



## CS2. Country case studies on critical junctures in the media transformation process in Four Domains of Potential ROs (2000–2020)

The aim of the second case study is to provide analysis of risks and opportunities concerning the diachronic changes in four domains defined by the project in the 21<sup>st</sup> century.

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#### *Note by the technical editor*

The reports have been presented by case studies. Within it, a report per particular country.

The page numbering starts over again with CS2. As formatted in the PDF, the page numbering for CS1 runs as **1-1, 1-2, ...** and CS2 runs as **2-1, 2-2, ....** The introduction covering both case studies runs page numbers in the format of small Roman numbers, as **i, ii, iii, iv, ....**

#### **Examples for reference:**

##### **For the CS2 as a whole:**

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##### **For a particular country report:**

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## Critical junctures in the media transformation process

*By Tobias Eberwein, Christina Krakovsky, Christian Oggolder and Krisztina Rozgonyi  
Austrian Academy of Sciences*

### Executive Summary

Although comparative media systems research often emphasizes characteristics that place Austria in the same category with other democratic-corporatist media systems in Northern and Western Europe, an analysis of critical junctures in the media transformation process since the turn of the millennium reveals a number of challenges that put such a classification into question. However, not all of them are typically Austrian. In the context of legal and ethical regulation, the case study points out several shortcomings of the regulatory safeguards that exist and deplores a lack of incentives for more media self-regulation. In the field of journalism, the most significant challenges relate to recent developments of the media market and lead to the insight that media plurality in Austria is currently under threat. Regarding media audiences, the study discusses the recent deregulation of the broadcasting sector and the impact of foreign media products as being typically Austrian context factors. These factors shape media usage, while challenges such as the general trend towards digitization and media convergence and, more recently, the impact by the Covid-19 pandemic have a broader scope and are also prominent in other countries. The examination of risks and opportunities for media-related competencies turns the spotlight onto the ongoing transformation from traditional mass media to social media and emphasizes the resulting challenges for the educational sector. The presented findings offer a starting point for a more nuanced comparative evaluation in the European context.

## 1. Introduction

For comparative research into international media systems, Austria represents a special case: On the one hand, the country displays many parallels to the big democratic-corporatist media systems in the Northwest of Europe – such as a strong public service broadcaster, the continuing relevance of printed newspapers, and a comparatively high degree of journalistic professionalization. On the other hand, a lengthy standstill of institutionalized media self-regulation in Austria and recurring examples of political parallelism – particularly when the far-right Freedom Party of Austria (FPÖ) joined the government between 2017 and 2019 – indicate similarities with many polarized-pluralist media systems in Southern and Eastern Europe. Further typical characteristics make it even more difficult to categorize Austria in the well-known typology of media systems by Hallin and Mancini (2004; 2012). These include a high concentration in almost all media segments as well as the fact that media usage in Austria is strongly influenced by news offerings from Germany – the neighbouring giant with the same language basis. Such peculiarities motivated previous comparative media researchers to label Austria as a “border-crosser” (Karmasin et al., 2011) among the media systems on the European continent – a concept that seemed thoroughly justified when it was first presented. But is such an assessment still valid today?

Answers to this question can draw on a comparatively large corpus of data from the most different sources. As previous research for the Mediadelcom project has shown, media and communication sciences in Austria have generated a broad bandwidth of research publications and other data sources that are relevant for an analysis of risks and opportunities for deliberative communication (Eberwein et al., 2022). Particularly in the fields of journalism and media usage studies, a large variety of empirical sources is available and research initiatives have reached a high degree of specialization. However, the quality of the available data is often marred by the interests of commercial research institutions – and criticism of a lack of data for long-term observations remains. In the area of legal regulation, the basis of available data also appears to be well advanced, although empirical research is underrepresented. By contrast, research on media ethics and media literacy is less differentiated, due to a relatively weak institutionalization and a lack of continuous funding, among other things.

While this case study report attempts to identify critical junctures in the media transformation process between 2000–2020 and investigate different risks and opportunities in this context, such deficiencies need to be taken into account. Thus, the following analysis not only relies on published research data, but also includes additional interviews with national experts in the domains of media law, media ethics, journalism, media usage, and media literacy, in case the available sources are considered insufficient.<sup>1</sup> In order to contextualize the findings, the report opens with a background chapter on social and political change in Austria – with a focus on the time span after the turn of the millennium. The subsequent main section that presents a more detailed inquiry into the critical junctures for media development in Austria is subdivided according to the four major domains that are covered by the Mediadelcom project: a) legal and ethical regulation, b) journalism, c) media usage patterns, and d) media-related competencies. The final section, consisting of the conclusions, will attempt to explain the agency of various actors in propelling certain risks and opportunities. In sum, it will show that, in the course of the past two decades, the Austrian media system had to face a considerable number of challenges both from within and without that demand further attention by both media practitioners and researchers. The presented insights are intended to offer a starting point for a more nuanced comparative evaluation in the European context.

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<sup>1</sup> The open-ended interviews were organized with the help of a semi-structured interview guide, intending to identify major transformations of the Austrian media system in the past 20 years. Altogether, 12 interviews with experts from academia, media industry and other institutions were realized between June and November 2022. Participating experts included (in alphabetical order): Corinna Drumm (VÖP – Association of Austrian Commercial Broadcasters), Harald Fidler (*Der Standard*), Prof. Dr. Fritz Hausjell (University of Vienna), Prof. Dr. Andy Kaltenbrunner (Medienhaus Wien), Dr. Daniela Kraus (Presseclub Concordia), Michael Ogris (KommAustria – Austrian Communications Authority), Andreas Riepl (National Competence Center eEducation), Prof. Dr. Uta Rußmann (University of Innsbruck), Christian Stögmüller (*Life Radio*), Prof. Dr. Christian Swertz (University of Vienna), Prof. Dr. Josef Trappel (University of Salzburg), and Dr. Klaus Unterberger (ORF – Austrian Broadcasting Corporation). The interviews lasted 74 minutes on average (in one case: up to 165 minutes) and were transcribed, before being subjected to a systematic analysis. The authors would like to thank Julia Frank for her assistance in the process of transcriptions.

## 2. Social and political change

The new millennium saw Austria entering a new political era. After three decades of governments led by social democratic chancellors, the year 2000 marked a radical change in the political landscape. It culminated in a conservative government, supported by the right-wing populist Freedom Party (FPÖ) with its leader Jörg Haider (Heinisch, 2016). Having gained more than a quarter of the electorate in the 1999 parliamentary elections, the FPÖ became the second strongest party after the Social Democrats (SPÖ). Since the SPÖ held on to its principles not to form a coalition government with the Freedom Party, the third-placed conservative Austrian People's Party (ÖVP) under the former Minister for Foreign Affairs, Wolfgang Schüssel, took the Social Democrats by surprise and formed a government with the FPÖ. Haider's deal with Schüssel was to forego government office himself and at the same time make the leader of the third-largest party, Schüssel, chancellor. However, this coalition with a populist right-wing party – even without Haider – was globally perceived as highly negative and caused political sanctions from the European Union (Mitten, 2017). The main reason was the fact that the FPÖ, under its leader Haider, was perceived not only as a far-right party but also as a movement with a dubious attitude towards Austria's National Socialist past. Since its foundation, the FPÖ struggled to find its position between the liberal and right-wing orientations. Still, after Haider had become the new party leader in 1986, he and his supporters ended this inner-party struggle immediately in favour of a nationalistic, anti-European right-wing policy (Mudde, 2007, p. 42). However, when measured by actual political work and outcomes, the coalition government with the FPÖ was controversial and caused ongoing political instability for the years to come.

After the split of the populist right into two separate parties due to the formation of the BZÖ (*Bündnis Zukunft Österreich*) by Jörg Haider in 2005, both the FPÖ and the BZÖ could no longer be considered to form a coalition government. As a result, a revival of the much-hated “grand coalition” of Social Democrats and Conservatives was needed. Moreover, since the elections of 2008, the former two dominating parties, SPÖ and ÖVP, had to share the voters' support with the right wing (see Table 1).

**Table 1: Composition of the Austrian National Council since 1999 (based on the respective election results)**

Election day	ÖVP	SPÖ	FPÖ	Grüne	NEOS	PILZ	TS	BZÖ
03.10.99	52	65	52	14	-	-	-	-
24.11.02	79	69	18	17	-	-	-	-
01.10.06	66	68	21	21	-	-	-	7
28.09.08	51	57	34	20	-	-		21
29.09.13	47	52	40	24	9	-	11	-
15.10.17	62	52	51	-	10	8	-	-
29.09.19	71	40	31	26	15	-	-	-
current	71	40	30	26	15	-	-	-

Source: Austrian Parliament (n.d.)

After Haider's death and the dissolution of the BZÖ, his successor as FPÖ leader, Heinz-Christian Strache, managed a successful relaunch of the FPÖ a few years later (Heinisch, 2016). Having to explain his involvement in paramilitary manoeuvres by neo-Nazi groups in his youth, Strache subsequently tried to hide the ideological base of himself and his party. However, this effort did not always succeed, not least because party members constantly presented themselves in public as being somehow affiliated with Nazi ideology.

One milestone of this ongoing success of the populist right-wing FPÖ was the success of its candidate Norbert Hofer during the presidential elections in 2016, gaining almost half of the votes (Fuchs, 2016). Like the 1986 elections and the associated *Waldheim affair*, a term conventionally applied to the controversy surrounding the disclosure of the previously unknown past of the former UN secretary-general Kurt Waldheim during his campaign for the Austrian presidency (Wodak & Pelinka, 2017, p. xi), the ideological confrontations during the campaign in 2016 resurrected long-hidden or at least not publicly pronounced arguments from the past. With explicit references to the ideology of National Socialism, the populist radical right could take off their disguise.

During the refugee crisis in 2015, the young conservative Minister of Foreign Affairs, Sebastian Kurz, was busy positioning himself as a new strong man on this issue, thus snatching votes from the right-wing FPÖ (Rheindorf & Wodak, 2018). At the same time, as we know now, Kurz was eager to remove his boss, ÖVP leader and Vice-Chancellor Reinhold Mitterlehner. After Kurz had achieved this aim in 2017, Kurz called for new elections. As a result, the now called *New People's Party* emerged as the strongest party in the elections (see Table 1). Kurz tried to oust the Social Democrats from the government; the ÖVP once again formed a coalition government with the right-wing FPÖ. Thus, history repeated itself, but everything became even worse this time.

Less than two years later, after the so-called *Ibiza affair*, the publication of a secretly recorded video at a Spanish villa, in which Strache (later Vice-Chancellor) was involved, showed him drunk, talking about plans of illegally financing his party and the “takeover of Austria’s most widely read newspaper” (Karner, 2021, p. 253), the right-wing coalition broke up again. However, the opposition parties did not benefit from this. Kurz distanced himself from Strache, and after a short provisional interim government, he formed a new coalition government with the Green Party. Two months later, the Corona crisis started to unfold. During the difficult management of this crisis, Kurz’ past and the tricks he had played back then caught up with him, and he was forced to resign at the end of 2021. However, this ÖVP corruption affair must also be described as a corruption scandal within the media industry (see section 4 below). Due to the problematic proximity of political and journalistic elites in the capital Vienna, political corruption also impacts the media system.

Austria’s ranking in the World Press Freedom Index, which fell from 7th in 2015 to 17th in 2021, also illustrates this development to some extent. The newest report by the NGO Reporters Without Borders from 2022 shows an even worse result, ascribing rank 31 to Austria and explaining: “Attempts to influence the press are constant in Austria. There is a suspicion that politicians have bought coverage in the tabloid media with taxpayers’ money, while others have tried to intervene by visiting editorial offices” (RSF, 2022).

Accordingly, Austria also falls down the Corruption Perception Index (CPI). In 2021, it only received a total of 74 out of 100 points. This is the worst result since the 2014 CPI, and the trend is pointing downwards (CPI, 2021). The most obscure form of institutionalized corruption, which was not taken seriously for a long period, was the disproportionate financing of the media through political advertising (see below).

Today, consequently, we are confronted with a fundamental loss of trust in politics and the media. For example, the SORA Institute for Social Research and Consulting claims in its recent Austrian Democracy Monitor that almost six out of ten people (58%) are convinced that the political system in Austria works less well or not at all. Moreover, around 90% of people are convinced that Austrian politics has a corruption problem (SORA, 2021). Alarmingly, this perception is currently being confirmed by the Democracy Report 2022, published by the V-Dem Institute at the University of Gothenburg: “For Austria, a significant decline in the indicator for transparent laws and predictable enforcement is a decisive change that contributed to Austria

falling below the criteria for liberal democracy” (Boese & Lindberg, 2022, p. 14). This results into a downgrading from liberal democracy to electoral democracy.

The socio-economic changes during the years in question were strongly influenced by the ongoing European integration of Austria and the effects of globalization. Hence, the (former) neutral state (Bischof et al., 2001), which somehow was perceived by its people as being an “island of the blessed” (Obinger et al., 2010), became increasingly involved in the meta-process of globalization. By this means, the welfare state of the 1970s, established under Bruno Kreisky, also came under pressure in Austria. Introduced in the late 1990s by the last social-democratic chancellor, Viktor Klima, the ensuing right-wing conservative governments promoted neoliberal approaches to the social and economic policies.

Austria’s economic development was relatively constant, with a plus of 2% on average during the years under investigation. Only in 2009, because of the global financial crisis the year before, did the data show a negative growth of -3.765%, and in 2020 due to the pandemic, the negative growth (-6.735%) was even worse (World Bank, 2020). Austria’s unemployment rate was relatively stable at around 6% in most years of the study. Since the middle of the last decade, however, the numbers have steadily increased, with a clear peak in the pandemic years (see Table 2).

**Table 2: Unemployment rate in Austria 2000–2021**

Year	Registered unemployed		Unemployment rate
	Number	Changes compared to previous year	
		absolute	in %
<b>2000</b>	194,314	- 27,428	- 12.4%
<b>2001</b>	203,885	+ 9,571	+ 4.9%
<b>2002</b>	232,418	+ 28,533	+ 14.0%
<b>2003</b>	240,079	+ 7,661	+ 3.3%
<b>2004</b>	243,880	+ 3,801	+ 1.6%
<b>2005</b>	252,654	+ 8,774	+ 3.6%
<b>2006</b>	239,174	- 13,481	- 5.3%
<b>2007</b>	222,248	- 16,925	- 7.1%
<b>2008</b>	212,253	- 9,996	- 4.5%
<b>2009</b>	260,309	+ 48,056	+ 22.6%
<b>2010</b>	250,782	- 9,527	- 3.7%
<b>2011</b>	246,702	- 4,080	- 3.7%
<b>2012</b>	260,643	+ 13,941	+ 5.7%
<b>2013</b>	287,207	+ 26,564	+ 10.2%
<b>2014</b>	319,358	+ 32,151	+ 11.2%
<b>2015</b>	354,332	+ 34,975	+ 11.0%
<b>2016</b>	357,313	+ 2,981	+ 0.8%
<b>2017</b>	339,976	- 17,337	- 4.9%
<b>2018</b>	312,107	- 27,868	- 8.2%
<b>2019</b>	301,328	- 10,779	- 3.5%
<b>2020</b>	409,639	+ 108,312	+ 35.9%
<b>2021</b>	331,741	- 77,898	- 19.0%

Source: Arbeitsmarktinformationssystem (2022)

Since Austria has always been a country of immigration, this topic was also crucial in the period under review. The significant increase in population between 2000 and 2020 of just over 10% is mainly due to immigration (for exact numbers, see Statistik Austria, 2021b). Although Austria is undoubtedly prosperous, the gap between rich and poor has widened. Thus, poverty is also an issue here: 13.9% of the Austrian population (1,222,000 people) are at risk of poverty, i.e. they have an income below the poverty line (Armutskonferenz, 2021).

Hand-in-hand with the consequences of globalization and seen from a media historical point of view, the ongoing digitization (Bock-Schappelwein et al., 2021), the rise of the network society (Castells, 2010), and the development of social media (Schwarzenegger, 2019) have had a decisive impact on the years since 2000. However, this applies to Austria and almost the entire globe.

### 3. Risks and opportunities of legal and ethical regulation domain

#### 3.1. Development and agency of change

Legal regulation has a traditionally high impact on the outlines of the Austrian media system (for an overview, see Berka, 2010). Particularly the broadcasting sector is tightly regulated by a number of laws – such as the Federal Act on the Austrian Broadcasting Corporation (ORF Act), the Federal Act on Audiovisual Media Services (Audiovisual Media Services Act), and the Federal Act enacting provisions for private radio broadcasting (Private Radio Broadcasting Act). Since the liberalization of the Austrian TV market in 2001, the Austrian Communications Authority (KommAustria) is responsible for supervising broadcasting media as an independent collegial body, with operational support by the “Rundfunk und Telekom Regulierungs-GmbH” (RTR). Austrian print media, by contrast, enjoy greater freedom to organize matters of quality management according to the principles of media self-regulation. In line with the Press Promotion Act of 2004, KommAustria provides an annual subsidy to support self-control measures of the press and of the related advertising sector (commercial communication). Besides this framework of media laws in the narrower sense, however, an analysis of risks and opportunities for deliberative communication in the legal domain also has to take into account the provision of fundamental rights – particularly with regard to freedom of expression and freedom of information. The following section provides a review of key issues in this domain by not only describing important regulatory safeguards that exist, but also scrutinizing their implementation in practice.

#### 3.2. Freedom of expression

*Freedom of expression* must be regarded as an essential prerequisite for deliberative communication: There cannot be an open exchange of opinions among members of democratic societies if certain points of view are restricted by law or otherwise. In Austria, freedom of expression can be considered as well protected. It has been anchored in Austrian Basic Law since 1867 (StGG, Art. 13). Austria also ratified the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR). Accordingly, the most recent country analysis of the Media Pluralism Monitor infers that “legal remedies against violations of freedom of expression can be considered largely effective” (Seethaler & Beaufort, 2021, p. 9).

Freedom of expression could not be enjoyed deliberatively without the freedom of the media. The media is the context in which the constituent elements of human rights – namely the right to receive and impart information – need to be exercised. In this regard, the rating by the NGO

Reporters Without Borders that describes the state of media freedom in Austria as “satisfactory”, despite its slump to rank 31 of its 2022 World Press Freedom Index (RSF, 2022), largely coincides with the overall freedom of expression assessment. However, several questionable developments of the recent past thwart a higher score: For example, the platform Mapping Media Freedom by the European Centre for Press and Media Freedom recorded a growing number of attempts to intimidate journalists and media outlets after the right-wing FPÖ joined the government in 2017 (Mapping Media Freedom, 2018). Similarly, criticism arose in the context of the Corona pandemic when the government only allowed a limited number of journalists to participate in its press conferences (Siebenhaar, 2020). Even more recently, the system of state subsidies for the press became a matter of public debate in the course of the political crisis that forced Chancellor Kurz to resign (for background: Kaltenbrunner, 2021) – an issue that was also highlighted in many expert interviews conducted for this study.

Such instances of political parallelism entail certain risks for the implementation of freedom of expression in Austria, which are even aggravated by the fact that the Austrian Criminal Code (StGB, § 111) allows for an increased prison sentence for *defamation* when it has been made accessible to a wider public by means of the mass media (Seethaler & Beaufort, 2021, p. 10). As this provision is explicitly extended to national and regional parliamentary bodies, army and government offices, it clearly restricts freedom of expression because certain public officials have a procedural advantage in criminal defamation cases. At the same time, however, Section 29 of the Federal Act on the Press and other Publication Media (Media Act) indicates that a predominant public interest in the given information may justify its publication, as long as basic journalistic duties such as due diligence are applied. Furthermore, researchers of the Media Pluralism Monitor (Seethaler & Beaufort, 2021, p. 10) emphasize that the Austrian Supreme Court generally applies the case law of the European Court of Human Rights (ECtHR), which regularly sets a higher standard to the protection of freedom of expression than national courts. In fact, the ECtHR overturned a considerable number of decisions by national courts (Voorhoof et al., 2017), setting precedents relevant to Austria. Recently, for example, in the case of Standard Verlagsgesellschaft mbH v. Austria (No. 3, application no. 39378/15), the ECtHR signalled that Austrian courts were in breach of Article 10 ECHR when ordering journalists to disclose user data from an anonymous forum because of alleged defamatory comments.

In order to combat *illegal and harmful speech online*, Austria has introduced a bundle of laws – consisting of a new Act on Measures to Protect Users on Communications Platforms (Communication Platforms Act – KoPI-G) and amendments to existing legal provisions – in the beginning of 2021. However, it was criticized by civil society actors for delegating new censorship powers to private companies and failing to protect freedom of expression (e.g., Article 19, 2018, 2000; RSF, 2020). Furthermore, the applicability of the measures on users’ protection towards platforms was challenged. While KommAustria has come to the conclusion at the end of 2021 that a total of nine communications platforms from eight different service providers were to be subject to the requirements set by the law (falling under the scope of the KoPI-G), four of them have challenged the decision. The Federal Administrative Court (BVwG) confirmed the applicability of the KoPI-G on the platforms, but suspended the enforcement of the rules based on appeals by the platforms. Currently, the appeal proceedings are pending before the BVwG (RTR, 2021).

