gov.ie/en/press-release/59812-ireland-joins-oecd-international-tax-agreement/>

European System of Accounts 2010 and other Statistical Regulations (2014) Office of the Information Commissioner, 2016. Annual Report 2015. Dublin: Stationary Office.

Ihle, J. (2021) Irish prosperity overstated by EU rankings, says former Central Bank governor Honohan, The Irish Independent, 04 February, available at: <https://www.independent.ie/business/irish/irish-prosperity-overstated-by-eu-rankings-says-former-central-bank-governor-honohan-40051912.html>

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.

In 2011, government decision No. 2950 established a designated unit for freedom of information in the Ministry of Justice. The unit is also in charged with implementing OECD guidelines for managing and sharing information.

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.

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/>

Albin, Einat, Ittai Bar-Siman-Tov, Aeyal Gross & Tamar Hostovsky-Brandes. (2021). Israel Report, LAC19 Compendium, Lex-Atlas: Covid-19. Retrieved from: <https://lexatlas-c19.org>.

Persico, Oren. 2020. “The pressure worked.” The Seventh Eye. Retrieved from: <https://www.the7eye.org.il/380096#comments>

Tausig, Shuki. 2020. “Withholding information, blunt discrimination between reporters and delivering partial information.” The Seventh Eye. Retrieved from: <https://www.the7eye.org.il/366923>

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 timeframe 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 points out of 150 according to the 2020 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 law's major problems include its limited scope (it does not apply to the legislature, the courts, or some bodies within the executive) and the fact that it allows information to be classified by other laws" (Global Right to Information 2020).

The media continue to demand changes to the OIA. In particular, government agencies have been criticized for taking longer periods of time to respond to information requests than are allowed for by the OIA. The Labour government announced that it was committed to rewriting the OIA; however, a promised review has been repeatedly delayed (Macdonald 2021).

Citation:

Global Right to Information (2020) RTI rating. <https://www.rti-rating.org/>

Macdonald (2021) "Official Information Act review kicked down the road." Stuff. <https://www.stuff.co.nz/national/politics/124076652/official-information-act-review-kicked-down-the-road>

Portugal

Score 8

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.

The Portuguese government has expanded and improved its Simplex system, giving people access to more information, including much that concerns the government, than was previously available.

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

www.simples.gov.pt

Spain

Score 8

The first specific law enabling free and easy access to government information in Spain was approved in 2013, 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, and 2) access to information is not recognized as a fundamental right.

During the first nationwide state of alarm and after the suspension of all administrative deadlines, more than 30 Spanish civil society organizations called on the Spanish government to guarantee the right of access to information. In fact, during the state of alarm, the central government's Transparency Portal website was not updated. Moreover, for several months, the government refused to provide the names and professional profiles of the members of the expert teams that were advising the government's coronavirus strategy – these names were finally published at the end of 2020 – nor did it provide the minutes of meetings and reports from the Scientific Committee, which began advising the government on managing the pandemic in March 2020.

During 2020, the Council for Transparency and Good Governance – an independent body – urged the Spanish government on several occasions to deliver information relating to the purchase of medical equipment, as had been requested.

After initially experiencing difficulties collecting data in a timely and orderly fashion, the government and the autonomous communities have on a daily basis published data on infection rates and their development over time, as well as on the local distribution of infections.

In October 2020, after an open process of public consultation, the Spanish government presented an Open Government Action Plan 2020 – 2024, which

includes a reform of the 2013 Transparency Law, the ratification of the Council of Europe Convention on Access to Official Documents, new laws on lobby regulations and whistleblower protections, and the opening of key data. At the regional level, several lobby regulations and whistleblower protections have already been adopted.

There are several appeal and oversight mechanisms by which citizens' right to access information can be enforced (e.g., the Spanish and regional ombudsmen, or the transparency councils).