On the other hand, initiatives to counter the specific problem of *disinformation*, although it has had a notable impact on the public discourse in Austria throughout the Covid-19 pandemic, remained weak. The general civil law framework as well as the media-specific regulatory instruments have failed to address the disinformation phenomena in a comprehensive manner, and the current rules criminalizing the dissemination of false news are only applicable during an election or referendum (StGB, § 264). Despite a resolution by the Austrian National Assembly in December 2021 to develop a strategy for making the population aware of fake news and conspiracy theories in the context of Covid-19, a consistent policy framework is still missing.

This is a striking problem since policy interventions against disinformation (in forms of media literacy measures, support to quality journalism, and to public service media) have been proven as the most efficient measures worldwide (ITU, 2020). It remains to be seen in how far small-scale fact-checking projects by media outlets (such as APA – Austria Presse Agentur) or civil society groups (such as Mimikama) can help to balance this deficit.

In order to support the aim of *protecting personal data*, Austria implemented the General Data Protection Regulation (GDPR) of the European Union with the Data Protection Amendment Act 2018, providing for an exemption for journalists and media owners “[i]f it is necessary to reconcile the right to the protection of personal data with the freedom of expression and information” (§ 9). This provision explicitly establishes the priority of the special expression derogation and limits the applicability of the GDPR provisions in case of personal data processing for direct journalistic purposes (except to the provisions on the confidentiality of such data). However, Austria reserved the exemption exclusively to “media undertakings, media services and their employees”, restricting the notion of the journalist and, thus, the accompanying protections and privileges. This approach is neither in line with CJEU jurisprudence (see, e.g., the *Buivids* case) nor with European standards (see the Recommendation CM/Rec(2022)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age) which held that the role of ‘watchdogs’ was not to be confined to professional journalists. It is to be noted that Section 11 of the current Data Protection Act requires the Austrian Data Protection Authority to respect the principle of proportionality in imposing fines pursuant to Article 83 GDPR, by applying remedies such as issuing warnings instead of imposing fines, in case of first-time violations. The Media Pluralism Monitor reports that the Austrian Data Protection Authority takes sufficient account of proper use of personal data (Seethaler & Beaufort, 2021, p. 23).

### 3.3. Freedom of information

Within the theoretical framework of the *Mediadelcom* project, freedom of information is discussed as a separate conceptual dimension related to risks and opportunities for deliberative communication. Although it is closely related to freedom of expression, this view helps to broaden the perspective by explicitly addressing aspects related to *access to information*. In Austria, the right to information is guaranteed by Federal Constitutional Law which states that: “All organs entrusted with Federation, provinces and municipal administrative duties as well as the executive officers of other public law corporate bodies shall impart information about matters pertaining to their sphere of competence”, but only to the extent that “this does not conflict with a legal obligation to maintain confidentiality” (B-VG, Art. 20). Moreover, the law clearly states that the obligation of administrative authorities (at a national, regional and local level) to maintain secrecy takes precedence over the obligation to disclose information. Thus, freedom of information is only supported within a very narrow scope and information held by public authorities is only disclosed upon request (and in a rigorous procedural manner). Also, the 1987 Act on the Duty to Grant Information obliges federal authorities to provide information to citizens “without unnecessary delay, but within eight weeks at the latest” in response to an oral or written request – “unless a legal obligation to maintain secrecy precludes this”, such as “official secrecy”, but also, for example, the protection of privacy. In a global comparison, Access Info Europe and the Centre for Law and Democracy (n.d.) describe the Austrian Duty to Grant Information Act as “one of the weakest ‘right to information laws’ in the world”. Debates about a new Freedom of Information Act have been ongoing for years, but it remains unclear as to how far the draft law from February 2021 will take into account persistent critiques (e.g., Access Info Europe, 2021). Although legislation for freedom of information is lagging behind, several Austrian initiatives are noteworthy even under the current legal framework. For example, NGOs such as the *Forum Informationsfreiheit* (Forum Freedom of Information) operate open platforms

for information requests by citizens (e.g., FragDenStaat.at) and support legal procedures in case of non-compliance with those requests.

By contrast, the right to *protection of journalistic sources* is thoroughly established and recognized in Austria. Section 157 of the Austrian Code of Criminal Procedure (StPO) allows a journalist *expressis verbis* to refuse to testify as a witness, in order to protect the identity of his source. Apart from that, the right of journalists not to disclose their sources is also guaranteed in Section 31 of the Media Act. The significance of this provision lies in the fact that, in contrast to the provisions of the StPO, it may be invoked in all judicial proceedings (criminal, civil and administrative). Its legal status was confirmed by the Austrian Supreme Court of Justice in 2010, when it ruled that the protection of journalistic sources is an aspect of the freedom of expression and must therefore be recognized as a constitutional right. The decision also shed light on the question of the balance of interests between protecting the source and obtaining relevant information, as the Court held that no balance of interest was required in the context of the right to protect journalistic sources; in other words, no matter how essential the information could be (e.g., for the success of investigations of a serious crime), a breach of the right guaranteed by the Media Act is not justifiable (International Legal Research Group on Freedom of Expression and Protection of Journalistic Sources, 2016, p. 66).

A specific law to protect *whistleblowing in the media* is still missing in Austria, although existing laws include partial provisions and procedures for whistleblowers in the public and private sectors (Seethaler & Beaufort, 2021, p. 10). However, the process to implement the European Whistleblower Directive is still ongoing. In fact, the European Commission has launched infringement proceedings against Austria after failing to meet the December 2021 deadline to transpose the directive into national law. Civil society experts are calling on policy-makers to ensure a responsible adaptation of the new EU rules in Austria, including an extension of the scope of the Directive to protect reports of national as well as EU law and a facilitation of anonymous reporting (Transparency International Austria, 2020). Meanwhile, criminal charges against the whistleblower whose leak of the *Ibiza affair* video took down Austria's government in 2019 (see above) are expected to discourage other informants and endanger media freedoms, multiple NGOs argued in a joint statement. Fifteen Austrian and international organizations, including Reporters Without Borders, Amnesty International and the Centre for Investigative Journalism, expressed "considerable concerns" over the trial of Julian Hessesenthaler that "the investigations are based on partly fabricated allegations" (Klingert, 2021). In March 2022, the whistleblower was found guilty by an Austrian court and sentenced to 3.5 years in prison.

One of the biggest threats for the Austrian media system remains the particularly high degree of news media concentration (see also section 4) and, thus, the legal protections and guarantees of media pluralism are of specific concern. All the more important it is to make relevant information about *media ownership* available to the public. The Austrian Media Act (§§ 24 and 25) requires all media companies to publish relevant ownership information on their website or in another easily accessible form. This not only includes information on ownership, shareholding, share and voting rights proportions of all persons holding a direct or indirect share in the media owner, but also any undisclosed shareholdings and fiduciary relationships ("ultimate-ownership principle") (see also Directorate-General for Communications Networks, Content and Technology, 2020). The Austrian study for the Media Pluralism Monitor concludes that "[t]ransparency of media ownership is largely provided" (Seethaler & Beaufort, 2021, p. 22). However, information on the ultimate ownership structures of media companies is generally not available (Berka et al., 2019), partly due to a vague formulation in an amendment to the Media Act (the German word *Inhaber* can be interpreted as "100% owner"). The Media Pluralism Monitor (Seethaler & Beaufort, 2021, p. 12) also highlights further limitations such as exemptions for small websites or foreign media that lawmakers should rectify. In an interview for this case study, Fritz Hausjell concludes that accessibility of ownership information would need

to be improved to enable foresightful media regulation: “We need a decent amount of media statistics. For example, we need systematic and regularly updated information on the economic development of all media – not only journalistic media, but also possible competitors in the digital realm. This is necessary to understand at an early stage how the industry develops and how it is possible to take countermeasures.”<sup>2</sup>

### 3.4. Accountability system

#### 3.4.1. Development and agency of change

In addition to the legal regulation of media and communication, the state of media ethics, media self-regulation and media accountability also plays a pivotal role for the quality of deliberative communication. In a European comparison, the infrastructures of media accountability in Austria have recently received fairly positive assessments: In the European Media Accountability Index (Eberwein et al., 2018b, p. 297), which measures the diffusion of different media accountability instruments (MAIs) throughout Europe, Austria shares the 4th rank with Germany and is only outflanked by the Scandinavian countries Norway, Sweden and Finland. However, national state-of-the-art reports (Karmasin et al., 2011, 2018; Weder, 2010; from the perspective of the whole German-language region: Eberwein, 2020a) come to more critical conclusions with regard to the effectiveness of self-regulatory processes in Austria. Likewise, an earlier survey among journalists in 12 European countries showed that traditional instruments of media self-regulation (such as press councils, ethics codes, ombudspersons or media criticism in the daily press) are consistently ascribed a lower impact in Austria than the European average (Alsus et al., 2014, p. 106). Such discrepant results underline that any comparative analysis of different MAIs must not only distinguish between mere existence and efficacy, but also take into account developments over time. The following overview differentiates MAIs according to four “accountability frames” as proposed by Bardoel and d’Haenens (2004; similarly: Fengler et al., 2022): professional accountability, political accountability, market accountability, and public accountability. It will demonstrate that both the existence and the efficacy of MAIs strongly varies in each of these frames, which is also mirrored in the highly unbalanced state of research.

#### 3.4.2. Existing media accountability instruments and an evaluation of their effectiveness

With regard to the field of professional accountability, Gottwald et al. (2006) stress the importance of functioning organizations of media self-regulation as motors in the process of journalistic quality management. In Austria, this role is ascribed to the Austrian Press Council, which was originally founded in 1961 and, thus, has a long history, compared to many other media councils in Europe (Puppis, 2009b, pp. 204–206). However, the year 2001 marks a major turning point in this history because the participating publisher associations retreated from the Press Council after a dispute over the notorious tabloid *Kronen Zeitung* which effectively led to its dissolution. It took almost a decade before the organization could be re-established in 2010 (Zimmermann & Kraus, 2007; Warzilek, 2013). The temporary void in the field institutionalized press self-regulation may explain why many Austrian journalists eye their Press Council with suspicion, according to a survey in 2011/2012 (Fengler et al., 2014). Today, the Austrian Press Council can be regarded as a small, but stable organization – with an annual budget (administered by the Communications Authority) that is sufficient for the basic complaints-handling work (Harder & Knapen, n.d.). It is responsible for periodic print media and their online editions, but not for broadcasting media. In the years from 2011 to 2020, the number of adjudicated annual cases rose from 80 to 418 (Österreichischer Presserat, n.d.). Decisions on these cases are prepared by currently three “Senates”, consisting of 11 members each which are nominated

<sup>2</sup> All direct quotations from the expert interviews conducted for this case study report were translated into English by the authors.

by Austria's most important journalist and publisher associations. Audience members are not represented. The persistent problem that some media outlets (such as *Kronen Zeitung*) ignore the Council's decisions remains unsolved (Harder & Knapen, n.d.).

The Press Council relates each of its decisions to the professional standards set out in the *Ehrenkodex für die österreichische Presse* (Code of Conduct for die Austrian Press). This ethics code was first put down in 1971 and has been adapted on an irregular basis ever since – the last time in 2019 (Österreichischer Presserat, 2019). However, it is mainly conceived as a collection of standards for print journalists, and surveys have repeatedly shown that its contents are not well known among members of the profession (Karmasin, 1996, 2005; Masip et al., n.d.). Until now, there is no general code of ethics for broadcasting journalism – and the opportunity to expand the *Ehrenkodex* into an ethics code for all media types in the course of the re-establishment of the Press Council (as recommended by Gottwald et al., 2006) has not been seized. Instead, several ethical guidelines for different areas of professional public communication – sometimes also at the level of single media companies – are used in parallel (Paganini, 2018). Researchers highlighted their concern that most of the existing codes and guidelines do not adequately take account of current ethical challenges caused by digitization and technological change (Eberwein et al., 2016; Porlezza & Eberwein, 2022; Masip et al., n.d.).

While the principles of professional self-regulation have a rather strong presence in the Austrian print media sector, electronic media have always faced tight regulation by the state. In the case of the public service broadcaster ORF, all relevant provisions are laid down in the ORF Act (see above), which guarantees formal autonomy to the broadcaster, but – as Karmasin et al. (2018, p. 10) note – “politicians traditionally try to gain control over the ORF, for example by influencing staff decisions.” This notion is also confirmed by the expert interview with Klaus Unterberger who states that he considers “government influence on the ORF bodies as illegitimately high.” Nonetheless, the structures of the ORF enable certain elements of journalistic self-organization. The *Redakteursrat* (Journalists Assembly), for example, is an internal instrument of the ORF that gives journalistic employees the possibility to participate in certain decision-making processes (e.g., regarding the programme structure). Its rights are defined in the *ORF-Redakteursstatut* (Editorial Statute; ORF, 2002). In 2011, moreover, an additional code of conduct (*Verhaltenskodex*) for journalistic activities within the ORF was ratified (ORF, 2011). Compliance is monitored by an internal Ethics Council (*Ethikrat*). However, all of these measures are stipulated by the ORF Act and, thus, rather follow the idea of co-regulation than pure self-regulation (Wenzel, 2012).

In contrast to the rather lively discourse about professional instruments of media accountability, particularly in the years after the re-foundation of the Press Council, the field of market accountability plays a less important role in Austria. Even though several studies stress the relevance of media companies as actors in the debate about good journalism (Weder & Karmasin, 2009; Koinig et al., 2019), only few of them make use of the various organizational MAIs that can be observed in many other parts of the world. For example, the daily newspaper *Der Standard* is one of the few Austrian media houses that employ an ombudsperson (*Leserbeauftragter*) to explain editorial decisions to the readers in cases of complaints (Föderl-Schmid & Ranftl, 2008). Regular sections or programs for media journalism – in the sense of a critical reporting about media issues in the media – are also rather an exception than the rule (Trautner, 2008; Breuss, 2017). At least, there are a number of trade journals (such as *Österreichs Journalist:in*, *Extradienst*, *Horizont*, *MedienManager*, *Medianet*, etc.) that regularly publish contributions with regard to professional conduct. However, they only reach comparably small audiences (Karmasin et al., 2018).

Similarly, the potential of initiatives in the realm of public accountability has been realized only partially, until today. Some media houses offer best-practice examples for successful audience

engagement. For example, the ORF has an Audience Council, created on the basis of the ORF Act, that serves to protect the interests of the listeners and viewers of the broadcasting company (ORF, 2019). Less strictly formalized, the Reader Advisory Board of the regional daily *Vorarlberger Nachrichten* allows subscribers to voice their views on the coverage in regular meetings (Riedmann, 2007). A lively online community that motivates users to participate in the process of media criticism can be found at *derStandard.at* (Wiesinger, 2019). Besides, various actors from outside of the industry offer regular contributions to discuss matters of journalistic quality, e.g., the “Initiative Qualität im Journalismus” (IQ – Initiative Quality in Journalism), the private “Medienhaus Wien” (Media House Vienna), or the numerous media and communication researchers organized within the Austrian Society of Communication (ÖGK). In the online realm, the media watch-blog *Kobuk* highlights instances of journalistic misbehaviour. Along with other, more short-lived examples, this blog illustrates the undisputed potential of web-based media accountability processes that build on user participation – also on social media such as Twitter (Schönherr, 2008; Hutter, 2009; Bichler, 2012; Bichler et al., 2013). However, their impact on the practice in Austrian newsrooms remains mediocre at best (Powell & Jempson, 2014).

In sum, the analysis of legal and ethical regulation of Austrian media hints at several risk factors that demand attention. With regards to the legal framework, basic regulatory safeguards for freedom of expression and freedom of information are well established in Austria, thus offering a favourable context for deliberative communication. However, failure to introduce and implement effective measures to counter current problems such as disinformation as well as a lack of legislation to support freedom of information and protect whistleblowers pose a threat for social cohesion and provoke criticism from the most different kinds of actors. Further constraints are found in a comparably restrictive criminalization of defamation and limitations in the disclosure requirements for media ownership information. Although the concept of regulated self-regulation has been identified as an ideal (Gottwald et al., 2006), there are still only few incentives to realize measures of self-control and accountability in practice. This shortcoming is mirrored in the erratic history of the Austrian Press Council, which was dysfunctional for almost a decade, and a lacking acceptance (or knowledge) of central ethical codes among members of the journalistic profession. At the same time, media accountability initiatives at the newsroom level are still underdeveloped, while MAIs driven by the audience offer no effective alternative until now. Nonetheless, several best-practice examples guide the way towards possible improvements in the future.

## 4. Risks and opportunities of journalism domain

### 4.1. Development and agency of change

Probably the most significant and lasting changes regarding democratic developments and turning points in the field of Austrian journalism concern the areas of the media market and political influence. Thus, conditions for economic as well as social sustainability have become more problematic. Serious criticism arises from the high concentration of media, which has tended to increase over the past 20 years. Even the emergence of new media outlets can be traced back to the same owners and can mostly be noted in the tabloid media sector with the widest reach anyway. Besides the public service broadcaster ORF, in each of the federal states, a couple of private media companies have established themselves as market leaders, resulting in low competition. Apart from the capital Vienna, media diversity is almost non-existent. In addition, there is a high market share of foreign companies, which pose a risk of little national influence. At the same time, political influence on journalists has increased significantly, especially since the inauguration of the Chancellor Sebastian Kurz (in office with a short interruption 2017–2021). Consequently, Austria has fallen 17 places in the Reporters Without Borders (RSF)

Press Freedom Index in 2022. The following overview, therefore, highlights specific characteristics of these areas in greater detail, which can be fully grasped against the background of the introductory remarks on social and political change (see chapter 2).

## 4.2. Market conditions

Regarding critical turning points concerning the Austrian media market, several mergers of major private media companies are significant milestones effecting the sustainability of journalism. In 2000, the precondition for print media was an already highly concentrated market, which had been shaped by the amalgamation of the largest publishing houses: In 1987, the German media company WAZ (now Funke Mediengruppe) bought 50% of the tabloid *Kronen Zeitung*, which is Austria's highest-circulation daily newspaper since the early 1970s (market share of 46.9% in 2005, below 30% in the course of the 2010s, daily reach of around 24% in 2021; see section 5 below for more background on media usage). WAZ also acquired a 49.4% stake of the broadsheet newspaper with tabloid tendencies *Kurier* (until 2003/4 among the top four daily newspapers in Austria in terms of circulation) in the following year, to found the Mediaprint complex as a joint production and sales subsidiary. Mediaprint is responsible for their production, distribution, joint marketing, advertising sales, as well as for other weekly and monthly titles (Kaltenbrunner et al., 2007, p. 43). As a result, horizontal and vertical concentration was further amplified.

Another major fusion followed later in 2000, when again the then two largest media companies, the News publishing house and Mediaprint, united. Steinmaurer (2009, pp. 78f.) assessed "that regulation failed in this case, allowing for an unacceptable concentration rate in the media market". These mergers have had a lasting impact on the media market, cementing power relationships and structures. Moreover, the already dominant newspaper publishers operate the most successful private radio stations and, together with public broadcasting, dominate Austria's online media.

Digital media have hardly been able to defuse media concentration. Apart from the use of social networking sites, no new journalistically organized platform of relevance can be found on the Internet (Trappel, 2019, p. 223). In an interview conducted for this study, Andy Kaltenbrunner highlights this lack of innovation as typical for Austria when he comments: "We ... see the attempt to cling to the old. Even though the old is eroding ... because digitization and globalization have changed the conditions. Austria is lagging far behind in the development of new journalism, new forms of distribution, new forms of organization, forms of financing journalism ... And that, of course, is a disadvantage and can become very alarming in socio-political terms."

Finally, since 2018, the politically well-connected real estate investor René Benko (Signa Holding) has held around a quarter of the shares in the two main Mediaprint newspapers. The Dichand family, the most powerful media family in Austria to date, has also always held large stakes – after all, Hans Dichand, who died in 2010, founded the *Kronen Zeitung*. The only serious rival of Mediaprint remaining is another media group which belongs to a Catholic foundation, the Styria Group owning the *Kleine Zeitung* (market leader in the South – in Styria and Carinthia). In each of the Western states, one market leader was ultimately able to prevail without significant competition – all of which are owned by family publishers (Kaltenbrunner, 2019, p. 186). When the *WirtschaftsBlatt*, a national Austrian daily newspaper with a focus on the economy, was also discontinued in 2016, a total of only 13 titles remained in the daily newspaper market. The already small number of newspapers is in danger of shrinking further, as the funding basis for the *Wiener Zeitung* (incidentally, the world's oldest daily newspaper still published) could be eliminated. This "threatened demise ... would further weaken pluralism" (RSF, 2022), which bears the risk of further decrease of competition and media diversity.

In terms of revenues, the four biggest media companies account for 65% of the total media market. In addition to the public broadcaster ORF and Mediaprint, these are the Red Bull Media House (founded in 2007, operating the TV station *ServusTV* since 2009) and the Styria Media Group (Seethaler, 2021, p. 724). At the regional level, media diversity can only be said to exist in the capital Vienna and its surrounding area (Trappel, 2019, p. 223).

The mergers have changed the media landscape in Austria with lasting effects towards a less democratic media system. This is amplified by developments of tabloidization and political influence, especially through financing, as further explained below.

A second development with a significant impact on the Austrian media landscape is the steady tabloidization. The print press' widest reach is achieved by tabloids. In addition to the established yellow press, the tabloid *Österreich* has been published predominantly as a freesheet by Mediengruppe Österreich, which is essentially attributable to the Fellner family, since 2006 (Kaltenbrunner, 2019, p. 185; Kaltenbrunner & Kraus, 2008). Since 2016, *Österreich* has been operating a TV station closely linked to the newspaper newsroom, making it a competitor to the *Kronen Zeitung* in the digital and video sector as well. In terms of readership, the latter was overtaken in the capital Vienna for the first time in 2010 by the free daily *Heute*, which was launched in September 2004 (Kaltenbrunner, 2019, p. 185) and is also owned by the Dichand family. This development of tabloidization represents a risk in terms of quality journalism. The growth in the number of media outlets must be viewed critically, as the ownership structures have remained the same.

Broadcasting is characterized by the recent liberalization of the television market and – similar to the print market – by monopolies and a high proportion of German media companies. It was not until 2001 that the dual system for television broadcasting was implemented when the TV station ATV was granted a license for nationwide broadcasting. However, it had a difficult start. In 2006, for example, its market share did not exceed 2.5%, while the two public service media (ORF) channels held 47.6%. Almost the entire balance of the media market (45%) was dominated by German stations (Steinmaurer, 2009, p. 80). To date, the ratios have changed to the disadvantage of the public broadcaster (see section 5). In 2004, another station with an Austrian license, *Puls TV* (later renamed *Puls 4*), was founded and bought by the German media group ProSiebenSat.1 just three years later. ProSiebenSat.1 eventually took over the only remaining national private station, ATV, and partially merged both stations in 2017 (Seethaler & Beaufort, 2021).

While the national television companies are based in Vienna (with the sole exception of *ServusTV* in Salzburg), the radio market is dominated by regional stations. In addition to the public service media, only the two stations *Kronehit* (since 2003; part of the *Kronen Zeitung*/Kurier family) and *Radio Austria* (since 2019, part of the Fellner family) have a nationwide private radio license. Although the market leader in all nine provinces is the public service mainstream program Ö3 (market share between 29% and 39%), the concentration varies by region. Here, too, a high degree of concentration is notable, especially at company level. According to the Media for Democracy Monitor 2021, the top 3 media companies dominate between 86% and 99% of the market (Grünangerl et al., 2021, p. 119).

It is hardly surprising that the latest Media Pluralism Monitor states: “Market Plurality is under threat” (Seethaler & Beaufort, 2021, p. 12). More precisely, the horizontal as well as cross-media concentration is so significant that it represents a high risk for democratic processes: “All concentration measurements for ownership and audience concentration in the audiovisual, radio and newspaper markets are between 71 and 91%” (ibid., p. 12). These concentration processes are supported and reinforced by the evolved media structures (namely family and monopolistic publisher relationships and powerful tabloids) and problematic media policy decisions. The Media for Democracy Monitor 2021 even concludes that “[b]y law, journalists’ independence is

protected, but ownership structures ... limit this freedom in practice" (Grünangerl et al., 2021, p. 130). Furthermore, one of the main risks that can be seen in smaller media markets with a large neighbour of the same language seems to apply to Austria: the likelihood of a foreign takeover of media companies, implying a declining domestic influence over the media (Puppis, 2009a, p. 11).

A fundamental problem that arises in analyses of the Austrian media market is the poor data situation. Obtaining valid market data for the various media segments is a complex process, as there are no official media statistics. Existing data is often difficult to compare and changes are hard to track retrospectively. While media companies are required by law to disclose their ownership structure, challenges arise in practice: Changes in ownership can usually only be reliably traced in company register extracts. These documents are sometimes subject to a fee and do not adequately reflect complex corporate structures (e.g., subsidiaries). The reconstruction of corporate structures therefore involves a great deal of effort.

The precarious state of the media market in Austria leaves few options for key opportunities, despite the fact that the use of synergies is cited as a central advantage of group structures resulting from consolidations. It must be noted, however, that such mergers generally contribute to a decrease in journalistic diversity (Zwicky, 2012, p. 219), which is deemed to be true in Austria. There was also an increase in competition on the daily newspaper market, especially from free newspapers, and from the liberalization of broadcasting on the TV and radio market. However, this has been accompanied by increased tabloidization, an increase in the number of foreign media companies, and – as will be discussed below – a risk of political influence.

### 4.3. Public service media

The ORF is the largest media company in Austria with a market share of 33.2% (2020), an annual turnover of 1,016.8 million Euro, and 2,894 full-time employees (VÖZ, 2021, p. 311). Generally, the corporation is financed by advertising revenues together with broadcasting fees, which vary from state to state between 22.45 Euro and 28.65 Euro per month. In principle, the independence of journalists at ORF is protected by law and the Editorial Statute. However, the legally anchored 'politics-in-broadcasting' system (Hallin & Mancini, 2004, p. 167; Steinmaurer, 2009, p. 83) favours state and party-political attempts to exert influence. Thus, key positions are nominated by the government or state governments: "[T]he close relationship to political parties and authorities becomes obvious in staff decisions taken by the board (*Stiftungsrat*), which is also in charge of appointing the director general" (Grünangerl et al., 2021, p. 130).

Quality standards are regulated and protected by law. The public service mission includes the provision of information and cultural programmes for autochthonous ethnic groups via TV, radio and the Internet and the broadcasting of a television programme for the European audience. In 2010, a quality assurance system was introduced to ensure the fulfilment of the public service mandate.

Although detailed analyses regarding journalists' trust in PSM are lacking, it can be generally stated that trust in social and political institutions is rather low. This finding, however, can be seen as positive in the sense of a critical and functional attitude (Hanitzsch et al., 2019b, pp. 250f.).

Investigative journalism generally does not have a long tradition in Austrian media, including PSM. Nevertheless, the radio feature "#doublecheck" has been running since 2017, addressing "communication matters with a critical view" (Grünangerl et al., 2021, p. 130). Such a format does not exist for the public television programme.

#### 4.4. Production conditions

Journalistic production conditions have been in a process of change for years, closely related to processes of digitization and convergence affecting “journalistic practices, routines, norms, and strategies that shape news production” (Menke et al., 2019, p. 946). In general, a constant transformation in news production can be noted, followed by changes in “newsroom organization and journalistic work” (García Avilés et al., 2009, p. 301). Such changes lead to additional demands that are not of genuinely journalistic nature, like administrative tasks. The increased workload means that time resources are becoming scarcer, which is likely to affect journalistic quality negatively (Kaltenbrunner et al., 2020, p. 212; Zwicky, 2012, pp. 218f.). Increasing digitization is one of the most extensive projects in this area. In the radio sector, in particular, the network for reception was digitized as of 2018, enabling nationwide broadcasts of significantly more radio programmes and thus restructuring broadcasting (Kaltenbrunner et al., 2020, pp. 55f.).

Regarding foreign correspondents, there is relatively little research available. However, it can be noted that the number of correspondents is quite high and the production conditions seem to be stable (Brüggemann et al., 2017; Terzis, 2015). In 2007, 107 journalists worked as foreign correspondents, while the total number of journalists (including employees and freelancers) was 7,067 (Kaltenbrunner et al., 2007, p. 139). Ten years later, Brüggemann et al. (2017) obtained a similar number of foreign correspondents.

According to the Worlds of Journalism study, the number of journalists who see themselves in the watchdog role has increased from 33% in 2007 to 45% in 2019. Yet only about one-fifth of journalists see themselves in the position of acting as a counterbalance to the government. This does not mean, however, that Austrian journalists intend to act in the government’s interests, as the overwhelming majority say they do not see their role as supporting the government or portraying it favourably (Hanitzsch & Lauerer, 2019, pp. 146f.). Practicing criticism is thus one of the key characteristics with which Austrian journalists identify (Kaltenbrunner et al., 2020, p. 253). However, when it comes to anchoring critical guidelines in media companies, they are reluctant to do so, as corresponding mission statements are hardly to be found outside of PSM, as the Media for Democracy Monitor 2021 notes (Grünangerl et al., 2021, p. 134).

Concrete data on the share of investigative journalism in relation to overall reporting is difficult to find. Newsrooms claimed to invest more in investigative journalism in 2019 than in 2009, but funding is limited and financial and human resources are achieved mainly on an ad-hoc basis. Journalists even complain that resources have diminished in recent years and financial support is lacking (Grünangerl et al., 2021, pp. 132/136). In 2019, 51% of journalists said they were dissatisfied with the time resources available for investigative reporting (Kaltenbrunner et al., 2020, p. 253). Nevertheless, there have been successes of investigative journalism that have had drastic political consequences. One such is the publication of the so-called Ibiza video in 2019, which compromised the moral integrity of then-Vice-Chancellor Christian Strache of the right-wing party FPÖ and resulted in a new government being formed (see section 2 above). Collaborations of competing media have also come together in favour of investigative journalism. However, participation in international networks for investigative journalism remains the exception (Grünangerl et al., 2021, p. 135).

#### 4.5. Agency of journalists

The vast majority of the approximately 5,350 full-time journalists (96%) are employed by a media company. The number of freelance journalists in Austria cannot be stated precisely, as they are not required to be members of specific professional associations or interest groups. However, it can be assumed that about 600–900 freelance journalists are active in Austria

(Kaltenbrunner et al., 2020, p. 75f.). In an international comparison, the high proportion of journalists in part-time employment (14%) is notable (Lauerer et al., 2019, p. 97). Within the last ten years, autonomous journalistic jobs are continuously being lost because more media titles are being abandoned than founded. Also, existing editorial teams are regularly downsized (Kaltenbrunner et al., 2020, p. 209). The lack of young journalists raises questions such as the representation of the population, but also how posts should be filled in general, which could be accompanied by a weakening of the sector.

#### 4.6. Journalists' working conditions

In principle, no specific education is needed to work as a journalist in Austria. Nevertheless, the proportion of journalists with an academic education has risen steadily since the 2000s. In 2018/19, 48% of journalists held a university degree (Kaltenbrunner et al., 2020, p. 73). However, Austria is lagging behind in terms of academization, both in the German-speaking countries and internationally. The educational difference between women and men is particularly striking, with 76% of female journalists having a university degree compared to only about 54% of their male colleagues (Dietrich-Gsenger & Seethaler, 2019, p. 61).

The workload in particular has increased. About half of journalists are dissatisfied with their daily workload (Kaltenbrunner et al., 2020, p. 253). Accordingly, job satisfaction has also decreased significantly: In 2008, 75% of journalists were still satisfied with their working hours, in 2019 only about 50% (Kaltenbrunner et al., 2020, p. 82).

Offline and online harassment is quite rare in Austria and is therefore only dealt with by media companies on an ad-hoc basis (Grünangerl et al., 2021, p. 111). Similar to other countries, women are more affected by harassment than men. However, the Covid-19 pandemic had a negative impact on the safety of journalists. Especially "far-right activists and opponents of vaccination have not hesitated to threaten and assault journalists during demonstrations. ... Reporters' coverage of protests faced increasing obstruction from police threatening legal action or harassment through repeated identity checks. Women journalists are particularly at risk. Threatening letters sent to newsrooms are also commonplace" (RSF, 2022).

Recent increases in harassment, combined with a sharp rise in job dissatisfaction, could make the already shrinking job sector of journalism even more unattractive.

#### 4.7. Intra-organizational diversity of human resources

Newsrooms are making progress in terms of organizational diversity. Since 2009, sensitivity to diversity has increased. This is reflected in internal discussions and the choice of experts (Grünangerl et al., 2021, p. 129), although women are still clearly underrepresented in reporting (Riedl et al., 2022). It is encouraging to note an increased number of women in journalism who now account for almost half of the Austrian journalists. However, 45% of them work part-time (compared to 20% of male journalists), which is not conducive to either career or income. As a result, women reach middle management levels, but hardly ever the top positions in editorial departments. Finally, the rapid increase in the average age of journalists to 44.5 years in 2019 is viewed with concern and seen as a possible sign of too little regeneration and thus less future viability (Kaltenbrunner et al., 2020, p. 213).

#### 4.8. Journalistic competencies, education and training

Professionalism in Austrian journalism is growing: In parallel with the higher level of education, the degree of critical, professional self-reflection has increased, as has the knowledge of ethical rules in journalism and the willingness to engage in dialog with the audience (Kaltenbrunner et

al., 2020, p. 212). There are 22 education and training institutions for journalists listed for 2020, 10 of them at university level. The high rate of academization means a turnaround in the development of Austrian journalism, which has lagged behind in European comparisons for years (Kaltenbrunner et al. 2020, p. 172).

#### 4.9. Professional culture and role perception

Regarding a risk analysis of the professional culture, the comparatively close relationship between politicians and journalists comes to mind for Austria – even though political influence on journalists is rarely discussed publicly (Maurer & Riedl, 2020). This becomes a concern, as journalistic dependence and political influence have intensified recently to such an extent that it contradicts and risks basic democratic values (Seethaler & Beaufort, 2021, p. 14; Kaltenbrunner, 2021). This worrying trend seems to be a result of political strategies that are frequently applied by political actors, namely “intensive networking, approaching politically aligned journalists, and intimidating journalists through threats and complaints” (Maurer & Beiler, 2018, p. 2036). The most recent Press Freedom Index by Reporters Without Borders states fittingly, that “[a]ttempts to influence the press are constant in Austria. There is a suspicion that politicians have bought coverage in the tabloid media with taxpayers’ money, while others have tried to intervene by visiting editorial offices, like former Chancellor Sebastian Kurz” (RSF, 2022). The President of RSF’s Austrian section, Fritz Hausjell, urged that the conditions for journalistic work run counter to the proper relationship between government and journalism in a liberal democracy (Reporter ohne Grenzen, 2022). Because of this affair, the Chancellor finally had to resign in 2021. However, there were no new elections, and the same party continues to provide the Chancellor.

The close connection between journalists and politicians is also related to the financing of media companies and thus the concentration of resources for journalism: The private sector depends on state press subsidies, which are tied to quality criteria, but also, problematically, on revenue from arbitrarily awarded advertising contracts commissioned by political institutions. These political advertising expenditures mainly benefit the yellow press, with more than four times the amount of state media expenses (Seethaler, 2021, p. 725). In a way, the precursor for this was the 2011 advertising affair, in which the then Chancellor was accused of exerting pressure on the management of Austrian Federal Railways to book advertisements in his political interests while he was still Transport Minister (Kaltenbrunner, 2021, p. 17). The result was the Media Transparency Act, which came into force in 2012.

The year 2020 brought another alarming change of direction in funding policy. The political handling of the Corona pandemic involved two media strategies. First, more political advertisements were placed in the media. The approach was argued to be based on an increased need for communication due to the pandemic. The biggest profiteers by far were the largest media companies with the most widespread tabloid media (just under half of the advertising revenue went to Mediaprint and Styria, according to Kaltenbrunner, 2021, pp. 33–47). Secondly, there was a special Corona subsidy for daily newspapers, which was assessed according to the circulation of the previous year. This was contrary to the usual press subsidies up to that point, which were awarded according to criteria of diversity and quality. In general, 2020 brought a budget increase for press and broadcasting subsidies, which was particularly strongly geared to the needs and production conditions of the tabloids (Kaltenbrunner, 2021, pp. 86f.).

Moreover, the relatively great importance of entertainment and audience orientation among journalists in Austria as well as the ambition to provide assistance in coping with everyday life is striking. Here, Austrian (together with German) journalists stand out in comparison with their colleagues in other Western countries, as the results of the study *Words of Journalism* (Hanitzsch et al., 2019a) show. Austria also joins the ranks of countries where journalists are

least interested (specifically 51%) in giving people the opportunity to express their views. Furthermore, social engagement among journalists is low. The understanding of the role of an advocacy journalism aiming at social change has drastically lost importance (from about 60% in 2007 to just 32% for 2019) (Hanitzsch & Lauerer, 2019, p. 159). In contrast, supposedly objective reporting (“reporting things as they are”) has become more relevant. While agreement was 79% in 2007, it has now risen to 96% (a similar conclusion was reached by Kaltenbrunner et al., 2020). By contrast, the role of the observer has become somewhat less relevant (down from 92% to 88%). The desire of journalists to classify and analyse events for their audiences remained almost unchanged at 90%. Yet, the number of journalists who consider a critical stance toward the government important has increased from 33% (2007) to 45% (2019). That said, the influence journalists want to exert on day-to-day political events shows a significant decline (from 31% in 2007 to only 10% in 2019) (Hanitzsch & Lauerer, 2019, p. 150). This could be related to the relatively high activity of Austrian journalists on the SNS platform Twitter: They seem to be thematically oriented towards political campaigns and thus follow the selection of agendas of political parties (Hanitzsch & Lauerer, 2019, pp. 150f.; Seethaler & Melischek, 2018).

In summary, major critical developments in Austrian journalism can be identified as a result of the mergers of media companies, which have led to an unacceptably high level of media concentration, to concentrations of power in a few mostly family-run media companies and to tabloidization, all of which is not compatible with a democratic understanding of the media. In addition, there is a high market share of foreign companies, which pose a risk of little national influence. However, this could also present an opportunity for market stimulation in the sense of competition. A second, increasingly alarming development is the rise of political influence on the journalistic field, especially by means of unregulated allocation of disproportionately high funding through political advertisements. In reference to journalistic practice and working conditions, a decreasing number of autonomously working journalists is noticeable – as well as a low number of young journalists. While the level of education and professionalization of journalists has increased in recent years, parity between female and male journalists has almost been achieved, even if the latter is not reflected in the job positions. Nevertheless, opportunities for reflective and diverse journalism could definitely arise in this area.

## 5. Risks and opportunities of media usage patterns domain

### 5.1. Development and agency of change

The analysis in the previous sections has shown that the Austrian media landscape has been subject to profound transformations during the past two decades. Of course, these developments also had an impact on the prevailing patterns of media usage. However, not all of them are typical for Austria alone. For example, the omnipresent trend towards digitization and media convergence undoubtedly influences media usage habits, but is by no means restricted by national borders (Stark & Kist, 2020). On the other hand, the analysis above has pointed to several special characteristics of the Austrian media system that are also relevant for research into media audiences. Among them are the comparably recent introduction of private broadcasting, the continuing relevance of daily newspapers, and the traditionally strong impact of media products from other countries, particularly Germany.

Unfortunately, long-term change processes in Austrian media usage have rarely been in the focus of media and communication research until now (Stark, 2009a, 2009b). The lack of diachronic analyses is regularly criticized by academic media researchers – for example by Uta Rußmann, who emphasizes in an interview: “It would be essential to start conducting representative long-term studies on usage behaviour. It would also tell us a lot about how the media system and media literacy are changing.” Until now, however, no sustainable solutions for this

problem are in sight. The following analysis, therefore, has to rely on fragmentary evidence. Based on the availability of reliable data, it will highlight different aspects with regard to: access to media and diversity in the media system; functionalities of media and relevance of news media; and trust in media.

## 5.2. Access to news and other media content

Questions regarding access to media and diversity in the media system can be answered with the help of usage data from applied audience research, which is available for all media segments, as well as a number of secondary analyses:

In international comparisons, Austria has long been considered as a “country of newspaper readers” (Stark & Karmasin, 2009; see also Seethaler & Melischek, 2006). Meanwhile, however, usage of print media is on the decline. According to the most recent Media Analysis (Media-Analyse, 2021), there are currently 13 daily newspapers in Austria, reaching 56.3% of the adult population (14 years and older). The tabloid *Kronen Zeitung* is still the newspaper with the highest reach (23.9%), co-existing with freesheets such as *Heute* (8.8%), both of which are managed by the Dichand family. The biggest regional newspaper, *Kleine Zeitung*, is read by 9.9% of the Austrians. Quality newspapers such as *Der Standard* (7.3%) or *Die Presse* (4.1%) have comparably small circulations, even though they could increase their readership over the past decade. Generally, newspaper reach has dropped significantly from 73.0% only ten years ago (Media-Analyse, 2011). Since then, interest in printed media decreased particularly in the younger age groups – similar to previous trends in other countries (Stark, 2009a). According to an interview with Fritz Hausjell, one cause for this development can be found in the inflexibility of many Austrian media houses: “Media have not taken demographic change in the population into account. Society has become more and more diverse quite rapidly ... but the traditional journalistic media have not actually responded to this. For example, they could have strengthened diversity within the editorial teams and shown the audience that they make media for the whole society. But the industry has remained very inflexible.” The advent of freesheets in Austria since 2004 has been described as an opportunity to recruit new audiences for the newspaper segment (Hagenah et al., 2015), although it also entails the danger of a further tabloidization of this media type (see also section 4 above).