Citation:

Open Government Partnership (2021), Spain Action Plan Review 2020-2024
<https://www.opengovpartnership.org/members/spain/>

Moretón Toquero, M.A. (2020), Libertad de información y transparencia pública bajo el estado de alarma decretado para afrontar la pandemia por Covid19. Biglino Campos, P.; Durán Alba, F., Los Efectos Horizontales de la COVID sobre el sistema constitucional, Colección Obras Colectivas, Fundación Manuel Giménez Abad, Zaragoza. DOI: <https://doi.org/10.47919/FMGA.OC20.0011>

United Kingdom

Score 8

The United Kingdom has had a long tradition of official secrecy, but in recent years successive governments have very actively tried to capitalize on the transparency and cost-saving 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 websites 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 eighth out of 102 countries, behind the Nordic countries, the Netherlands, New Zealand and Canada.

At times, in the fraught period of the Brexit negotiations, however, the government sometimes sought to withhold or delay publication of strategic documents to avoid

undermining of the UK negotiating position vis-a-vis the EU27. For the most part, Parliament was able to insist on publication.

During the pandemic, public information was generally published in a timely manner, including detailed data on infections and vaccine rollout, although there were some criticisms about the transparency of data underlying ministerial statements. An easily accessible website was published as part of the comprehensive gov.uk website to host comprehensive information about the COVID-19 pandemic. The website presents information on guidance and support, government announcements, and statistical data on the pandemic, as well as links to legislation and press conference statements.

Citation:

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

<https://osr.statisticsauthority.gov.uk/transparency-is-fundamental-to-trust-the-government-must-learn-from-mistakes-during-the-pandemic/>

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 granted ministries considerable discretion and defined a 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.

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.

Citation:

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

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

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

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

<https://www.smh.com.au/environment/conservation/timber-advocates-use-freedom-of-information-to-access-emails-from-scientist-and-journalists-20211116-p599ee.html>

Austria

Score 7

Citizens can access government information, but major restrictions apply (see below). 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.

The overall trend is favorable, with access to information becoming progressively more liberal. For example, more recently, the police and courts established structures (offices and officers in charge) that are responsible for information. However, Austria has still not yet adopted an encompassing freedom of information act of which all citizens are informed and able to use. There are too many legal caveats (defined as state-relevant “secrets,” *Amtsgeheimnisse*) that restrict public access to government information.

In light of international expert assessments, Austria has long had one of the weakest right to information laws in the world and consistently ranks at the bottom of the Global Right to Information Rating – the leading global tool for assessing the strength of national legal frameworks for accessing information held by public authorities – with a score of 33 out of 150.

According to a detailed assessment by Access Info (<https://www.access-info.org/>), the draft freedom of information law, which was published by the Austrian government in early 2021, “brings with it some positive changes to the previous access to information regime in Austria: the right to information has now been elevated to a constitutional right, there are no longer charges to submit access to information requests, and the right now applies to all governmental agencies, including state-affiliated companies, not just administrative authorities.”

However, the same organization carried out a right to information rating analysis of the recently presented draft law, comparing it against accepted international standards, and found that, “while there are improvements from the previous law, this draft law only scored 57 points out of 150. The main areas of concern with this draft law are: limiting definition of information; weak proactive publication obligations; weak harm and public interest test applicable to exceptions; no independent oversight body; lack of sanctions regime for non-compliance; only judicial appeal against refusals.”

Citation:

https://www.parlament.gv.at/PAKT/VHG/XXVII/SNME/SNME_85202/imfname_947137.pdf

<https://ipi.media/austrias-journalists-face-roadblocks-to-accessing-official-information/>

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. Civil society actors and organizations have exercised their right to court appeals, which has fostered robust court activity. 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. This is the conclusion one can derive from the Access to Information Program annual reports

Third-party interests has been the most-cited reason given for not releasing information on the part of the National Electric Company and the state-owned natural gas monopoly, Bulgargas.

Access to public information is typically weak in the area of public procurement. Public procurement regulations were amended over a five-year period (2015-2020) to allow for “in-house,” non-competitive and non-public decisions to be made by the procuring government agency. This practice has been abandoned by the 2021 governments.

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 mandates two dimensions of transparency. The first dimension relates to “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 second dimension deals with “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 Sebastián Piñera government presented a draft law (Ley de Transparencia 2.0) that would expand the rules of the Transparency Law as it relates to some active transparency obligations, specifically to nonprofit legal entities that receive transfers of public funds and companies that hold concessions to provide public services. The bill was approved by the Senate in April 2021. 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, especially at the municipal level.

Citation:

Law No 20,285 – About access to public information: Library of the National Congress (Biblioteca del Congreso Nacional, BCN):<https://www.bcn.cl/leychile/navegar?idNorma=276363%20&idParte=0>, last accessed: 13 January 2022.

Chilean Transparency Council, <https://www.consejotransparencia.cl/>, last accessed: 13 January 2022.

On Secret Laws:

Consejo Transparencia, <https://www.consejotransparencia.cl/a-un-ano-de-la-publicacion-de-la-ley-reservada-del-cobre-aun-existen-199-leyes-secretas-en-nuestro-pais>, last accessed: 13 January 2022.

On the Transparency Law 2.0:

Consejo Transparencia, <https://www.consejotransparencia.cl/proyecto-de-ley-de-transparencia-2-0-aprobado-en-general-por-el-senado>, last accessed: 13 January 2022.

Transparency International (Chile Transparente), <http://www.chiletransparente.cl>, last accessed: 13 January 2022.

El Mostrador, “Fiscalización del CPLT evidenció que sólo una de cada cuatro asociaciones entrega información requerida vía Ley de Transparencia”, 30 August 2021, <https://www.elmostrador.cl/dia/2021/08/30/fiscalizacion-del-cplt-evidencio-que-solo-una-de-cada-cuatro-asociaciones-entrega-informacion-requerida-via-ley-de-transparencia>, last accessed: 13 January 2022.

Croatia

Score 7

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. In 2018, the Croatian parliament elected Zoran Pičuljan as the new information commissioner. He has sought to retain the fundamental achievements in the right of access to information gained during Musa's tenure.

Czechia

Score 7

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.

When the COVID-19 pandemic struck, conflicts over access to government information gained importance. At the beginning of the pandemic, the government refrained from publishing major pandemic-related information. Media and NGOs had to invoke the freedom of information law to access controversial information on the availability of hospital beds and frontline personnel, and the acquisition of personal protective equipment by the government. In spring 2020, the government considered the idea of amending the law on access to information in order to restrict the provision of information during states of emergency. When the media found out, however, the opposition pushed back and the government left the law unchanged.

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, the so-called FOIA (Freedom of Information Act).

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. The most recent report as of the time of writing, covering 2019, 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>

<https://www.commissioneaccesso.it/media/56762/relazione-2019.pdf> (accessed 390 December 2021)

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 “administrative matters” 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 to the desire to retain the confidentiality of intra-government

consultation. In December 2020, the issue politically exploded when the Commission Van Dam, a parliamentary investigation commission on the childcare premium scandal, explicitly accused government of withholding information for many years. Focusing on Minister-resident Rutte as the main culprit, the government (non)information strategy was subsequently called the Rutte doctrine. Under this strategy, the information shared with parliament (and the media) was restricted to that relating to post-factum responsibility and accountability for policy decisions. Far less or no information was shared about the process of decision-making, about how decisions were reached or about how judgments were made by whom, on which scenarios and following what lobbying efforts. After the government collectively stepped down on 15 January 2021, the so-called Rutte doctrine became a major topic of discussion in a public and political debate over a new administrative culture, in which government promised to be much more proactive and transparent in sharing information with parliament and the media.

Meanwhile, this new information regime acquired a legal basis in a new Law on Open Government (Wet open overheid, Woo) to be effective in 2022. All administrative bodies are obliged to proactively publish certain categories of information on a national Platform for Open Government Information. As under the older law, every citizen (but in practice generally journalists) may request specified items of information. Every administrative body will have a contact person tasked with helping citizens look for the information they demand. In addition, there will be a special advisory body on publicity and information to help government apply the new law and mediate in conflicts between government and the media.