By contrast, audience shares of broadcasting media have been stable and even increasing in the same time frame. From 2011 to 2021, the daily reach of television among Austrians (aged 12 and older) has risen from 63.5% to 69.2%, according to the Arbeitsgemeinschaft Teletest (AGTT, cit. in ORF, 2022b). Among the active media outlets, the Austrian Broadcasting Corporation (ORF) still reaches the biggest market shares with its two main channels ORF1 (10.2%) and ORF2 (22.1%) (AGTT, 2022) – presumably a result of the late liberalization of the Austrian broadcasting sector that only allowed private competitors for the radio segment in 1998 and for the TV segment in 2001. However, the dominance of the ORF has been slowly eroding since then, while market shares for private competitors (such as ATV or Puls 4) have stabilized at a low level. The biggest competition for the public service broadcaster still comes from German TV (both public and private channels) which reached a cumulated market share of 54.9% in 2020 (RTR, 2021). The fact that the biggest Austrian private TV channels ATV and Puls 4 are both owned by the German ProSiebenSat.1 Media SE has been considered as a major threat to pluralism of the Austrian TV landscape (see also section 4). In the radio segment, the market shares of the public service broadcaster are even more dominant (59.6%), according to the data from Radiotest 2021 (RMS Austria, 2022). Here, however, private competitors could significantly increase their share of listeners to 27.7%. The overall daily reach of radio content among Austrian media users has stabilized at 75.2%. However, both television and radio have to face the challenge of attracting younger audiences (Stark & Kist, 2020).

Compared to the traditional media segments, the Internet has reached the highest usage shares in recent years, particularly in the younger age groups. According to the Austrian Internet Monitor (Integral, 2022), the percentage of Austrians (aged 14 and older) that uses the Internet at least sometimes has reached 91% in 2021; an (almost) daily usage is reported for 80% of the population. These shares have been continually rising since the first wave of the study in 1996. However, the distribution of daily users still slightly differs between men (84%) and women (76%) as well as between those with (87%) and without (77%) a general qualification for university entrance (*Matura*). While the number of households with a desktop PC has been slightly decreasing in the past decade, more and more users go online with a mobile device: In 2020, 85% of the Austrian population owned a smartphone (Integral, cit. in ORF, 2022a). Prandner and Glatz (2021) infer that social inequalities continue to have an impact on media usage, although they are not as pronounced as they were a decade ago (Stark, 2010; Stark & Rußmann, 2009). Among the Austrian websites, the contents offered by the *ORF.at* network are the most popular and attract a share of 78.3% unique users per month among the Austrian Internet users (aged 14 and older). Further news websites with a high traffic are maintained by media companies from the print sector, most notably *Kurier Online* (52.4%), *derStandard.at* (50.3%), and *krone.at* (49.6%), according to the Austrian Web Analysis (ÖWA, 2022).

### 5.3. Relevance of news media

With regard to the functionalities of media, and the relevance of news media in particular, the annual Austrian country reports within the Digital News Project (most recently: Gadringer et al., 2021) offer further insights (for many items even longitudinally since the first wave of this user survey in 2015): The current data illustrate a high interest in journalistic news among Austrian adults (aged 18 and older). 92.8% stated they were generally interested in news content, 26.8% were even “extremely interested” – which is well above the European average. Only 11.0% use news less than once a day. The most important news sources are news programmes on TV (36.0%). Websites and apps by newspapers (15.3%) as well as social media (12.3%) are becoming more important as news sources (particularly among younger users), printed newspapers are losing relevance (9.4%). The willingness to pay for online news, however, is still low: 12.0% of the Austrians stated they had paid for online news during the previous year. Of those that did not pay, 84.7% indicated that it was unlikely they would change their attitude in the future. The Digital News Project also confirms that the TV and radio channels by the public service broadcaster ORF are the most important “news brands” in Austria – with 49.3% noting they had watched ORF2 to get access to news in the previous week. The relevance of public service news programmes from an audience perspective is underlined by recent qualitative studies (e.g., Gonser et al., 2017; Gonser & Reiter, 2018) which highlight that the ORF is perceived as a key source for information and news programming and that many users attribute a high quality to it.

### 5.4. Trust in media

Besides a broad scope of further data, the Austrian Digital News Report (Gadringer et al., 2021) also illustrates that trust in news has reached a maximum value since the launch of the annual study: 46.3% stated that they generally trust the news in their country in 2021 – which is a thorough increase of 6,6 percentage points compared to the previous year. This result is slightly above the European average and seems to confirm findings from the regular Eurobarometer surveys (most recently: European Commission, 2021) that measure trust in the media and regularly find higher ratings in Austria (2021: 49%) than in the rest of the European Union (2021: 41%). The most trusted news brands are the public service broadcaster ORF (which 74.0% of the Austrians describe as a trustworthy news source) as well as the quality newspa-

pers *Der Standard* (69.3%) and *Die Presse* (67.0%), according to Gadringer et al. (2021). News on social media, on the other hand, are only trusted by 17.6% of the population. As research for the comparative Media Performance and Democracy project has demonstrated, a high level of trust goes hand in hand with quality criteria such as relevance, diversity and contextualization (Hasebrink et al., 2021). At the same time, a qualitative study among young adults (aged 18–25) in Austria shows that their trust in traditional media is considerably lower than the Austrian average and that they often tend to handle news on social media uncritically (Russmann & Hess, 2020). A similar preference for information on social media (particularly Facebook) has been described for Austrian users with a migration background (Perlot & Filzmaier, 2021). Both findings can be read as a call for more media literacy measures for these particular age groups or social milieus (see also section 6).

Besides, it must be noted that the recent trend towards an increase in news trust may well be influenced by news usage habits propelled by the Covid-19 pandemic. As a survey by MindTake Research (2020) has shown, news portals – along with home office tools and online supermarkets – were the biggest “winners” among Austrian websites in the course of the first Covid-related shutdown in spring 2020. In line with the findings of the Digital News Project, Gallup Austria (Gallup Institut, 2020) diagnosed a “renaissance” of traditional media, particularly television, as a source for news about the pandemic, while mistrust in social media is skyrocketing. Results from the Austrian Corona Panel Project (ACPP) even show that audience trust in the media coverage of the Corona crisis is generally higher than trust in the coverage of other topics (Prandner & Eberl, 2020). At the same time, the ACPP collected hints at conscious acts of news avoidance in the further course of the pandemic (Lecheler & Aaldering, 2020). At any rate, such results offer good reasons to consider Covid-19 as another critical juncture with a momentary impact on media usage in Austria, even if the future effects of this influence are still unclear.

Taken together, the analysed data on media usage patterns in Austria highlight several turning points in the course of the past two decades. Some of them are by no means typical for the Austrian media system – such as the general trend towards digitization and media convergence, the resulting characteristics in the media usage of younger adults that have grown up as digital natives, and, more recently, the impact by the Covid-19 pandemic. Others must be interpreted as specific national trends that create special risks as well as opportunities – most notably the continuing dominance of public service media as a consequence of the late deregulation of the broadcasting sector, the above-average relevance of daily newspapers, accompanied by the advent of freesheets, and the continuing impact of media from the German neighbour. Above all, the lack of uniform and reliable data for long-term observations remains a problem that future audience researchers need to tackle.

## 6. Risks and opportunities of media related competencies domain

### 6.1. Development and agency of change

The ongoing transformation from mass media to social media (see also section 5 above), from mass communication to something that Castells (2013, p. 55) calls “mass self-communication”, has shaped the main critical junctures for the domain of media-related competencies. According to Castells, this historically new form of communication continues to be mass communication because global platforms such as YouTube or Facebook make it possible to reach a global audience. At the same time, this type of media communication differs from traditional mass communication, as user-generated content has become an essential part of media production. The definition of potential recipients and the selection of messages on the web are also carried out individually. Following Castells, “the articulation of all forms of communication into a composite, interactive, digital hypertext that includes, mixes, and recombines in their diversity the whole range of cultural expressions conveyed by human interaction” has “considerable consequences for social organization and cultural change” (ibid). These consequences also affect risks and opportunities regarding media-related competencies. Social media, however, challenge democracy and deliberative communication as a broad basis of knowledge is required to understand the increasingly complex contexts in both mediatized and interpersonal communication. These findings apply to Austria but are, of course, a global phenomenon.

### 6.2. Overview of media-related competencies in policy documents

Austria’s formal education system has been focusing strongly on improving media literacy. Media has been part of education since the 1930s. However, the first media decree was published only in 1973. In its most recent revision, the “Grundsatzterlass zur Medienerziehung” (Basic Decree on Media Education) was published in 2012. Media education in Austria is still supported and shaped by the respective ministries responsible for education. In practice, however, it is mainly committed teachers who dedicate themselves to media education or media didactics (Blaschitz & Seibt, 2008).

Media literacy was a widespread buzzword in the 1990s and early 2000s and the subject of various societal discussions. The ‘hype’ about media literacy has subsided. Instead, digital skills (however formulated) have moved into the focus of the debates (Trültzsch-Wijnen & Brandhofer, 2020, p. 7). Thus, starting with the forthcoming academic year in September 2022, the compulsory subject “basic education in digital skills” will be implemented for lower secondary education (BMBWF, 2022).

Since media literacy is a broad category (Buckingham, 2003), an exclusive focus on digital competencies is far too narrow to cover all aspects of media-related competencies. Nevertheless, media education is increasingly restricted to *digital competencies* and *user skills* (Cwielong et al., 2021; Oppl et al., 2021; Swertz, 2021; Brandhofer et al., 2018). Moreover, today, media education focuses on promoting *digital skills* to achieve better “employability” for the citizens (OECD, 2021b, PIAAC Design).

### 6.3. Information about the media literacy programs in formal and/or in non-formal education

Media literacy programs are an obligatory part of the curricula. Extracurricular activities are offered as part of support programs for students and adults (further education) and are available at all levels of education. Media literacy programs in formal education are generally availa-

ble for different social classes and media users in different regions of the country. However, information about the quality of media literacy programs is insufficient.

The programs to improve media skills in Austria are aimed at younger people, the employed, and the unemployed. Programs for older people are rare and in need of improvement. These findings confirm that promoting media literacy is primarily about improving employability. Christian Swertz argues similarly in an interview conducted for this study when he emphasizes that digital skills are mostly focused on preparing students for the job market: “It’s not about education, it’s about preparation for the job market.” Understanding media literacy in this way and degrading the acquirement of competencies for democratic participation and debate to a nice-to-have is undoubtedly a considerable risk. The same applies to *communication ethics*. However, the call to integrate ethics (particularly communication and media ethics) into curricula for media and communications is almost 20 years old (Krainer et al., 2020, p. 238).

#### 6.4. Actors and agents of media-related competencies: risks and opportunities

Regarding media-related competencies, we have to ask who has which competencies, who can have them, and who promotes them in which way? Is there a country-level policy on implementing media education, and what kinds of national strategies are there for improving people’s media competencies?

Adult education is even more geared towards employability than schools and universities. Looking at the courses offered at the Austrian VHS (adult education centre) in the category “Computer, Internet & Multimedia”, there are courses related to *digital skills*: Internet & security, graphics & multimedia, Office, operating systems ECDL, etc. (<https://www.vhs.at/de/k/computer-internet-und-multimedia>). Regarding Austria’s most relevant institution for adult education, *WiFi* (Economic Development Institute of the Austrian Economic Chambers), of course, it is not surprising that its focus regarding media-related competencies is exclusively on *digital skills*, since the relevant category – similar to the VHS – is called “IT, Medien” (<https://www.wifiwien.at/kategorie/e-it-medien>). Thus, adult education in media (and media-related competencies) is overwhelmingly – not to say exclusively – dedicated to *digital skills* and propelling employability (Roth-Ebner, 2015). Moreover, regarding *social contexts of media and communication-related competencies*, Zilian and Zilian (2020, p. 11) emphasize “that existing patterns of inequality are reflected in the distribution of digital problem solving skills in Austria”. Risks and opportunities of digital communication go hand in hand with phenomena of socially unequal diffusion and appropriation of the Internet and social media by civil society audiences (Bonfadelli & Meier 2021, p. 421).

#### 6.5. Assessment of media-related competencies among citizens

*Cognitive abilities* are undoubtedly the basis of any form of media-related competencies. However, the question arises as to how these skills can be defined and measured? Hand-in-hand with establishing a ranking society (Ringel & Werron, 2020) during the past 20 years, institutions nationally and internationally have developed measuring instruments and rankings for comparison purposes (Edelmann, 2010). The most prominent example is the “Programme for International Student Assessment”, also known as PISA. Arguably, PISA can provide indicators of *cognitive abilities* – at least for students. Certainly, PISA provides rankings that make it possible to compare national performance and corresponding changes over time. Looking at the results of the previous PISA studies, Austria mainly was around the OECD average (OECD, 2018).

Austria also takes part in other international studies like PIRLS (Progress in International Reading Literacy Study) and TIMSS (Trends in International Mathematics and Science Study), which are conducted by the IEA (International Association for the Evaluation of Educational Achievement). In 2023, Austria will participate in the ICILS (International Computer and Information Literacy Study) for the first time (<https://www.iqs.gv.at/themen/internationale-studien>). “The study measures international differences in students’ computer and information literacy (CIL). This type of literacy refers to students’ ability to use computers to investigate, create, and communicate to participate effectively at home, at school, in the workplace, and in the community” (<https://www.iea.nl/studies/iea/icils>). On a national level, iKM PLUS (*individual competence measurement PLUS*) is an instrument for recording subject-related and assessing schoolchildren’s interdisciplinary competencies (<https://www.iqs.gv.at/downloads/nationale-kompetenzerhebung/ikm-plus>). All in all, these kinds of studies aim to provide information about the strengths and weaknesses of education systems in an international comparison. The data are mainly presented as quantitative indicators, allowing conclusions about specific skills.

Another way to measure a population’s *cognitive competencies* could be to look at the number of tertiary degrees. Regarding “25–64 year-olds who have completed tertiary-type A and advanced research programs”, the OECD education report 2000 speaks of “less than 10% in Austria” (OECD, 2000). Even after implementing the Bologna Process, tertiary degrees in 2019 in Austria were below the EU23 average. However, in the range of 25–34 year-olds, Austria could match up to 41% compared to the EU22 average of 45% (OECD, 2021a). Nevertheless, does this mean that media-related competencies have improved over the past 20 years?

However, “critical media and techno-literacies are an imperative for participatory democracy and citizenship because digital information communication technologies and a market-based media culture have fragmented, connected, converged, diversified, homogenized, flattened, broadened, and reshaped the world” (Kellner 2021, p. 261). Undoubtedly this goes far beyond skills that are primarily aimed at promoting employability.

## 7. Analytical conclusions

The analysis presented in this case study report aimed at identifying critical junctures in the media transformation process between 2000–2020 and investigating key risks and opportunities for deliberative communication in Austria. In each of the research domains under study, various challenges could be highlighted, although not all of them are typically Austrian:

- Regarding the legal framework, for example, failure to introduce and implement effective measures to counter current problems such as disinformation as well as a lack of legislation to support the right to information and protect whistleblowers pose a threat for social cohesion. Further constraints are found in a comparably restrictive criminalization of defamation and the limited impact of safeguards on media pluralism (including the limitations on media ownership transparency), although basic regulatory safeguards for freedom of expression and freedom of information are well established and implemented in Austria.
- In the context of media ethics and accountability, the study deplores a lack of incentives for more media self-regulation. This problem is mirrored, among other things, in the erratic history of the Austrian Press Council, which was dysfunctional for almost a decade, and a lacking acceptance (or knowledge) of central ethical codes among members of the journalistic profession. Media accountability initiatives at the level of the newsroom or driven by societal actors offer no effective alternative up till today.

Nonetheless, several best-practice examples guide the way towards possible improvements in the future.

- In the field of journalism, the most significant challenges relate to recent developments of the media market. The analysis demonstrates that several mergers of media companies after 2000 led to a notable aggravation of concentration tendencies – and results in the insight that market plurality in Austria is currently under threat. Besides, manifold political influences on journalistic practice (also in the case of public service media) as well as questionable trends in the field of journalistic production and working conditions are a source of concern. In the course of digitization, for instance, practical news work is increasingly characterised by a scarcity of time resources and a higher workload, while journalistic quality, especially the extent of resource-intensive practices such as investigative journalism, suffers due to lack of funding. At the same time, job satisfaction has decreased drastically, especially due to the growing amount of work, and the security situation of journalists has worsened – also because of the Covid-19 pandemic. While the level of professionalism and the education of journalists have generally improved, particularly young journalists are scarce. The number of female and male journalists is almost balanced; nevertheless, women still rarely reach top positions and are restricted to rather precarious working conditions.
- With a view to media audiences, the report discusses the recent deregulation of the broadcasting sector, resulting in the continuing dominance of public service media, and the impact of foreign media products as typically Austrian context factors that shape media usage. The above-average relevance of daily newspapers, accompanied by the advent of freesheets, can also be highlighted as a noteworthy feature. Further challenges – such as the general trend towards digitization and media convergence, the resulting characteristics in the media usage of younger adults, and, more recently, the impact by Covid-19 – have a broader scope and are also eminent in other countries in Europe and across the globe.
- The examination of risks and opportunities for media-related competencies turns the spotlight on the ongoing transformation from traditional mass media to social media and emphasizes the resulting challenges for the educational sector. It shows, among other things, that Austria's formal education system has been focusing strongly on improving media literacy for decades. Today, however, there is a predominant interest in promoting digital skills and propelling employability – particularly in the field of adult education. Risks and opportunities of digital communication go hand in hand with phenomena of socially unequal diffusion and appropriation of the Internet and social media by civil society audiences.

Overall, the case study displays a complex interplay of stakeholders that participate in the processes shaping media change. These include actors and actor groups at all levels of influence – i.e., according to Shoemaker and Reese (2014), individuals, routine practices, media organizations, social institutions, social systems, both media-internal and media-external (e.g., political, economic, academic, etc.). Of course, the precise nature of their interactions and their impact are difficult to measure and assess with the sole help of a literature study, particularly since their roles are subject to change in the historical phase covered by this report, just as the media are changing. Still, the collected insights provide an overview of current and recent trends, highlighting pressing concerns, but also presenting good practices from the Austrian context. A more nuanced evaluation demands specialized (and comparative) analytical techniques, such as fuzzy-set qualitative comparative analysis and agent-based modelling, which are reserved for a later stage of the Mediadecom project.

Ultimately, the study collects ample proof that an assessment of the Austrian media system is a complex task which evades easy categorizations. Indeed, the report could highlight characteristics that are typical for many democratic-corporatist media systems in Europe (such as the prominent role of public service media), while others (such as a high degree of political parallelism) rather resemble descriptions of polarized-pluralist systems. Regarding the media transformations since the turn of the millennium, thus, it still seems valid to describe Austria as a “border-crosser”, as proposed by Karmasin et al. (2011). On the other hand, an analysis of risks and opportunities for deliberative communication brings to attention various broader trends and challenges (such as digitization and media convergence, but also Covid-19) that are similarly relevant for other countries, too. In the long run, these influences may lead to an approximation of international media systems, even though the outcome of many current changes processes is still difficult to foresee. It will be a key task for comparative media and communication research to juxtapose national and transnational influences on deliberative communication in differing media systems more systematically, to fully understand the agency of different actors in propelling certain risks and opportunities.

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# BULGARIA

## Critical junctures in the media transformation processes

*By Lilia Raycheva, Bissera Zankova, Nadezhda Miteva, Neli Velinova, Lora Metanova  
The St. Kliment Ohridsky Sofia University*

### Executive Summary

The case study provides analysis of some of the critical junctures in the Bulgarian media ecosystem developments, based on the research of major sources and datasets on media and journalism in the country (2000-2021). The text presents a background section regarding the social and political changes during the examined period. Critical junctures in the potential risks and opportunities of the media transformation processes in four domains (legal and ethical regulation, journalism, media usage patterns, and media related competences) are outlined.

In the field of legal and ethical regulation in the case study the most significant challenges relate to: media regulation, freedom of expression and freedom of journalists, media legislation, transposition of the European regulation, media self-regulation and accountability, COVID and legislative initiatives against disinformation, and digitization. In the context of journalism the focus is put on media pluralism, media ownership and media concentration, political and corporate influence on the media, and journalism profession – labour market and working conditions, realization of the graduates. The examination of risks and opportunities for media usage patterns is connected with lack of consistency and cyclicity of research, public trust in media, and media consumption by different age groups. With regard to media-related competencies such issues as early training to increase media and digital literacy, media literacy and fake news, media competences and media “diet”, media literacy and media pluralism are discussed. The findings may be used for comparative analysis of the critical junctures.

## 1. Introduction

### 1.1. Background

The social unrest in the late 1980s and early 1990s in Central and Eastern Europe and the rapid developments of the information and communication technologies resulted in embankment of the country on a transition to a parliamentary democracy and marketplace economy after November 10, 1989. A new Constitution that provided for a relatively weak elected president and for a parliamentary republic was adopted in July 1991. The new system initially failed to improve the living standards or create the economic growth — the average quality of life and economic performance remained lower than under the previous system well into the early 2000s. At the beginning of the transition the annual GDP growth has dropped down from 10,9% in 1988 to – 9.1% in 1990 (The World Bank, 2022).

As of 2021 Census Bulgaria’s population has decreased to 6 838 937 from 8,17 mln. in 2000 and 7,54 mln. in 2007). More than 5 million people live in cities, the older population surpasses

34%. The official language is Bulgarian, the prevailing religion is Eastern Orthodox, and the prevailing ethnicity – Bulgarians (85%), followed by Turkish (8.8%), Roma (4.9) and about 40 small minority groups totaling 0.7% (National Statistical Institute. Population, 2022). Current unemployment rate is 5.42%. GDP in Bulgaria is expected to reach 84.32 USD billion by the end of 2022. The country's economic freedom score is 71.0, making its economy the 29<sup>th</sup> freest in the 2022 Index and its overall score is above the regional and world averages (2022 Index of Economic Freedom, 2022).

The transition from one-party and centralized economy to democratic and market forms of government and economy after the socio-economic changes in the country of 1989 lasted for a long time. Only after 2001 the economic, political and geopolitical conditions started to improve and Bulgaria has achieved very high Human Development status (Human Development Index, 2022). In its annual report of 2002 the European Commission recognized Bulgaria as a country with a functioning market economy (Commission of European communities, 2002). Without a referendum, it became a member of NATO in 2004, a necessary condition for all former socialist countries to join the European Union. In 2007 the country's membership in the European Union became a reality. The country is also a founding member of the Organization for Security and Cooperation in Europe (OSCE).

Contemporary developments in the country are very controversial. Political instability and inter-party migration, insufficient legal reforms and regulatory shortcomings, as well as inconsistent economic transformation and murky business transactions privatization impacted the delayed transition.

Bulgaria belongs to the post-communist countries of concentrated political regimes, which conduct multiparty elections, but have either curtailed full rights to participate in those elections or otherwise constrained civil liberties. They comprise both political systems which have a high degree of political contestability, but with power concentrated (usually) on the executive branch of government, to those, where oligarchs and insiders capture the state. Partial economic reforms mostly fail to support effectively functioning markets. These countries exhibit high level of corruption (Jakubowicz, Sükösd, 2008, p. 29).

## **1.2. Critical junctures of major technological, economic, political, social, legal and educational changes**

Initially, the changes in the Bulgarian mass media system and the directions for its development were interrelated with the political, economic and social dynamics in the country. The processes of demonopolization, decentralization and liberalization were random and formed arbitrarily laying the foundation for building the new media environment (Raycheva, 2013). These processes were accompanied by a general shortage of financial, technological and human resources to be mobilized and concentrated in the service of the passing current priorities of change, based on the values of civil society and the mechanisms of the market place economy.

Researchers underline the fact that the creation of the democratic Bulgarian media system has taken place chaotically and without clear rules and frameworks. The reform in media policy, regulation and accountability is characterized as being slow, while the steps taken towards state emancipation, liberalization and privatization were overhasty, unpremeditated and premature. The lack of a national concept and strategy for the transitional development of the Bulgarian media environment turned out to be among the extremely important reasons for its incomplete transformation (Todorov, 2015). The systematic approach was missing, regulation was delayed and the pursuit of rapid profits in this area prevailed over the public interest. The gloomy observation is that “in the absence of clear normative standards media is increasingly seen as extension of either partisan or corporate strategies” (Smilova et al, 2011). Thus the transfor-

mation of the Bulgarian media system has been premised on party and commercial interests, on political bargaining and not on public values.

Media regulation more particularly has to be perceived as the process of creating sufficient political, legal and social guarantees for the proper implementation of freedom of expression through any means and on any service and platform. Such understanding of regulatory frameworks was not shared by the journalistic community in Bulgaria - a fact that put a negative impact on all reforms and transformations in the media system.

The consequences of that approach was that strategic economic and political allegiances have started exerting serious power over media content through direct editorial control, gate-keeping of information, bias in representation, programme choice, commercialization and the tabloidization of press and electronic media formats towards more entertainment, sensationalism and scandallousness (Georgieva-Stankova, 2011).

These deficits laid the basis for the shortcomings in media maturing, noted in the 2013 initiative of the Open Society Foundation for studying of digital media in 60 countries. Among the problem areas were the frail media legislation and regulation, the lack of energetic institutional measures against media concentration; the uncontrolled media consolidation; the departure from professional standards; the lack of pluralism of opinions and diversity of content, etc. Last but not least – it is the lack of strong and unconditional position on the part of journalistic and media associations. The positive aspects were outlined mainly around the activities of the civil society, which in specific cases had clear impacts on both politics and commercial media (Antonova, Georgiev, 2013).

Expert Georgi Lozanov sees among the main problems in this situation “the underestimated critical function of the media in relation to power (political and oligarchic); the media management by non-media interests; the lack of effect of investigative journalism; the self-limitation of the informational and educational function of the media at the expense of the entertainment one”.

During the first two decades of the 21st century, the transformation processes in the Bulgarian media ecosystem were intensified, due to the impacts of the digital technologies and the new economic models of production, dissemination and consumption of media content. These technologies improved the means and the ways of communication, which catalyzed both the horizontal exchange of information between people living in one and the same period of time and its vertical transmission to offspring. However, the media environment became much more complicated and problems in it were augmented. These processes were taking place against the background of the still unfinished transition from a full state monopoly to diversification of the media and their functioning in market conditions.

The reasons for these shortcomings are complex. Particularly media property and media concentration have never been dealt with properly through an adequate and transparent regulatory framework. On the other hand, the attitude of journalists towards non-transparent media ownership and the distribution of print publications according to a study “Journalism without Masks” carried out by the Association of European Journalists - Bulgaria (AEJ-Bulgaria) and Alpha Research Sociological Agency has remained unchanged since 2015. It pointed that this is a problem of ultimate importance – for journalists and for the future of the media. Every second respondent noted that regulating media ownership and cross ownership is the first measure that should be applied to improve the media environment in the country (55%) (Valkov, 2020). The lack of meaningful initiatives in this respect and the disunited journalistic community have left politicians to take the lead and suggest ineffective models.

Thus a critical merge of politics, business and the media threatened freedom of expression and freedom of the media. Deregulation of the radio and television broadcasting sector was

protracted, giving way to the rise of two interrelated processes - politicization of media and mediatization of politics (Raycheva, 2014). Since the beginning of the new century, these processes have accelerated with the widespread use of digital technologies in everyday communication. It is notable, though, that, according to the World Press Freedom Index, while in 2006 - the year before accession to the European Union, Bulgaria ranked 36<sup>th</sup>, while in 2020 it collapsed to 112<sup>th</sup> place among 180 countries in the world, as a major consequence of the four freedoms of movement of goods, capital, services and people of the European single market (Reporters without Borders, 2020).

In 2021, Bulgaria ranks among the Member States of the European Union with an average level of digitalization (European Commission 2021). Digital skills, quality, and connectivity in the private sector are still low. The only exception is given by openness indicator, which is in line with the European average. According to EU's Digital Intensity Index 2021 Bulgarian business has the lowest level in the EU in digitalization and investment in digital technologies (European Commission (Eurostat) 2021). This certainly does not apply to the major media and telecommunications companies in Bulgaria. However, the country is experiencing significant delays and difficulties in building an e-government to consolidate e-data and services for the benefit of businesses and citizens. Experts report that there is not sufficient information about Internet policies in the country.

Data provided by the National Statistical Institute present the trends for the media developments in the country. The decrease in titles and circulation in print media is notable: in 2020 there were 209 newspapers with annual circulation of 123, 287 mln copies (dailies - 33; published 2-3 times a week - 11; published less than once a week - 71; and weeklies - 94). In comparison, prior to the EU accession in 2007 there were 423 newspapers on the market with annual circulation of 310, 023 million copies. Radio stations and TV channels mark decline versus increase in hours broadcasted. While in 2007 there were 222 national television channels with 599 135 hours of programming and 150 radio stations with 591 836 hours of programming, in 2020 they were reduced to 120 TV channels (779 830 hrs.) and 77 radio stations (635 102 hrs.). On the contrary, Internet penetration for households in the country has increased more than four times for the same period: 17.0 % (2007) to 78.9% (2020) (National Statistical Institute. Culture, 2020).

Despite the rapid development of ICT and online services, television continues to be the most preferred source of information and entertainment for most Bulgarian households. In addition to traditional media and online-only news sites, using of other social media platforms, as well as networking and microblogging services such as Facebook, Google Plus, Instagram, Twitter, TikTok, and hashtags, is becoming more and more popular. The use of online social networks every day or almost every day is 56 % (in EU it ranges from 46% in Germany and France, to 77% in Lithuania) (European Commission. Standard Eurobarometer, 2021). The creative potentials of the new information and communication environment appear to be a key factor in the development of the Bulgarian media reality. More than 76% of the Bulgarians use Facebook for any purpose and 64% for news; 70%/64% - YouTube; 54%/17% - Facebook Messenger; 61%/16% - Viber; 36%/12% Instagram; and 13%/8% - Twitter. 38% share news via social media, messaging or e-mail (Reuters Institute Digital News Report 2021).

### 1.3. Assessment of monitoring capabilities

In the considered 20-year period, the media research interest in the country has been focused primarily on the challenges of the processes of digitalization and the introduction of new technologies in various aspects of the media field: legislative and regulatory; journalistic; media usage patterns; media related competences, extensively analyzed in a number of academic research publications.

Emphasizing on the state-of-the-art of the existing research in the country with regard to risks and opportunities for deliberative communication, a large array of specialized publications has been identified and examined. This includes predominantly findings of transnational organizations that monitor media systems globally; datasets of national statistics and public bodies; legislative, policy and regulatory documents; institutional official papers and non-government reports; academic national and international research; major sociological surveys; research of non-governmental organizations; publications of professional associations media, etc., using keywords related to the four domains. Large comparative research projects that collect periodically data and produce comparative analysis over certain periods are relatively scarce and inconsistent, as well as thorough commentaries of the media industry.

In particular, legal framework, regulatory practices and civil ethical initiatives are comparatively comprehensively studied at national and international level. Despite the publications related to the topic data about the Bulgarian media regulation have been also collected through other European projects and questionnaires submitted by the national ministries to the CoE, EC, OSCE, UNESCO or ITU. In the research international principles and aspects of freedom of expression and freedom of access to information as well as the acceptable limits of these fundamental rights dominate.

The resulting changes in the nature of the journalistic profession, the role of the media and journalists in the digitalized socio-economic conditions are also comparatively well researched. Regarding the quality of the media content, the following main characteristics have been studied, although sporadically: timeliness of the news programs; public significance of the broadcast information; factual accuracy based on verification by independent sources of information; objectivity – disclose of all facts in an unbiased way; presentation of plural points of view on the topic; publication of in-depth journalistic works on socially significant topics (investigations, reports, analyzes, comments); writing and spelling style; etc. Along with the many benefits and positive effects of the new media ecosystem, increasing trends to misinformation, manipulation and hate speech have also been examined.

The media usage patterns is studied in light of several factors such as access to media content, media diversity, functionality and quality of the media, public trust in the media, new media, etc. The most common research is related to public trust in the media and frequency of media consumption, broken down by different age groups, as well as divided into social and ethnic principles. The type of media preferences (TV, radio, print, internet, websites, social networks, social media) have been also studied, as well as variety of issues, regarding media consumption and quality of news content.

Research on media-related competencies is rather sporadic. Specific interest especially on media literacy issues has been growing lately, mainly due to the efforts of non-governmental organizations and academia.

Following the aim of this case study report to identify critical junctures in the media transformation process (2000–2020) by investigating different risks and opportunities in this context, such deficiencies need to be taken into account, interviews with national experts in the domains of media law, regulation, and ethics, journalism, media usage, and media literacy have been conducted in order to supplement the findings in the selected sources:<sup>3</sup>

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<sup>3</sup> Methodologically, the open-ended interviews were organized with the help of a semi-structured interview guide, intending to identify major transformations of the Bulgarian media system in the past 20 years. Altogether, 17 interviews with experts from academia, media industry and other institutions were conducted between June and November 2022. Participating experts included (in alphabetical order): Dr. Vesislava Antonova (longtime journalist, editor-in-chief of “Manager” journal), Prof. Dr. Danail Danov (Sofia University, Program director at Media Development Center Member of the Media Literacy Coalition), Assoc. Prof. Dr. Svetlozar Kirilov (Chair of Theory and History of Journalism Department at the Faculty of Journalism and Mass

This case study provides analysis of some of the critical junctures in the Bulgarian media ecosystem developments, based on the research of major sources and datasets on media and journalism in the country (2000-2021) in four domains (legal and ethical regulation, journalism, media usage patterns, and media related competences, important for sustaining democracy in the country. According to expert Simeon Vassilev though “media and society are interdependent, the development of the media cannot be separated from the state of society. The media must be a factor in the development and democratic foundations of Bulgarian society, but they must not impose or replace the public agenda”.

In the field of legal and ethical regulation the most significant challenges relate to: media regulation, freedom of expression and freedom of journalists, media legislation, transposition of the European regulation, media self-regulation and accountability, COVID and legislative initiatives against disinformation, and digitiation. In the context of journalism the focus is put on media pluralism, media ownership and media concentration, political and corporate influence on the media, and journalism profession – labour market and working conditions, realization of the graduates. The examination of risks and opportunities for media usage patterns is connected with lack of consistency and cyclicity of research, public trust in media, and media consumption by different age groups. With regard to media-related competencies such issues as early training to increase media and digital literacy, media literacy and fake news, media competences and media “diet”, media literacy and media pluralism are discussed. The findings may be used for comparative analysis of the critical junctures in the four domains.

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Communication, Sofia University), Prof. Dr. Lulivera Krasteva (Sofia University, longtime press journalist and media expert), Assoc. Prof. Georgi Lozanov (Sofia University, former chairman of the Council for Electronic Media (CEM) – the broadcasting regulator), Dr. Valery Marinov (Bulgarian National Television (BNT), the public service broadcaster), Prof. DSc Ivanka Mavrodieva (Sofia University, Chair of the Institute of Rhetoric and Communications, Editor-in-chief of the electronic scientific journal “Rhetoric and Communications”), Prof. DSc Raina Nikolova (New Bulgarian University, former member of the Council for Electronic Media (CEM) – the broadcasting regulator, former administrative director of the Bulgarian National Television (BNT) – the public service broadcaster), Prof. Dr. Nikolay Mihailov (Sofia University), Prof. Dr. Margarita Pesheva (former chairman of the Council for Electronic Media (CEM) – the broadcasting regulator); Ivan Takev (longtime journalist, former member of the Management board of the Bulgarian National Television (BNT) – the public service broadcaster and currently – ombudsman at BNT), Evgeniy Todorov (founder of the Plovdiv public TV and longtime journalist), Prof. Dr. Petko Todorov (longtime journalist and media expert, founder of 4 local TV stations), Snezhana Todorova (President of the Union of Bulgarian Journalists), Prof. Dr. Valeriy Todorov (University of Library Studies and Information Technologies, longtime journalist and foreign correspondent and former General Director of the Bulgarian National Radio (BNR) – the public service broadcaster, President of the “Culture and Communication” Foundation, owner of [www.obache.bg](http://www.obache.bg)), Assoc. Prof. Dr. Simeon Vassilev (Sofia University, longtime journalist, foreign correspondent and former Director of the News Program at the Bulgarian National Television (BNT) – the public service broadcaster), and Dr. Bissera Zankova - President of the “Media 21” Foundation and media consultant at the Ministry of Transport IT and Communications for media and information society activities of the Council of Europe).

## 2. Risks and opportunities of legal and ethical regulation domain

### 2.1. Development and agency of change

The examined publications cover the entire time period of the study and can be divided into four main groups: national and international academic books and articles; legislation acts; national consultations on legal issues; ECtHR and other court cases. The combination of these sources gives a relatively good picture of the legal and ethical regulation in Bulgaria and the topics discussed.

The examined publications cover the entire time period of the study and can be divided into four main groups: national and international academic books and articles; legislation acts; national consultations on legal issues; ECtHR and other court cases. The combination of these sources gives a relatively good picture of the legal and ethical regulation in Bulgaria and the topics discussed.

During the years of transition when the Constitutional Court was very influential through its decisions supporting the building of the new democratic institutions its practice particularly in the media field was widely debated (e.g. Decision № 7 of 1996 on c.c. № 1 of 1996 in which the Constitutional Court interprets the constitutional provisions relating to freedom of speech (art. 39), freedom of the media (art. 40) and the right to information (art. 41), justifying self-regulation (lack of a special law) for the print media and regulation for the electronic media - radio and television. The decision provides guidance in line with the European theory and practice on the legal framework of the future media law, which will regulate two of the main elements of the media system - radio and television, respectively - as well as the types of radio and television organizations). Gradually the mass media interest in the Constitutional Court and the ECtHR jurisprudence decreased. Now the interest in the constitutional case law and tradition (domestic and foreign) is still high in the academic circles and legal profession. The same observation is valid about the caselaw of high courts.

Human rights together with the right to free expression and access to information occupy a prominent place in the Bulgarian Constitution and follow the model and expression of the European Convention on Human Rights (ECtHR), which made possible Bulgaria's accession to the Convention and membership in the Council of Europe (in 1992). However, these initial promising steps after the democratic changes in the 90s deteriorated in the following years and the existence of constitutional provisions could not stop malpractices in the media environment – commercialization, tabloidization, clientelism, deprofessionalization. Court decisions are quoted in special journalistic materials on relevant matters but not very often. The media law culture is not high and often journalists take a hostile stand against legal decisions when they do not follow a particular line. The media are not neutral in their comments towards the Constitutional Court decisions but often express party lines which is a proof for their strong politicization and that they do not mediate the debate but become a political participant in this debate – a fact which is very worrying.

The media system in Bulgaria developed in parallel to the political system, considered by some scholars as a 'secondary' or 'parallel', artificially constructed, world which mimics real reforms (Minev, Kabakchieva, 1996).

On a larger scale, making a comparative assessment of the level and quality of democracy in post communist countries, democracy in Bulgaria is categorised by researchers as an elite democracy or semi-consolidated democracy, that is one with competing oligarchies and a low level of political participation from citizens. Bulgaria can also be characterised as 'partitocrazia', this means that public life, and the whole public sphere, are monopolised by political parties

which compete among themselves supported by economic pressure groups. The country belongs to the politicized media model where there exists political pluralism and the media are partially free (Dobek-Ostrowska, 2015).

Political majorities decide about the adoption of media legislation according to their interests. The result of this political capture is that the Bulgarian broadcasting acts were implemented much later than in other Central and Eastern European countries allowing for deregulation of the media market. Then such perilous proximity between the media and politicians affected the content of the laws which reflected predominantly the interests of the political groups and not the general good.

This led to “a general drive for liberalisation and less regulation, considered to be the proper way for the realisation of the values of freedom of expression and access to information, crucial for building democratic society” (Smilova et al 2011).

The lack of systematic upgrading of media regulation is tangible and the pursuit of rapid privatization in this area has prevailed over the public interest. These shortcomings of the media environment and the delayed regulatory framework also affect media research, which has dealt with particular issues for a long time while comprehensive multidisciplinary studies have been rare.

The deficits of the Bulgarian media regulation persist until now. Censorship is forbidden but “self-censorship and self-restrictions that journalists impose on themselves in their daily work have become an alarming, unwritten norm. And in emergencies and periods of uncertainty they become even more visible”. According to the study “Journalism without Masks” carried out by the Association of European Journalists - Bulgaria (AEJ-Bulgaria) and Alpha Research Sociological Agency, a serious increase in the culture of pressure is noted in 2020. The most perilous is the political pressure on media which has not diminished but is “relatively twice as large as other centers of influence on media content - economic entities, advertisers, state and municipal institutions.” The survey provides alarming descriptions of cases of self-imposed restrictions and the frequent repetition of the word “fear” (dismissal, pay cuts, prosecution, physical security) which is a worrying signal about the real situation of Bulgarian journalism. Journalists either have to liaise with the political class or economic groups or be uncertain about their job. The “bureaucratic journalism phenomenon” according to the authors is a disturbing consequence of the politicization and commercialization of Bulgarian media depriving journalistic profession of its potential for criticism and creativity. At the same time “even if it doesn't happen regularly, almost every journalist has stopped their publication or report under the self-censorship pressure (47%) the results of the survey show. 6.4% of the respondents say it's a regular practice”. These figures serve as evidence that the media environment is far from being enabling for journalists and especially for freedom of expression. These inferences also serve as a proof that the law does not create and sustain the necessary legal guarantees for the independence of the media and journalists (Valkov, 2020).

## 2.2. Freedom of expression

The Recommendation of the Council of Europe on the protection of journalism and safety of journalists and other media actors provides that “enabling environment for freedom of expression has a number of essential features which collectively create the conditions in which freedom of expression and information and vigorous public debate can thrive. The right to receive information embraces a right of access to information. The public has a right to receive information and ideas of public interest, which journalists and other media actors have the task of imparting. The gathering of information is an essential preparatory step in journalism and an inherent, protected part of press freedom. The participation of journalists and other media

actors in public debate on matters of legitimate public concern must not be discouraged, for example by measures that make access to information more cumbersome or by arbitrary restrictions, which may become a form of indirect censorship” (Council of Europe, 2016).

One of the major issues here is how far freedom of expression may go or what its limits are.

The discussion about libel and defamation and the respective sanctions gains momentum in different periods of the development of the Bulgarian media system. In 2000–2007 there was an intense exchange of opinions on that issue. Nowadays the topic is again on public agenda. Art. 146, 147 and 148 of the Criminal Code provide for criminal sanctions in cases of insult and defamation. According to the Decision N 20 from 1998 of the Constitutional Court of Republic of Bulgaria criminal liability is one of the legal guarantees for the protection of the dignity of human personality. Therefore civil or criminal liability for libel and defamation both assure protection of honour, good name and dignity of persons and comprise an acceptable constitutional limitation of the right to free expression. Criminal liability in this respect is not a foul to the constitutional order. Some European states have decriminalized libel and defamation upon the appeal of and with the assistance of the Council of Europe experts but other countries including Bulgaria still regulate libel and defamation as a criminal act. There are states that envisage imprisonment for libel and defamation but Bulgaria is not among them. Fines are usually imposed in cases of insult and defamation and some years ago they were in symbolic amounts. However, nowadays courts may impose a disproportionately high amount of fines (compared to journalistic salaries). Other offences under the Criminal Code that can be similarly sanctioned comprise disclosure of another person’s secret, use of information with a criminal intention and use of information from the Ministry of the Interior archives with a criminal purpose.