Citation:

Your citations

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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)

Verslag – Parlementaire ondervragingscommissie Kinderopvangtoeslag Ongekend onrecht
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17 december 2020

G. Entoven, 2011. Hoe vertellen we het de Kamer? Een empirisch onderzoek naar de informatierelatie tussen regering en parlement, dissertatie Universiteit van Tiburg. Delft: Eburon

W. Voermans, 2021. Het land moet bestuurd worden. Macchiavelli in de polder, Amsterdam: Prometheus

Nrc.next, Rutten, 21 January 2021. De Rutte-doctrine: catchphrase die de ergernis van de Kamer verwoordt

Rijksoverheid, 5 October 2021. Eerste Kamer stemt in met Wet open overheid (Woo)

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. After the 2016 elections, Lucia Žitňanská, the Justice Minister in the third Fico government who resigned after the murder of Ján Kuciak, prepared a draft amendment that incorporated recommendations proposed by three prominent watchdog organizations (Transparency International Slovensko-TIS, Fair-Play Alliance, INEKO) including subjecting companies that are fully owned by the state or municipalities to the Infolaw and making public the salaries and CVs of state nominees. However, the Pellegrini government did not pursue the issue. After the 2020 elections, the new Justice Minister Mária Kolíková (SaS) announced plans to eventually amend the Infolaw. However, the amendment has been criticized by NGOs as too modest and has been approved by parliament only in February 2022.

United States

Score 7

The Freedom of Information Act (FOIA) allows citizens a high degree of access to documents and files held by federal agencies. Various categories of information are exempt 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.

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. 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. In December 2019, the House of Representatives, on a party-line vote, impeached president Trump, in part for his "obstruction of Congress." Despite this, key congressional demands for information remained a contentious issue until the very end of the Trump presidency and even beyond, especially in the aftermath of the January 6, 2021 attack on the Capitol, which led to the second impeachment of Donald Trump by the House later that month. And this continues to date (of this writing) with the House's investigation of the January 6 attack on the Capitol.

Citation:

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

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. In general, the situation did not change substantially during the observation period in 2020 and 2021.

Citation:

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

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. Decisions by a public institution to not disclose information can be challenged by administrative appeal (to an administrative appeals commission comprised of administrative agencies which supervise the public institution in question) and/or via administrative litigation (administrative court).

A recent reform of the Act on Disclosure of Information by Public Agencies that took effect in December 2020 expanded the scope of information disclosure to include quasi-governmental institutions, local public corporations and regional corporations. Moreover, it strengthened the status of the relevant investigation bodies (the Ministry of the Interior and Safety and the Information Disclosure Committee that was established under the prime minister).

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. Moreover the 2018 Global Right to Information Index gives Korea an average rating,

citing constraints on access to government information including the existence of other acts that exempt information from disclosure, vague procedural safeguards and limited public interest overrides.

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/>

“Global Right to Information Rating – South Korea.” Accessed January 18, 2022. <https://www.rti-rating.org/country-detail/?country=South+Korea>.

공공기관의 정보공개에 관한 법률 (Act on Disclosure of Information by Public Agencies), 법률 제17690호, 2020. 12. 22, Accessed 29 January 2022, <https://www.law.go.kr/>

Iceland

Score 5

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.

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 committee (úrskurðarnefnd um upplýsingamál) tasked with enforcing the information act.

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

The government remains 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 led to the collapse of the government 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 a 2012 national referendum, should be viewed in light of the bill's provisions on transparency, freedom of information and protections for whistleblowers, reforms that many politicians continue to resist.

The government routinely offers petty excuses, sometimes involving national security, in its attempts to keep inconvenient truths from the public and avoid embarrassment, but such attempts are sometimes overturned by the information committee.

Citation:

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.

Luxembourg

Score 5

Luxembourg has no freedom of information act or any equivalent legal regulation. In a report published in July 2021, the EU expressed concern over the lack of public access to official government documents in Luxembourg and the risk of a “selective” disclosure of information. In April 2021, the Luxembourg Association of Professional Journalists (ALJP) and its 10 partners, including the European Federation of Journalists (EFJ), launched the one-year campaign “Access to information now!”, advocating for improved access to information and transparency. ALJP stressed the necessity of amending the press law with an article compelling the authorities to provide information to the media within a specific time-frame.

Such a law has been a long-standing demand of media, journalist associations and many NGOs. It is worth noting that the so-called Circulaire Bettel (in force since 2016) forbids any civil servants from speaking to media. Communication with journalists has to pass exclusively through official designated spokespeople. In a meeting with the Association Luxembourgeoise des Journalistes Professionnels (ALJP) held in September 2021, the spokesperson for Media and Communication

Minister Xavier Bettel “re-confirmed an openness to potentially revise the current methods of working in regards of access to information if and where deemed necessary [...] together with the Press Council.” However, access to state-held information is not guaranteed, despite repeated requests from the journalists’ union, which opposes the withholding of public information by the authorities on the grounds of protecting personal data.

The above-mentioned EU report noted that Luxembourg’s “framework for the protection of journalists remains robust” and acknowledged the government’s measures in the past year to strengthen the independence of the media regulator, the ALIA (Autorité luxembourgeoise indépendante de l’audiovisuel).

The Information and Press Service (Service Information et Presse, SIP), created in 1944, is the body responsible for circulating communication from the Luxembourg government. It is attached to the Ministry of State, and is under the direct authority of the prime minister. The Department of Media, Connectivity and Digital Policy, which is also part of the Ministry of State of Luxembourg, supports the development of the media landscape and the high level of network connectivity.

Citation:

The Luxembourg Government. Department of Media, Connectivity and Digital Policy (2022). <https://smc.gouvernement.lu/en/service.html>. Accessed 14 January 2022.

“Bettel vows to improve press access to information.” Luxembourg Times (21.09.2021). <https://www.luxtimes.lu/en/luxembourg/bettel-vows-to-improve-press-access-to-information-613b5526de135b9236f9a9da>. Accessed 14 January 2022.

Association luxembourgeoise des journalistes, www.journalist.lu. Accessed 14 January 2022.

Poland

Score 5

Access to public information is guaranteed in Article 61.1 of the Polish constitution, 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 citizens’ reuse of government information 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 predecessors in granting public access to information and has sometimes openly misinformed the public. The government attempts to restrict public access to information have been partly offset by the courts, which have typically ruled in favor of citizens or journalists so far.

In 2021, the government launched an attempt to change the legal framework. The new president of the Supreme Court, Małgorzata Manowska, a controversial judge close to PiS, asked the Constitutional Tribunal to declare significant parts of the Law

on Access to Public Information as unconstitutional, with a view to constraining access to public information (Article 19 2021). A Constitutional Tribunal hearing on the issue was originally scheduled for December 15, but then postponed.

Citation:

Article 19 (2021): Poland: Access to public information must not be constrained. November 15, London (<https://www.article19.org/resources/poland-access-to-public-information-must-not-be-constrained/>).

Romania

Score 5

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.

The COVID-19 pandemic restricted the ability of Romanians to access official information in a timely manner. While citizens have the legal right to obtain public information and can petition government agencies, during the pandemic agencies were not obligated to respect the normal time limit for responding to requests for information. Additionally, pandemic-related information was sometimes withheld by authorities. In March 2020, the Ministry of Internal Affairs ordered local prefects not to publish the number of COVID-19 tests performed or the number of positive results, though this has since been made public again. In September 2020, the Centre for Independent Journalism noted that healthcare staff were often prohibited from discussing the pandemic with media outlets.

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. Japan does well among OECD member states with respect to open-government information policies and practices, according to the OECD's 2019 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.