Despite the protection under the Criminal Code damages for a wrong doing including those caused by libel and defamation could be also pursued in a civil procedure (art. 45 of the Obligations and Contracts Act) but the process can prove to be more expensive than under criminal legislation. The idea behind such approach is that criminal liability can be used to guarantee the honour and reputation of affected persons on a universal basis since the right of reply is not regulated in the print and online media in Bulgaria. Recently insulting or defaming someone through social networks has become a major issue. There are decisions of district courts against the perpetrators that used FB for that and the courts premise their arguments not only on the subjective perception of the victim but also on the violation of widely shared moral and public principles of social communication. With respect to the defense in defamation cases acting in good faith is crucial for journalists. The court practice is thoroughly based on this principle. However, court practice alone cannot improve the communication environment radically, without the powerful voice of the civil society and journalistic community. Emphasis should be also put on media literacy, self-regulation, and media accountability mechanisms which can make the media strong and influential. In this last respect the media in Bulgaria are very much disunited.

Recently a bill for the amendment of the Criminal Code in the section related to insult and slander has been proposed. The goal is to put national legislation in conformity with the requirements of the ECtHR pending a number of convictions issued by the Court and establishing violations of freedom of expression under Art. 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe in light of the caselaw of the ECtHR. On many occasions the Court has explicitly emphasized the importance of disseminating information on issues of public concern. The analysis of the convictions handed down against Bulgaria shows that with regard to the legal institutions of insult and slander current Bulgarian legislation does not meet the conditions of the Convention and the jurisprudence of the ECtHR. In the explanation note of the Ministry of the Judiciary the cases of

*Bozhkov v. Bulgaria* (complaint № 3316/04) and *Kasabova v. Bulgaria* (complaint № 22385/03) and decisions from 2011 r. are explicitly mentioned. Other cases are *Marinova v. Bulgaria* and *Stanev N 2 v. Bulgaria*. The sentences in these cases violate the principle that free and open public debate demands higher criticism of public figure and public officials.

The new amendments provide for release from criminal liability and imposition of administrative sanctions in some cases when the object of insult and slander is a public authority; abolition of the minimum amount of fines since they are too high for the economic situation in Bulgaria and their disproportionate effect should be removed; the amendments will related to any traditional and new medium including Internet sites, blogs, social networks, etc.; the aggravated cases of art. 148 para 1 p. 3 about slander will be removed and Bulgarian practice will be harmonized with that of the ECtHR and the principle that public officials can be an object of higher criticism in connection with the discharge of their public function will be put in force. These changes will facilitate the activities of the media and journalists in particular and improve the media environment in general. The strong position of the media community and the public can be crucial in this respect.

Related to the problem of insult and slander is the right of reply which in Bulgaria is comprehensively legislatively regulated for broadcasting media only (RTA). In its Decision 7 /1996 in which the three constitutional provisions concerning freedom of expression of opinion, freedom of the press and any medium and access to information are interpreted by the Constitutional Court judges stress the necessity of legally binding right of reply procedure for any mass communication medium. Such obligation should exist and operate in parallel to the court proceedings in cases of libel and defamation. The Radio and Television Act provides also for the obligation of public apology for the media service providers if the rights of the audience are impaired. The right of reply is mandatory for the media that have signed the Ethical Code of Bulgarian Media. However, the press and online media that have not signed the code should also abide by such rule. Apparently only a new legal instrument related to the right of reply in all mass communications media can regulate properly the situation. A universal right of reply can also strengthen media accountability and media self-regulation in general. However, support for strengthening the right of reply in journalistic work comes from lawyers and not from journalists themselves which means that on that matter they liaise with the media owners and their interests and not with the public interest.

The protection of the confidentiality of journalistic sources is not comprehensively regulated under the Bulgarian legislation. What is most worrying is that there are no express procedural guarantees for the implementation of this right. However, the courts consider it an unalienable part of the right to free expression and take into account the international documents – the recommendations of the Council of Europe, the caselaw of the ECtHR and the Directive (EU) 2016/943 on the protection of undisclosed know-how and business information (trade secret) against their unlawful acquisition, use and disclosure (transposed into the national legislation through the Trade Secret Protection Act from 2019 and which art. 2. (1) provides that the law shall not apply to: 1. the right to freedom of expression and the right to information under the Charter of Fundamental Rights of the EU, including respect for freedom and pluralism of the media to guarantee the freedom of media and journalistic work) when deals with such issues. The court practice is fully in favour of journalists and their right to keep the secret of their sources. In this respect therefore it is in compliance with the requirements of the international law. Regarding journalists and media workers in the audiovisual media the Radio and Television Act provides explicitly for the protection of the confidentiality of journalistic sources and media service providers are not obliged to disclose these sources (art.15 para 1). The principle is also endorsed in the Access to Public Information Act (APIA).

## 2.3. Freedom of information

The law on access to public information (APIA) passed in 2000 can be considered very effective and the court has established a long-standing practice of giving access to documents not only to journalists but also to every citizen. Access in this respect is expanding. A special platform for access to public information has been created and is maintained by the administration of the Council of Ministers according to art. 15c, para. 1 of APIA. It is a unified, central, public web-based information system that facilitates electronically the entire process of submitting and reviewing an application for access to information, forwarding to the competent body if necessary, providing a decision and publishing relevant information by the subjects required by the Access to Public Information Act in compliance with the protection of personal data under the Personal Data Protection Act. Statistical information on applications for access to public information is regularly published.

Since 1997, the non-governmental organization Access to Information Program (AIP) has been collecting, consulting and systematizing cases of denial of access to information throughout the country through a correspondent network of journalists. This is an example of efficient collaboration between the media and the third sector. Until the adoption of the law in 2000 there were 800 cases, then their number decreased over the years (up to 10–20 cases per year due to the improving practice (Access to Information Programme).

Thanks to the legal assistance and representation in court and advocacy citizens, journalists, NGOs and businesses receive access to thousands of documents, exercising their fundamental right of access to information. With the efforts of AIP the first in Bulgaria review of classified documents and declassification of many of closed cases has been achieved. The organization managed to support successfully access to the documents of the former State Security, which were used by journalist Hristo Hristov to write such bestsellers as “Kill the Wanderer”, “The Double Life of Agent Piccadilly”, etc. revealing documents’ proven details about the murder of the Bulgarian dissident and writer Georgi Markov in the seventies of the 20<sup>th</sup> century. With the assistance of AIP the publishing of transcripts of government meetings and government contracts with private companies on the Internet began – all positive steps supporting media work and investigative journalism ((Kashūmov, 2004).

The struggle against hate speech and discriminatory pronouncements is based on the practice of the Commission for the Protection of Discrimination (CPD) which should be followed also by the Commission of Media Ethics. However, case decisions in the area of ethnic discrimination between these two bodies are not always in harmony with one another. Sometimes there are complaints against the way in which the media cover events in which participants are of Roma ethnic origin. When the publications in the media are of a character that forms a negative public opinion towards the Roma community, this constitutes harassment within the meaning of the Law on the Protection against Discrimination since there is a danger for inciting hatred and ethnic tension. A principle in criminal and administrative criminal law is that the responsibility for the act is personal and does not belong to the whole community. Serious flaws in the media coverage of immigrants and refugees and Roma persons’ behavior which is often negative and does not foster intercultural dialogue are witnessed. In this respect the practice of CPD, which has established standards on what is hate speech and how it constitutes discrimination in the form of harassment is rooted in human rights’ recommendations of the Council of Europe and is quite useful for the creation of enabling media environment. Decision № 178/2008 and Decision № 263/23.12.2008 of CPD impose mandatory prescriptions on the media, including the obligation to develop self-controlling methods and mechanisms for taking specific measures to refrain from indicating the ethnicity of persons, if this is not essential for the purpose of the information, as well as for refraining from reporting information on incidents involving individuals of Roma origin in a way that connects individuals with the Roma community as a

whole. The practice of the CPD establishes the standard that negative stereotyping and aggressive representation of the Roma community as a whole, as well as the identification of persons of the Bulgarian ethnic group as victims of the conduct of the Roma community as a whole, constitutes harassment on ethnic grounds (Zankova, Kirilov 2014). The non-professional attitude of the media in some situations of ethnic tension is disappointing. Most of the cases at the media ethics commission are about discrimination and how journalists should write their materials and title them which means that path towards higher professionalism continues. In some cases Roma organizations submit requests to the CPD and the body refers to the ethical rules. Responsible journalism is present when journalists act in good faith, collect and disseminate information in accordance with journalistic ethical norms exercising profession and respect other human rights.

On November 16, 2021, the Supreme Administrative Court (SAC) ruled in a case of the Commission for Personal Data Protection (CPDP) against an electronic media, filed in connection with the publication of personal data of an individual for the purposes of journalistic material. The SAC's decision is particularly valuable in that it formulates criteria for assessing the balance between two competing rights - the right to freedom of expression and information and the right to protection of personal data being part of the right to privacy, as both are not absolute.

In 2019, the Constitutional Court (CC) repealed art.25h of the Personal Data Protection Act (PDPA) which had introduced 10 criteria for assessing the balance between freedom of expression and the right to information and the right to protection of personal data. Bulgaria was unique among EU member states in this respect. There was no requirement for journalists to follow all the criteria at the same time but only those relevant to each case. This represented an attempt of the legislator to introduce conditions for the use of personal data for journalistic purposes, which journalists should comply with in their publications in order for not to infringe the General Data Protection Regulation (GDPR). However, media and journalists in Bulgaria discerned a new censorship in this. And such conclusion was hasty and based on poor understanding of the logic of legal acts and protested.

The Constitutional Court intervention factually gave priority to the case law of courts which could evaluate the media conduct in every single case and provide recommendations. The SAC decision from 2021 sets a precedent that must be carefully considered by the media in Bulgaria. There for the first time SAC explained how the assessment should be made in each specific case of which data is admissible to be published for the purposes of journalistic publications. The court's decision clarifies the meaning of the restriction, which imposes the principle of "minimum data". Only necessary and sufficient personal data should be published for the purposes of investigative journalism and other journalistic pursuits so that the requirements of freedom of expression and information in a democracy can be satisfied. Disproportionate interference with the privacy of individuals, derived from the right to protection of personal data, must not be allowed. Consent is an important element in the process of publishing information about a particular person. GDPR is a complex legal instrument that demands more efforts for understanding it – from the media and the public as well. Legal culture will become more and more needed for the journalistic community for its activities.

## 2.4. Accountability system

### 2.4.1. Development and agency of change

The Radio and Television Act (RTA) is not the only law related to the media, but as a special law it can be considered central for the media system though a number of other laws also relate to the regulation of the work of the media organizations in Bulgaria. General laws regarding all

media are the Commercial Law, the Criminal Code, the Copyright and Related Rights Act, the Competition Act, the Health Act, the Consumer Protection Act, the Child Protection Act, etc. With respect to the broadcasting sector leading is the role of the two special laws - the Radio and Television Act, which regulates the broadcasting of audiovisual content, and the Electronic Communications Act, which regulates the provision of electronic communications which are carried out by transmitting, transferring, and broadcasting by wire, radio waves, optical or other electromagnetic options.

Another important legal piece which was passed after long discussions was the Law on Access to Public information (SG, N55 2000, amended until 2019). The law regulates matter related to the right of access to public information, as well as the re-use of information from the public sector. This law is indispensable to the work of the media and journalists and constitutes the foundation of open and free public debate and transparent governance. Constitutional protection of the media system is in place and the caselaw is to a great extent in harmony with the European norms. The same is relevant for the administrative practice of bodies like CPD and CPPD and examples of laws' application have already been discussed.

After the democratic changes, the debate on the future of the Bulgarian media system covered jointly the print and electronic media but gradually newspapers and periodicals remained outside the scope of a possible special legal regulation. One of the reasons was the decision of the Constitutional Court from 1996 which, interpreting the constitutional provisions on freedom of expression and freedom of the press and laying the principles of the future media system in Bulgaria, determined that the audiovisual sector will be regulated by law while the print sector will be left to the impact of self-regulation. However, such approach was also in tune with the understanding of the journalistic community. "One of the taboos of the Bulgarian media legislation that emerged after 1990 was that a press law could not be passed in Bulgaria because it was accepted and is still accepted that such law is in principle restrictive" (Cholakov, 2004).

The problem with a special press law actually was discussed in the 1990s, today the tendency is that general laws concerning freedom of speech and freedom of information should be applied also to the media and journalists – a conclusion made without in-depth examination of the national market and comparison with other legal systems. "Being only recently emancipated from the burden of official state censorship, the press became an easy prey in complicated maneuvers of political gamesmanship. As far as the press is concerned, its status had to be defended many a time, with opinions varying from the need for press legislation, to complete self-regulation and currently, towards new demands for greater state and legislative control equally in matters of print and broadcast media" (Georgieva-Stankova, 2011). Despite discussions, still there is no consensus in Bulgarian society and among media professionals above all about passing a special press law. Legal instruments have never been considered as providing guarantees for the right to free expression but as burdensome restrictions. Such overall piece of legislation balancing regulation and self-regulation and encompassing all types of media including electronic platforms could be elaborated once the DSA/DMA package of the EU regulating the media in the digital environment comes in force hopefully in 2023. Such act can also provide for a universal right of reply and the necessary procedure. The issues are of utmost importance for the media impact but are absent from journalistic agenda including the European Freedom of Expression Act.

Based on the EC guidelines for the transposition of AVMSD in domestic legislation, self-regulation is particularly encouraged nowadays in the electronic media field through codes of conduct developed by media service providers and service providers on video-sharing platforms in cooperation with other sectors, such as industry, trade, professional and consumer associations or organizations. So far in Bulgaria there are scarce practices developed under the

new provision. One of the goals of AVMSD is to boost co-regulation as well. It should be emphasized that not only the RTA is important for expanding self- and co-regulation, but also other laws that may have a bearing on these types of regulation. For example, in 2003 the Law on the Restriction of Administrative Regulation and Administrative Control over Economic Activity (LRARACEA) was adopted (SG, N55 from 2003, amended until 2021), the aim of which was to facilitate and encourage the economic activity by keeping within socially justified limits the administrative regulation and administrative control carried out by the state and local bodies. In 2004 an attempt was made to supplement the law with provisions which stipulate for the delegation of competences of administrative control to professional organizations. The proposed deconcentration of administrative power would affect the management of the registration regimes only. The amendment however, did not take place and the bill was put aside. Thus, the opportunity to test the setting of controlling functions on professional organizations in different sectors including the media one failed as well as to apply procedures for strengthening self-regulation and co-regulation, which would be a valuable experience and could be used as a basis for the implementation of the requirements of the AVMSD. That initiative was not supported by the journalistic community and there are not discussions about such legislation that will raise the stature of the media professional organizations now as well. So far there are no examples of co-regulation applied in the field of media. Self-regulation is also very meagre. Proposals about self- and co-regulation do not come from the professional community and that community cannot benefit from instruments that stay closely to the regulated. In fact the Bulgarian journalists and the media want to be above any type of regulation.

#### *2.4.2. Existing media accountability instruments and an evaluation of their effectiveness*

During the transition to a pluralist democratic media system, the establishment of effective self-regulation was one of the key goals in Bulgaria – even though an arbitration commission has been in operation at the Union of Bulgarian Journalists (UBJ). The associations of media owners and publishers have always exercised considerable influence on the media legislative process to create the first Radio and Broadcasting Act in 1998 and later on the ensuing Code of Media Ethics in 2004. With regard to the content of the code, there was disagreement and dispute among the groups and organizations from the outset. In the initial stage, at least seven different drafts were put forward and none of them were accepted unanimously. The Code of Media Ethics was drafted within the framework of the PHARE project ‘Technical Support for Improving the Professional Standards for Bulgarian Journalism’. New disagreements between the associations of media owners, resulting in changes in the structure of the Council for Media Ethics, led to the interruption of the functioning of the two initial Commissions (one for the press and another for the broadcasting media) in 2012–2013. The debates within the NCJE and with media experts and professionals, facilitated their merging from 2015 on to form a single ethical Commission consisting of twelve members with scope to cover all types of media (including online). So far media self-regulation has not accomplished great results for the improvement of media content and the media environment at large. In contrast to Western individualistic societies, collectivistic societies such as Bulgaria and other countries in Central and Eastern Europe, because of their slower pace of modernization and agrarian past, build morality systems characterized by particularistic virtues, low levels of trust and double moral standards (Hofstede et al, 2010). Despite this socio-cultural prerequisite it can be said that „the inadequate regulatory framework, the lack of transparency of media ownership, the close ties between the media, business and politicians, alongside the lack of dialogue between stakeholders, are among the main challenges for developing a sound system of media accountability” (Zankova, Glowacki, 2019). To these reasons for the not-effective accountability system it can also be added the weak civil society, the passive public and the dispersed and negligent journalists' community which does not unite around the cause of modern and effective media accountability. Another complication is that in the digital age the system of

media accountability has to be upgraded in order to interact more thoroughly with individuals and audiences. The independence of the media and their professionalism and moral integrity are essential objectives that can be achieved through the establishment of accountability mechanisms that suit the demands of the new media environment. This is a desirable goal in Bulgaria but still hard to accomplish. The debate on the issue is missing.

The Bulgarian media associations also missed the opportunity to deepen the discussion on the regulation of the journalistic profession, which could guarantee its status as self-governing through a professional organization established by law. So far, there is only one article with specific legislative proposals on the topic (Dimitrov, 2019).

Indeed, the Council for electronic media (CEM) supports a section in its website for questions and complaints from the audiences, which it uses in its communication with the media service providers and in the organization of public discussions on media issues. Only the two public service media – the Bulgarian national radio (BNR) and the Bulgarian national television (BNT) – sustain an office of the institution of ombudsman. The activities of these offices are reflected in special programs of both PSB. Expert Ivan Takev, the ombudsman at BNT, says that “The political elites do not give up on “manipulating” the “manipulators” (the “telecracy”, according to the Umberto Eco’s definition. They just changed their strategy to keep them as a management tool. But as guilty as the elites are, no less guilty are the very journalists and the professional guilds that were inside the besieged tower”.

### 3. Risks and opportunities of journalism domain

#### 3.1. Development and agency of change

The transposition of the European regulation is a matter of great concern in Bulgaria. Apart from its mechanistic incorporation into domestic acts, European acts are not sufficiently applied according to the spirit of the European principles. The requirements for proportionality are not observed consistently when imposing criminal and administrative penalties and coercive administrative measures. This approach was also vivid during the imposition of huge fines on Economedia, the publishing company of the business newspapers “Capital” and “Dnevnik, and on the provincial newspaper and websites “ZovNews” (<http://vratzanews.com>, <http://www.vecherni-novini.bg>, <http://zovsport.com>) as well as on the electronic site of the newspaper (<http://zovnews.com>, subsequently canceled permanently by FSC) in 2015 according to the then Law on Market Abuse of Financial Instruments by the chairman of the Financial Supervision Commission (FSC). The rationale for the sanctions was that during the banking crisis in the summer of 2014, when one of the big Bulgarian banks - the Corporate and Commercial Bank (CCB) – was on the brink of going bust and placed under special supervision in 2015 (CCB was declared bankrupt in 2015 with the starting date of its insolvency 6 November, 2014), the cited media outlets published articles about the financial state of another big bank in the country – First Investment Bank (FIB) and thus supposedly generated ungrounded tension and insecurity among the public. In fact, the objectives of the law transposing the European directive were quite different and related to the protection of the market and market instruments, but the easiest target was apparently the media and journalists who were obliged to inform the publics in any situation and the fines aimed at harassing them and forcing to disclose their sources of information. The case is a classic example of the chilling effect of a purposefully wrong interpretation and implementation of the law the application of which may have repercussions on freedom of the media.

In modern society the role of speech and communication is ubiquitous and any law that may affect the media and freedom of expression must be interpreted when applied giving priority to

the protection of freedom of expression (in line with the case law of the ECtHR). Any modern law has to some extent a direct or an indirect connection with freedom of expression, and as soon as it is established, the possible risks to this fundamental right (and other related rights) must be carefully considered when formulating specific provisions.

Another conspicuous deficiency is that The Radio and Television Act (RTA) and the Protection of Competition Act do not contain explicit norms regarding transparency of media property and concentration. There has never been coordination in the implementation of these two laws or a comprehensive administrative system of rules in force that can contain media concentration and cross ownership within acceptable limits as required by the European documents. Some issues important to media pluralism, such as the level of media ownership and concentration, including cross-ownership have not ever been addressed in the RTA. The risks of political interference, mainly with regard to public service media and the independence of the media regulator, are on-going. On the other hand, business interests from various sectors threaten the private media. Only in 2018 the media mogul Delyan Peevski (owner of the New Bulgarian Media Group deemed close to the Turkish-minority Movement for Rights and Liberties party and sanctioned for corruption by the US Department under Magnitsky Human Rights Accountability Act in 2021) initiated amendments to the Law on the Mandatory Deposit of Printed and Other Works and on Announcing Distributors and Providers of Media Services (SG, N 108 2000, amended until 2019) in order to increase transparency of ownership and financing of various media service providers if violated and though a special registry has been set up at the Ministry of Culture it has more a decorative but not a substantial role. In addition, media ownership especially in the print media sector though generally referred to in debates turned out to be one of the topics taboo for the Bulgarian media according to a study done in 2014 (Indjov, 2014). This proves the passiveness of media professionals and their willingness to have this problem solved without much dedication on their part. On the other hand, media moguls successfully manipulated public opinion with the proposal of non-workable laws.

The review of the existing research on the media environment in Bulgaria (2000-2021) draws attention to several critical junctures for Bulgarian journalism. Most of them are related to media pluralism in its various aspects - diversity of content and opinions, transparency of media ownership, political and financial (in)dependence of the media, social exclusion of groups from society, etc. The state of the journalistic profession in the market and working conditions, education and realization of students in journalism, and journalistic values and standards, reveal additional risks for the development of journalism in the country.

### 3.2. Market conditions

Disclosure of media ownership in Bulgaria has been on the public agenda since the beginning of the new century. Non-transparent media ownership allows for non-transparent funding and for turning the media into instruments of power. The impression is that the media is controlled not by the specialized regulators, but by the economic and political interests of the owners and, above all, by the anonymous backstage behind them (DW Bulgaria, 2015). The results are the inability of the media to perform their essential functions in the service of society, low audience trust and lower level in the rankings for freedom of speech (Reportares without Borders Annual Rankings).

For ten years (during the first decade of 21<sup>st</sup> century) Krassimir Gergov hid his property in one of the most influential commercial Bulgarian television bTV, licensed for national distribution. During this time, being the owner of the largest advertising agency in the country, he was in an obvious conflict of interest, as Bulgarian law did not allow combining advertising and media activities by one and the same person/company. With legislative changes in 2010, Gergov's ownership in bTV was legalized and brought to light. However, the question remains whether

lawmaking in Bulgaria serves the public interest or is carried out in the service of rich and privileged Bulgarians. After this case, the unclear ownership of the influential media in Bulgaria became a tradition.

In the second decade of the 21st century, the focus of attention of journalists and researchers was the media empire of Delyan Peevski. In just a few years, the businessman and MP from the ethnic party of the Turkish minority in Bulgaria (Movement for Rights and Freedoms - MRF) acquired 10 newspapers, 9 online publications, 4 TV channels (one of them – TV7 – received a license for national distribution), 4 radio stations, and 4 magazines. As an MP, Peevski was also in an obvious conflict of interest and stubbornly denied being a media and corporate owner. The origin of Peevski's finances also raised many questions. The media with which his name were associated were extremely helpful to the ruling political party in the last decade and were often called “media bats of power” (Antonova, 2015), used to defeat critics of the status quo and any potential opposition in its infancy. This is the reason why the calls for public announcement of media property in Bulgaria have remained unanswered by the government for more than a decade. Later he sold all of his media property.

Another media mogul is the Bulgarian entrepreneur Ivo Prokopiev. He is a co-owner of the media group "Economedia" AD, which publishes the weekly newspaper “Capital” and supports the news site “Dnevnik”. Economedia AD is a publishing group for business media, founded in 1993. The media group owns more than ten media.

The scenario is repeated in the last three years, when the most influential media in Bulgaria changed their ownership. Through a series of horizontal and vertical mergers, three main media groups have been formed in the country. To the issue of transparency of ownership of media companies is added the problem of media concentration and the resulting negative consequences for the market and media environment in Bulgaria.

In 2020, the Amsterdam-based United Group became the owner of the oldest telecommunications company in Bulgaria - Vivacom, which also owns the networks for the distribution of radio and television signals in the country. It acquired the most influential television group - Nova Broadcasting Group. Its portfolio includes the TV channels with the largest market and audience influence in the last decade, three radio stations and the online group NetInfo, which is considered to be the leader in Internet advertising and owns the only Bulgarian video sharing platform VBox7 (Arnaudov, 2020).

The national mobile operator Telenor Bulgaria changed its ownership in 2018, when it became the property of the Czech PPF Group. The investor also bought the assets of the American CME in Central and Eastern Europe and acquired the other influential media group in Bulgaria - bTV Mdia Group (6 TV channels, 5 radio stations, 3 websites, and two online platforms).

In 2015, the leading telecommunications operator Mobiltel (now A1 Bulgaria) bought the largest cable operator in the country - Blizoo. Within two years, the company launched its own TV channels and in 2019 climbed the second place in the pay TV and Internet supply. The company relies on the development of sports channels and the purchase of rights to broadcast major sporting events (Arnaudov, 2019).

Thus, at the end of the second decade of the 21st century, in Bulgaria is witnessed an unprecedented merger of telecommunications, media and online industries

At this stage, this raises more concerns than opportunities for the development of the media sector. The concentration of media ownership in corporate hands is considered to be a serious obstacle to media pluralism and media freedom. One of the main effects of media concentration is the commercialization of content. According to the Council of Europe, commercialization limits the diversity of programs created, as well as those related to minorities, alternative cul-

tures and subcultures. There is a declining willingness to cover the costs of public broadcasters, which are already under pressure from commercialization.

The Bulgarian media are exposed to significant business and political influence. Excessive commercialization and ownership structure are the main risk factors for corporate and political interference in editorial content. Until recently, the influential media in the country were in the hands of powerful industrialists (eg NOVA TV and the Domuschiev brothers). The large media groups created as a result of the concentration of property are forced to survive in the conditions of a small advertising market (BGN 455 million in 2020) and with the existing possibility for legal support from the state (Hristova, 2010).

An alarming phenomenon is the support of media revenues with resources from European funds distributed by the government. Thus communication budgets of European programs help to buy media in Bulgaria (Ognyanova, 2019). In the period from Bulgaria's accession to the EU (2007) until 2018, the media received BGN 58.277 million through direct negotiations with the government, without conducting public procurement, to advertise the activities of European programs. Among the recipients of the largest sums were TV7, which was linked to the bankrupt Corporate Bank and MP Delyan Peevski (BGN 2,437,000), Channel 3 (also owned by Peevski), Nova Broadcasting Group and bTV, as well as the PSB (BNT and BNR).

The disbursement of such funds, directly and uncontrollably by the government, helps the media to become permanently dependent on the authorities. This is one of the reasons for the rise of contract journalism in the country, in addition to the takeover of the state by big business. Many media companies do not undertake to protect their journalists and are increasingly offering journalists contracts for services instead of full-time employment contracts, and little if any social benefits. For example, the new owner of NOVA TV in 2019 fired the top three investigative journalists after they refused to accept a contract to provide freelance services instead of full-time contract.

Thus, the media and journalism are often becoming hostages of business and political interests. Expert Evgeniy Todorov points out that “an important issue is that there exists a “directing” of the advertising - respectively cash flows, to a certain circle of media and the neglect of other media. Also, an issue is the existence of party media, which mainly support themselves with party subsidies, i.e. with taxpayers' money. Despite the rules on the inadmissibility of state intervention, many media are supported by various state aids - incl. European funding, where the financing is based on unclear schemes”.

In response to the interest in the ownership of influential media in Bulgaria, public registers have been established with the Council for Electronic Media for owners of electronic media (Council for Electronic Media, 2018) and with the Ministry of Culture for owners of print media (Ministry of Culture. Register). However, the real owners and their interests, especially of the big, mainstream media in Bulgaria, often remain hidden behind formally registered companies and individuals. Revealing the real owners to the public is usually the merit of the country's investigative journalists. In this sense, the information in the maintained registers may seem abundant, but it does not give an idea of the real state of property in the Bulgarian media and in a sense is useless.

The concentration of media in the hands of several large companies is no less alarming for Bulgarian journalism. It creates serious conditions for deteriorating the sustainability of the media industry and media pluralism in the country, interfering in the editorial content, commercializing the journalistic profession, deteriorating the quality of work of journalists, and lowering the journalistic professional standards. This is due to the pronounced commercialization of the media included in the portfolio of large companies with a variety of activities, com-

bined with insufficient self-regulation of the media. Their main goal is to generate profits and to work for the corporate interests of the media owners, instead of for the public interest service.

General rules in the Competition law do not include specific provisions for the media market in particular. At the same time the actual level of concentration is impossible to track due to a deficit of precise data, which is considered as a risk itself. These concerns are regularly present in the annual reports of the European Commission for Bulgaria, Freedom House, Reporters without Borders, etc. The risk of concentration on news media, online platforms and the possibility of influence by owners and advertisers on editorial content is assessed as the highest.

Full data on total revenues (including advertising, sales, subscriptions, etc.) generated in the different media sectors are not available. Accessible information on market shares is based only on partial advertising revenue data. Based on such incomplete information, the Top 4 concentration calculations show a high level of concentration in the audiovisual sector – 92%, and 57% concentration in the newspaper sector (Center for Media Pluralism, 2016).

### 3.3. Public service media

One of the notable shortcomings of the RTA is that it failed to introduce an effective system for public funding of BNT and BNR and left both national public service electronic media to be financed by the budget subsidy and not by society. A system of payment for the programs of the national radio and television operators existed in the socialist era, when a monthly fee was paid through the Bulgarian postal services. After the democratic changes the monthly fee was abolished for some time and then proved impossible to be reintroduced. According to art. 98 of the RTA an independent radio and television fund is set up at the audiovisual regulator – the Council for Electronic Media (CEM) - for financing of radio and television activities. The law provides for detailed spending of the fund but the provisions remained a dead letter only and public service broadcasters are still funded by state subsidies, advertising and sponsorship. The absence of such fund deprives BNT and BNR of the opportunity to become real public service broadcasters and other radio and TV broadcasters – to be financially supported in the production of socially significant projects.

The financing of the public service media is to a greater extent by a budget subsidy and without stable guarantees for financial organizational and content autonomy. This questions the independence of the Bulgarian National Radio (BNR) and the Bulgarian National Television (BNT) from the ruling political class. As reported by the Open Society Institute in 2005 and 2008 political elites remain determined to keep public service broadcasters under tight control after the democratic changes and this takes place with a greater or lesser intensity across the Central and Eastern European region. When these countries entered the Council of Europe, and later acceded to the EU, it was critical that they should meet existing European standards of public media independence. During the period of negotiation before entry politicians refrained from influencing public service media (Television across Europe, 2008). However, after joining the EU had been completed political elites began to meddle in the affairs of public service media in subtle and indirect ways. This ranged from nominating individuals who were close to parties and alliances for Director Generals' positions and membership of the managing boards, to rigging the selections for positions within the regulatory authorities (Zankova, 2014).

### 3.4. Production conditions

In the National Classification of Jobs in Bulgaria, the profession of journalist is introduced for the first time after 2010. Before that, journalism was placed at the crossroad of analytical and creative positions (Fileva et al, 2010).

Bulgaria is among the EU countries with the lowest number of employees in the media - about 1.5% of the country's workforce (Eurostat, 2021). The databases of the National Statistical Institute lack data on the number of employees in the media sector in Bulgaria. Professional organizations are under-represented and also cannot provide reliable information. Indirect data can be obtained from Eurostat. However, Eurostat statistics do not specify exact figures. Taking into account the data of the National Statistical Institute on the number of working Bulgarians, it can be estimated that the media employ about 31000 people (National Statistical Institute. Employed in Enterprises, 2020).

### 3.5. Agency of journalists

After the democratic changes in the country of 1989, the oldest professional organization – the Union of Bulgarian Journalists, gradually lost its influence and was unable to provide representative information about the number and working conditions of the journalistic professionals in Bulgaria. In 2016, the Union proposed the creation of a Law on the Protection of Journalistic Labor, which would guarantee decent pay and fair working conditions for Bulgarian journalists, but the idea did not materialize (Union of Bulgarian journalists, 2016).

### 3.6. Journalists' working conditions

According to a non-representative survey among journalists conducted in 2020, less than half of respondents work on an employment contract (45.5%) (Association of European Journalists, 2020). Between 2015 and 2020, the number of freelancers employed in the media without social security increased, and one third of the respondents indicated that their income had decreased during this period. In return, the pressure on professional journalists related to their work is growing, including through prosecution. In addition, regional journalism is on the verge of extinction, at the expense of strengthening large corporations, whose portfolio includes the most influential media in the country. This same study points out that women outnumber men working in the Bulgarian media - 54.5% versus 45.5%. 75% of the respondents have a diploma of higher education, nearly 9% have a PhD degree. The largest share of respondents (32.2%) are between 30 and 40 years old. The second largest group (24%) are between 40 and 50 years old.

Expert Ivan Takev says,

*“The issue of media ownership and concentration must be clarified and clearly regulated and registered. The journalistic community must consolidate and clearly state their demands for working conditions and pay levels. The division is currently causing general professional trade union demands to be made. There exists huge pay gap between commercial and public service electronic media” (Interview, 2022).*

### 3.7. Journalistic competences, education and training

Little is known in Bulgaria about the realization of students graduating with an academic degree in journalism and communications, as there is a lack of detailed and up-to-date information from the Ministry of Education and Science and the universities. Six public and three private universities in the country are involved in the training of such specialists. From the data of the National Statistical Institute it is clear that the number of students majoring in “Journalism and Information” (bachelor's and master's degree) in the period 2017-2021 decreased from 2 555 to 2 115 (National Statistical Institute. Students, 2021).

The Ministry of Education and Science maintains an annual ranking of universities in the country in various fields, including the field of Public Communications and Information Sciences

(Ministry of education and science, 2021). The methodology for calculating the ratings is based on 100 indicators, one of which is the realization of graduates in the labor market. The authors of the ranking report that they collect the necessary information through the National Statistical Institute (NSI) and sociological surveys. However, the NSI yearbooks lack information on the realization of graduates in Bulgaria (National Statistical Institute. Statistical Yearbook, 2020).

### 3.8. Professional culture and role perception

The international organization Reporters without Borders is concerned that the practice of journalism in Bulgaria is not safe. The general legislative framework sets minimum standards for the protection of journalists. At the same time, corruption, insufficient independence and low efficiency of the justice system make the state often toothless vis-a-vis press freedom violations. Independent media and investigative journalists are regularly victims of abusive procedures, or SLAPPs. All the problems of freedom of speech that exist in different parts of Europe are widespread in the country, including “physical attacks and defamation campaigns against journalists, impunity for violence against them, harassment, lack of media pluralism” (Free Europe, 2021).

The three major TV channels in Bulgaria maintain programs for investigative journalism. Media investigations have had varying degrees of success – the most common result of which is the production of a media sensation, certain officials being fired, but they rarely have an impact on the country's system and legislation. Investigative journalists in the major commercial media are often suspected of serving the interests of media owners by putting pressure on their business partners or opponents. The change of ownership and media concentration are often accompanied by dismissals of investigative journalists in the major Bulgarian media (for example, the dismissal of Mirolyuba Benatova, Genka Shikerova, Marin Nikolov from Nova TV in 2019). This is one of the reasons why in the last decade there has been an outflow of leading investigative journalists from the TV screen of influential Bulgarian media to online based platforms (for example, Bureau for Investigative Reporting and Data/BIRD by Atanas Chobanov, Nikolay Staykov from Anti-Corruption Fund Bulgaria, Afera.bg), etc.

The picture of investigative journalism in Bulgaria is quite controversial. On the one hand – there is a strong government and corporate pressure on media owners, on the media themselves, and on independent investigative journalists, and on the other hand – successes of investigations related to the National Science Fund, a candidacy of a judge for a constitutional judge and others. Investigative journalism, however, can and should to also investigate the media environment, not competing media, but all media in which deviations from the principles of the Fourth Estate have been noticed. A good example is the functioning of The Radostina Konstantinova (one of the founders of the Press Group "168 Chasa" and the newspapers "168 Chasa", "24 Chasa", "Monitor" and "Politics") Foundation, established in 2011 with a main goal to promote objective investigative journalism in Bulgaria by supporting colleagues from all media who have chosen this difficult genre (Foundation Radostina Konstantinova).

Despite the positive steps unfortunately in Bulgaria investigative journalism is not always fair. Methods of work which are used do not always respect privacy and other human rights. Often media fuss hampers those affected by investigative publications to provide reasonable explanation about their conduct. Sometimes they are not given the opportunity to do that and to make known to the public their motives and position (Zankova, Kirilov, 2014). There are cases when rumors are offered to the public instead of serious analytical pieces without sufficient proof and solid analysis. Results depend very much on the media editorial policies and their staff. The latter does not always apply the rules of responsible professional journalism. Besides it is not uncommon investigative journalism to be perversely used for the narrow interests of political and business circles. The Mediadem report about Bulgaria from 2011 pinpoints cases of paid

publications, trading in influence and niche-reporting through which different political and economic interests are channeled by journalists (Smilova, Smilov, Ganev, 2011).

The widespread practice among Bulgarian journalists of trading in influence is also noted as a major problem with the Bulgarian media by the US State Department. Other scholars focus on the alarming tendency of establishing close ties between journalists and politicians leading to paid publications and corruptive practices and generally to an unhealthy and sleazy political environment (Dobрева, Pfetsch, Voltmer, 2011: 189). This serves as a proof that there is a strong opposition towards investigative journalism but also that the criteria do not always coincide with the public interest and expectations.

## 4. Risks and opportunities of media usage patterns domain

### 4.1. Development and agency of change

The studies and analyses of media consumption in the country from 2000 to 2020 are not sufficiently regular and systematic. Most of the research examines issues related to access to media, media diversity, public trust in the media, and frequency of media consumption by different age and social groups. Research from 2000 to 2008 on the topic is less extensive than that from 2009 to 2020. A richer database of research on media consumption from the beginning of the century is found in the period of 2020-2021. Back in the years, in a number of studies some cyclicity on an annual basis is witnessed. Most of these studies (or reprints of them, or journalistic materials based on information from them) are freely available in the public domain. However, a paid subscription for access is required to use some of the data. Research over the years has shown a predominant trend of inertia in the field of media consumption.

In the studied period rhythmic research on media consumption in Bulgaria is comparatively scarce, although certain cyclicity is observed, such as that of the Interactive Advertising Bureau, which from 2016 to 2020 annually examines revenues from digital advertising in the media (Interactive Advertising Bureau). Another example is TV & Digital Report - research by Publicis Groupe jointly with GARB and Nielsen Admosphere on media consumption, public preferences for different information channels, intensity of viewership, etc. in 2020-2021 (Publicis Groupe, 2021). The studies are on a monthly basis and each of them is focused on a separate media or news program. For several years in a row since 2008, research by the Nielsen Company has been available on the Internet, providing in-depth measurement and analysis of the Internet audience, advertising, video, and media with user-generated content (Nielsen Online 2008, 2009).

Data from reports of the Open Society Foundation for 2011 show the dynamics of the media usage comparing the popularity of cable TV, satellite TV and IPTV (Open Society Institute–Sofia, 2011). Although Bulgarians enjoy one of the fastest internet connections in the world, broadband access is generally unpopular. In the country as a whole, e-government and customized audio content services are not well developed. On the other hand, there is a widespread distribution of torrent trackers. The top ten most visited Internet sites in Bulgaria, according to the data of the global counter [alexa.com](https://www.alexa.com), owned by the company “Amazon”, traditionally include the search engine Google, YouTube, Facebook, e-mail abv.bg, Wikipedia, some sites for trade and sales ads. Only after them are ranked the sites of information, commentary or entertainment media, television, radio, etc. (E-vestnik 2021). In addition to traffic to sites on the global network and by country, the counter also records data such as average length of stay per reader, number of pages read and many other indicators, such as

links to the site, search, keywords and more. Some sites may use methods to artificially generate traffic, but the ranking in recent years is relatively stable for the most visited ones.

## 4.2. Agency of media-users and analysts

The topic of the media preferences by the audience for different generations of users is rarely addressed. Among the findings of the research are that people are more likely to make their choices rather emotionally than rationally and that in recent years people receive the news first from social networks, i.e. audiences are becoming more passive and inert, making no effort to provide themselves quality information. It turns out that the social network Facebook makes the choice instead of audiences - with sponsored posts, with shared news from friends, with quotes and likes from the environment. In addition, the user and the journalist nowadays often find out about an event at one and the same time. The days when people found out from TV about the daily events during the day are over. That is why very often viewers watch TV products not so much to understand what has happened, but because of the way these events are presented. Ultimately, the usefulness of the media remains informing audiences (Lyubenova, 2016).

An Open Society Foundation study in 2009 found that among today's generation of 18-30 year olds, internal stratification among young people is a source of potential conflicts. Against this background, a deep generational conflict has been going on for last ten years (Dichev et al, 2009). According to the same study, children and young people are somewhat characterized by „media multitasking” - they do not watch programs in a certain period of time, but consume TV content flexibly, combining it with the phone, laptop or tablet. Watching television is often seen as a „background”, secondary activity, which invariably weakens the position of television as an effective media channel for children and youth. There is a high level of digital inclusion and connectivity among children and young people. The risks and vulnerabilities in connectivity are disproportionately higher among children and young people from vulnerable groups, for whom access to the Internet can be the difference between social exclusion and equal opportunities. Providing access to digital devices and connectivity that meet all digital needs, including education, is still an unfinished endeavor in Bulgaria, according to this study.