Citation:

OECD Open, Useful and Re-usable data (OURdata) Index: 2019, OECD 2020, <https://www.oecd.org/gov/digital-government/ourdata-index-policy-paper-2020.pdf>

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>

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. In the 2021 Media Pluralism Monitor, Malta received a medium-risk score of 61% for the protection of the right to information, up 13 percentage points from the MPM2020. The monitor also stated that "journalists continue to consistently encounter difficulties when requesting government information. These include rejections, unnecessary delays, no reply scenarios, and the application of diversionary tactics." The data protection commissioner stated that the law needs to be revised, since a number of exceptions found in the law are not subject to the public interest test. The process to revise the law has begun.

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
 Times of Malta 25/05/2021 Malta's data protection commissioner on three years of General Data Protection Regulation (GDPR)

Turkey

Score 4

Under the terms of Law 4982, citizens, non-citizens and foreign corporations have the right of access to government information. However, many public records are not included within the scope of the law, as there are exceptions for state secrets, intelligence information, individual privacy and communication privacy. There is no legislation governing state and trade secrets, thus preventing effective use of the access to information provisions. Most public offices have a department that deals with access to information requests. These requests can be made in person or electronically.

Access to information rights and complaint mechanisms are not used effectively. A total of 2,043,467 applications for information based on Law 4982 were submitted to public institutions in 2020. According to official information, 84.3% of requests resulted in the full provision of the requested information, 8.1% resulted in partial

information or a negative response, and 7.0% were rejected. Of the rejected applications, 2,628 were taken to court on appeal. A total of 9,170 applications were found to concern state secrets or private issues. 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 were procedurally accepted.

Additionally, following the abolishment of the Prime Minister's Office in July 2018, the Prime Minister's Communication Center (BİMER) was merged with the Presidential Communication Center (CİMER) on 10 July 2018. By 2020, the center had received around 6 million applications.

Citation:

European Commission. "Turkey Report 2021. Commission Staff Working Document." October 19, 2021. https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en

Türkiye Büyük Millet Meclisi Başkanlığı, 2020 Yılı Bilgi Edinme Genel Raporu, https://www.tbmm.gov.tr/bilgiedinme/2018_yili_degerlendirme_raporu.pdf

CnnTürk. "'CİMER'e 2020 yılında 6 milyona yakın başvuru yapıldı," January 13, 2021. <https://www.cnnurk.com/turkiye/cimere-2020-yilinda-6-milyona-yakin-basvuru-yapildi>

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 to create a comprehensive framework that would solve problems, fill in gaps and iron out contradictions in existing rules, dispersed in a variety of laws.

After twice suspending the promulgation of the law, this started in December 2020. The law grants the commissioner for information the power to monitor compliance. This role is assigned to the commissioner for data protection. Exceptions regarding access to information relate to courts and other instances, mainly for cases where examination procedures are ongoing.

Ministries and other public bodies have an obligation to publish information to which access is possible under the law and respond to requests for information within specific timeframes. Complaints can be addressed to the commissioner for information.

One year since the promulgation of the law, the only information available is about

seminars that were held, and 25 complaints submitted and five decisions (not published).

Citation:

The Law to regulate access to information in the public domain, L. 184(D)/2017, in Greek, http://cylaw.org/nomoi/enop/non-ind/2017_1_184/full.html

Hungary

Score 3

While existing law provides for far-reaching access to government information, the Orbán governments have made it increasingly difficult for the public and the media to obtain information. 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. NGOs have worked intensively to claim government information through the courts, and independent media organizations have regularly published categorized government information. Especially contested has been information on public procurement.

The restrictions on access to official information have been a major issue during the COVID-19 pandemic (Kovács 2021). Vital data on case numbers by regions and municipalities has not been published by the government in a consistent and reliable manner, and no estimates of the r-value and no data on intensive care have been provided. Meanwhile, coronavirus and medical staff, and health officials have been legally prohibited from providing pandemic-related information. The March 2020 emergency legislation has made it more difficult for journalist and citizens to request public information on the basis of the Hungarian freedom of information act (Zöldi 2020).

Citation:

Kovács, K. (2021): Hungary and the Pandemic: A Pretext for Expanding Power, in: VerfBlog, March 11 (<https://verfassungsblog.de/hungary-and-the-pandemic-a-pretext-for-expanding-power/>)

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