Research on media consumption by older people is fragmentary. In most cases, the studies are not specifically focused on them, but rather are part of a comprehensive audience survey. People over the age of 55 watch TV more often than any other demographic: between six and seven hours every day (Antonova, Georgiev, 2013).

Continuing growth on an annual basis for the time spent on the Bulgarian Internet sites is also visible in Kantar's analysis for 2021 for television and digital consumption. It is noteworthy that the growth is not equal for different age groups. It is greatest for older people over 65 and significant for people over 45. The data do not include social networks and foreign sites, which partly explains the shorter stay of young people. It can be said with great confidence that 2020 digitalized the elderly in Bulgaria (Redlink.bg, 2021).

As a result of the coronavirus pandemic, the media enjoyed increased interest. People stayed at home and media consumption increased significantly. The dominance of television is also growing. By the beginning of 2021, 57 percent of Bulgarians between the ages of 18 and 65 watched television several times a day. Only 4 percent said they do not watch TV. It can be concluded that the older generations (over 50 years of age) are still informed mainly by traditional electronic media - television and radio, while young users search and compare different sources of information - traditional and digital. New generations are more critical of news and coverage of important societal issues (Kirilova, 2019).

Compared to other electronic media and print media, television has the greatest impact. Before and during the COVID-19 pandemic (2019 to 2021), there was an increase in the time spent watching TV by all age groups, including the elderly, with an overall increase in viewership of the entire population by 2020 of 9 per cent. The largest increase was in viewers with an average age of 35-44 years (17%), followed equally by two other age groups – from 15 to 24 years and from 25 to 34 years (14%). The time spent for watching TV by the adult population over 60 years of age has increased by 9% and of the children aged 4 to 14 – by 8%. There exists a different approach of the young generation to media consumption. The center of gravity of young people is shifting from the professional sphere to leisure; consumption is often a more important identifier than career or status. The line between work and leisure has become problematic. Thus, the public is displaced by the private; communities - by networks. The adult population between the ages of 66 and 75 watches the most television (they belong to the so-called heavy users), reads newspapers and magazines compared to all other age groups. Only in listening to the radio they compete with the group of listeners from 46 to 55 years of age (Nieslen Atmosphere, 2021).

Audiences increasingly prefer easily digestible information, preferably presented through video. More and more people are relying on social media to choose information, thus becoming more and more inert in their search for media. The leading device for reading and watching news is the smartphone, which is decisively ahead of the personal computer. Among children and young people, there is a high level of digital inclusion and connectivity - nine out of ten Bulgarians have a personal smartphone to access the Internet. However, it is disturbing that there are still children and young people who do not have their own device capable of optimally meeting their educational needs and goals (such as a laptop, tablet or computer).

### 4.3. Access to news and other media content

Convergence is a fact and imposes new conditions in the cultural and media sphere, Internet platforms, competition and regulation. Society does not only experience the impact of the new larger market but also the formation of a novel public sphere. At the same time the world has to cope with various crises – health, war, informational. Bulgaria is not isolated from global hardships in this respect. At the end of the second decade of the 21st century there is an unprecedented merger of the telecommunications, media and online industries in Bulgaria. Regulation should protect the values of human rights and freedom of expression of the new public sphere and this is a huge legal challenge for Bulgarian media legislation. According to expert Margarita Pesheva “Numerous news and entertainment sites have been created in Bulgaria, which compete with major radio and television programs”.

Bulgaria ranks 26th of the 27 EU Member States in the European Commission Digital Economy and Society Index (DESI) in 2022. Bulgaria’s DESI score grew at an annual average of 9% over the past five years. Given the positioning of Bulgaria, this growth rate is not sufficient for the country to catch up with the other EU Member States. On digital skills, despite recent increased efforts, the country remains significantly below the EU average, having a score of 32.6 versus the EU average of 45.7. The proportion of individuals with at least basic skills and above basic digital skills is well lower than the EU average, the latter significantly so (8% versus the EU average of 26%). Considering the EU’s ambitious target of 80% of adults having at least basic digital skills by 2030, the country needs to step up efforts, as more than two thirds of its population lack such skills. Bulgaria also underperforms on the proportion of ICT specialists in the workforce (3.5% versus 4.5% EU average). However, the proportion of female ICT specialists is high.

On Connectivity, Bulgaria score very well on Fibre to the premises coverage (85% of households vs 50% in the EU), it has low prices, but both fixed and mobile broadband take-up is low. In

addition, only 25% of 5G spectrum has been assigned (EU average: 56%). On the business side, the adoption of digital technologies by SMEs remains almost half the EU average. Only 6% of Bulgarian enterprises use big data, 10% cloud and 3% artificial intelligence (AI), as opposed to the EU 2030 targets of 75% for each technology. To support business digitalisation, Bulgaria is making use of European Digital Innovation Hubs. Four European Digital Innovation Hubs proposed by the country received a successful evaluation result and another eight proposals got a Seal of Excellence.

Bulgaria is facing many challenges regarding the digitalisation of its public services, as it underperforms in most indicators, with the exception of open data, which is on par with the EU average. Only 34% of internet users interact with the government online (65% in the EU). The supply of digital public services for citizens (with a score of 59 versus an EU average of 75) needs to improve significantly to enable Bulgaria to contribute to the 2030 Digital Decade target of all key public services offered fully online. To achieve this goal, Bulgaria has launched the National Registry reform and defined the path to enhance digital transformation. To overcome the shortcomings in Bulgaria's digital transformation and to put it on a par with the other EU Member States, there needs to be a continued, sustained effort at political and administrative level that builds on the country's strengths to deliver on the reforms and investments in all four dimensions. The recent political instability may have significantly affected attempts in this area.

The first steps towards media digitization were very difficult in Bulgaria. "Synchronizing national with European legislation: a screen for lobbying amendments against the public interest" is the conclusion of the report "10 years of Bulgaria in the EU" about the achievements of the Bulgarian media law and system. An illustration of this unfavorable twist is the digitalization of terrestrial broadcasting, launched in 2009, with the synchronization of respective Bulgarian legislation with the European one, as the country's commitment from 2012 was. Not only was this commitment not met, but criminal proceedings were instituted against the country, culminating in the imposition of sanctions. „Digitalization has been postponed several times and the common understanding is that the process is deliberately protracted, opaque and political parties and economic circles are trying to find the best solution for themselves, but not for the benefit of citizens. The voice of commercial interests overshadowed the civil society representatives during the debate on the adoption of this law" (Antonova, Georgiev, 2013).

In 2013, all four multiplexes that were to operate in the first phase of digitalization turned out to be financed by one bank - the Corporate and Commercial Bank (CCB) - and this fact revealed the process of fusion of the broadcasting sector not only with politics but with the banking business as well. After the bankruptcy of CCB in 2015 digitalization in Bulgaria stopped and practically came to nothing. Meanwhile, on 19.05.2011, the European Commission initiated criminal proceedings against Bulgaria regarding the compatibility of a number of provisions with Directive 2002/77/EC. The Commission recommended the introduction of a new competitive procedure to allow a new efficient player to enter the terrestrial digital telecommunications market before 2013. Experts emphasize that many legal obstacles have been deliberately placed before potential participants and thus have emptied the whole process of its positive effects without any socially significant result (Zahariev, 2015).

The introduction of the EU regulation on digital markets and digital services is on doorsteps and will comprise a novel stage in European regulation and control to counteract the non-transparent and dangerous policies of big platforms when all European member states are connected and dependent on one another and should act in close collaboration with one another. Such approach based on effective cooperation will represent probably a new critical juncture for media legislation and its implementation in Europe.

#### 4.4. Relevance of news media

The discussion on the diversity of distribution of media content (external and internal pluralism) aims to ensure that citizens have access to different points of view so that they are able to make informed decisions (OFCOM, 2021). In Bulgaria, structural media pluralism is guaranteed. It is supported by national statistics: 120 TV broadcasters, 77 radio stations, 209 newspapers (National Statistical Institute. Culture, 2020).

It is clear from the public register of the Council for Electronic Media that by 2021 the specialized programs with profile of entertainment, film, music, education, etc. prevail. News content is provided by polythematic or entertainment radio and TV broadcasters. News programs have been criticized for not providing enough diversity of opinions. There is a relatively constant set of “speakers” and the so-called influencers that main-stream media compete to show and through which they try to shape the public opinion. The options of users to reach a different point of view is further limited by political and/or corporate interference in the program content. In this regard, there is a rise in “self-censorship” of the media as an attempt by media owners to secure the favor of government and access to public financial resources. The media in Bulgaria receive BGN millions from the state and municipal budgets, as well as funds for participation in the communication campaigns of the various European Union funding programs (Ignatova, 2021). The money from the European funds is distributed directly by the state institutions without public procurement. According to experts and journalists, this is a mechanism for non-transparent funding and a prerequisite for political interference in media content (Kostova, 2022).

Thus, the seemingly existing external pluralism cannot sufficiently provide the necessary internal pluralism (diversity of content and viewpoints available to different social and demographic groups), which plays a key role in shaping the audiences’ own positions and decisions.

By the way, the Bulgarian legislation imposes a requirement for internal pluralism only to the public service media. The requirements to the commercial broadcasters are for observance of objectivity and good manners, protection of the physical, mental and emotional health of the children, avoidance of discriminatory and hate speech, etc. Legislative intervention and maintenance of high professional standards by the media are needed to avoid the risks of trampling on internal media pluralism.

*“A tangible process of professional regression is observed - of copy-paste journalism, of information monotony in media diversity: impoverishment of content such as genre, thematic and regional coverage. We cannot put everyone under a common denominator - there are professional journalists and non-professional journalists. Not a few journalists are trying to do quality journalism, to defend a civil position, despite the pressure exerted. A number of professional qualities and dignities in relation to journalistic functions still manage to preserve two public service media – the Bulgarian national radio and the Bulgarian telegraph agency” (Lulivera Krasteva, expert. Interview, 2022).*

According to the joint annual report of the Center for Media Pluralism and Media Freedoms and the Robert Schuman Center, the biggest risks for the Bulgarian media environment lay in the field of market pluralism, political independence of the media and social exclusion (Center for Media Pluralism, 2016). The risk of violating freedom of expression is relatively low. The result is supported by the annual ranking for global freedom of Freedom House, where Bulgaria is defined as a free country, with 78 points out of 100 possible. The report notes: “While the media sector remains pluralistic, ownership concentration is a growing problem. Journalists at times encounter threats or violence while working” (Freedom House, 2021).

## 4.5. Trust in media

Despite the prevailing preference of the Bulgarian audience for television as a source of information, a number of studies, including that of the Konrad Adenauer Foundation jointly with the sociological agency Alpha Research, display a lasting and overall decline in media trust in general. The study addresses the issue of media freedom and shows that media trust remains low, with only 10 per cent of Bulgarians accepting the independence of the country's media. This result confirms the low values of the previous 2017. Trust in the work of journalists is also low: only 9 per cent of respondents are convinced that journalists cover professionally current events. Although television is losing some of its popularity in terms of the media used, it is watched by 83 per cent of respondents and thus far exceeds the results of other types of media. On the other hand, the reading of online news portals has risen to 28 per cent, followed by social networks and print media (21 per cent each) and radio (19 per cent). Among social networks and social media with a huge lead and most popular is Facebook, followed by YouTube, Viber and Instagram, which are not so popular news channels (Konrad Adenauer Foundation, 2018).

Research conducted in 2020 by the Media Program for Southeast Europe of the Konrad Adenauer Foundation and the sociological agency Trend reflects the change in the trust and attitudes of Bulgarian citizens in connection with the changed political, healthcare, and socio-economic situation in the country as a result of anti-epidemiological measures against COVID-19 in 2020 (Konrad Adenauer Foundation, 2020). The percentage of people whose trust in the media has dropped is much higher – its share is 29 per cent. However, as early as March 2021, immediately after the quarantine was imposed, the growth of television viewing reached double digits for all target groups. This trend continued permanently until the end of October 2021.

Overall, research over the years has shown a predominant trend of television audience impacts over other electronic and print media. 60 per cent of Bulgarians trust television news. (Nieslen Admosphere, 2021). Online news portals, social networks, print media and radio follow with a big difference. The dissemination of fake information continues to play an important role. The majority of respondents think that fake information is disseminated mainly through the print media (37 per cent) and social networks (35 per cent).

Despite the overall decline of public trust in the traditional media due to both their economic and political commitment to the powerful of the day and the trade-offs they make in their efforts to adapt to the technologically changing media environment, as well as despite the declining trust in social media and social networks, mainly due to the spread of fake news in them, media remain the main source of information for the Bulgarians.

According to the expert Danail Danov “Journalism: trust in media is quite problematic. The very fact that showbusiness “stars” continue to be given a high social respect, and often elected at various political positions, mainly due to intensive media coverage and popularity, prompts that real journalism does not dominate the Bulgarian media landscape. Certainly, there are examples of decent journalism, often happening in media with small impact, in terms of audience and/or circulation. Professional standards continue to be violated, corporate pressure continues, pluralism, balance and fairness of media coverage is not necessarily guaranteed”.

## 5. Risks and opportunities of media-related competencies domain

### 5.1. Development of agency of change

Studies on media competencies in Bulgaria has been on the rise in the last five or six years, mainly by non-governmental organizations and researchers from the scientific community. The

Bulgarian legal document relating to media literacy is the Preschool and School Education Act (2015), but the law does not contain an official definition of media literacy, and media education is not explicitly linked to the allocation of resources. Media literacy is only implicit in this new law. After the COVID pandemic, when life passed online and even older people who had not actively used the Internet and social networks had changed their habits, it became clear that they also needed media literacy.

During the last decade the Coalition for Media Literacy started to organize courses for older people, without specifying their age. The project “Academy for the Elderly: Online Media Literacy” is implemented by the Association “Coalition for Media Literacy” with the financial support of Sofia Municipality – Program “Europe’2021”. The program is aimed at the so-called “newcomers” to social networks, older people who already have access to the Internet via smartphones, but do not have yet developed skills for safe and full use of new communication channels on the Internet. Topics included are how to distinguish reliable from unreliable sources of information; how to recognize fake profiles on social networks; how to protect oneself from online fraud, what are the risks associated with consumer’s personal data online.

In the analyzed period (2000-2021) several critical points with regard to media competencies stand out. They are mainly related to the media literacy of children and young people, fake news and, accordingly, to the trust and consumption of the media. National policy on media literacy is still underdeveloped despite efforts and positive developments in this direction. At the end of 2020, the requirements of the Audiovisual Media Services Directive (2018/1808) were transposed into Bulgarian legislation for the introduction of measures to promote and develop media literacy of citizens of all ages and for all media (Article 32, para. 24 and Article 33a of the Radio and Television Act amends SG No. 109/2020, in force since 22 December 2020). Media literacy was introduced in the curriculum of formal education in Bulgaria in 2018 with the amendment of Ordinance №13 of 21.09.2016 on civic, health, environmental and intercultural education. Most studies are from the period 2016-2021 and are aimed at students and their teachers and parents. However, for the development of media literacy and competence only 10 school hours are provided for the twelve-year course of secondary education in Bulgaria. Although civil society organizations, such as the Media Literacy Coalition, actively organize and conduct media literacy training, including for teachers and the elderly, such initiatives cannot offset the need. from systematic education. “Media literacy of the audiences is a basic prerequisite for communication contact. This applies to all spheres (political, social, cultural, etc.) information”, according to the expert Petko Todorov.

## 5.2. Overview of media related competences in policy documents

During the COVID pandemic when state of emergency was introduced in the country (2020–2022) there were attempts to regulate disinformation in and through the media. The VMRO (The Internal Macedonian Revolutionary Organization – IMRO) party, a coalition partner to the then party in office GERB (Citizens for European Development of Bulgaria – CEDB), submitted to the National Assembly a set of changes to the Radio and Television Act (Bill, 2020) and the Personal Data protection Act (Bill, 2020 a) that relate to the spread of “fake news” and disinformation online.

Most of the experts and journalists in Bulgaria considered such legislative initiatives to be in contradiction with the Constitution and the concrete circumstances of the pandemic when the state of emergency curbs legitimately some human rights, society needs more communication and information and additional restrictions on freedom of expression will be unproductive. The proposal envisaged the creation of a GDPR department in each media to monitor the protection of consumers’ IPs because they are also covered by the European law. Access to sites without

such departments should be suspended on the territory of Bulgaria, regardless of the location of the server.

The main legislative changes comprised:

- Extension of the Radio and Television Act or the Personal Data Protection Act to encompass online media as well as electronic versions of newspapers and magazines;
- Enlarging of the competences of the Council for Electronic Media (CEM) or the Commission for the Protection of Personal Data to encompass the prevention and restriction of dis/misinformation in the Internet environment;
- Creation of a new Public Register of Media Services provided via the Internet;
- Imposition of a penalty on the domain owner (page) when a non-authored article containing dis/misinformation is published in the domain (page).

The Bill defines „Internet misinformation” as: dissemination through social networks, websites, or otherwise in the Internet environment through websites accessible in Bulgaria, of a publication containing false information concerning individuals or legal entities.

The adoption of such law was meant to introduce also changes in the Criminal Code where a new criminal act – dissemination of dis/misinformation through mass media and online media should be inserted (Bulgarian Center for Non-Profit Law, 2020).

These bills raised a lot of questions about their possible implementation as well as concerns that they may perfectly serve as tools of censorship. According to the Constitution of the Republic of Bulgaria (Article 40), the mass media are free from censorship, and the suspension of media (such as websites) is allowed only by an act of the judiciary, and in exceptional cases. The bills provided for a suspension ordered by administrative bodies which will search for a court order afterwards. The Association of the European Journalists in Bulgaria (AEJ) considered the bills „completely unconstitutional” since the basic law provides specific grounds for closing down of a medium related to „the protection of the constitutional order, incitement to commit a crime or violence against the person and violation of good morals”. During a crisis, a number of legislative measures can be justified in order to preserve the life and health of citizens. However, the hasty adoption of laws that might have an unclear and even dangerous effect after overcoming the crisis should be avoided. Insofar as the fight against fake news is on the agenda not only in Bulgaria, but also around the world, it must be subject to a balanced and well-thought-out policy that does not affect freedom of expression. In its annual report on the state of human rights in Bulgaria the Bulgarian Helsinki Committee (BHC) also discusses the issue about the two bills against misinformation in a pandemic situation and states its opinion that these are unfortunate attempts to restrict free media and journalism when their contribution is mostly needed (Bulgarian Helsinki Committee, 2020).

### **5.3. Information about the media literacy programs in formal and/or in non-formal education**

Some of the analyzes and research regarding to early training in media and digital literacy are related to conducting various initiatives for creation such skills in students and to collecting data on the habits and attitudes of children and young people. They also contain specific recommendations and proposals that will lead to an increase in their media competences. The basic idea is that media and digital literacy is becoming a mandatory part of the notion of literacy per se and early training is necessary and important for development, adaptation, education and successful socialization in the future.

In 2021, for example, for the fourth time the Coalition for Media Literacy organized the campaign “Media Literacy Days” with the aim to promote the importance of media literacy for

society. The campaign included online training and courses for mentors, teachers and students, as well as for the elderly in small towns. The Coalition has launched a series of online trainings for teachers, which includes a practical handbook “Media Literacy through Distant Learning”, offering ready-to-teach lessons and homework projects to be prepared in a team. Developing a comprehensive media literacy training program is also the subject of recent studies (Danov, 2020).

One of these studies of the Coalition for Media Literacy “Media, Parents and Development” (2021), examined parents' and children's perceptions of media and digital media literacy, trust in different types of media, the frequency of media content usage, and time spent on the Internet. The study is among 1190 parents. Approximately one in three is convinced that their competence to evaluate media content is excellent. However, nearly 39 percent say that not only children but also parents need to develop their media literacy. Television, radio and Wikipedia are the first three sources of information cited by respondents. Media literacy presupposes the existence of competencies that help trainees of all ages to be able to correctly comprehend and interpret the content of any type of media - print, electronic and Internet-based (Coalition for Media Literacy, 2021). Activities in this area are initiated by non-governmental organizations, with the assistance of institutions such as municipalities, the Ministry of Education and Science, and schools. In this regard the Coalition for Media Literacy started to organize the campaign “Media Literacy Days” on a regular basis. The aim of the campaign is to promote the need to introduce media literacy in education (both formal and non-formal). As for functional reading, of course, it is embedded in the education of children in school. However, media literacy is more associated with the selection of sources of information, critical thinking, etc.

#### **5.4. Actors and agents of media related competences: risks and opportunities**

Media and digital literacy are perceived as an effective remedy against the spread of fake news and misinformation, as a tool for creating and training of critical and analytical thinking. Media literacy is a key element in the fight against misinformation in the EC Action Plan for European Democracy (European Commission, 2020). Media skills help people to judge, analyze, and verify information, and digital literacy allows them to navigate and participate fully online – which becomes a criterion for defining a person as “literate”.

The annual Media Literacy Index, developed by the Open Society Institute and being compiled since 2017, provides guidance in this direction. The index assesses the potential resilience to the spread of fake news in 35 European countries, using indicators of media freedom, education and trust between people. According to its latest edition of 2021, Bulgaria ranks 30th in the ranking of 35 countries and is in the penultimate, fourth cluster, along with Greece (27<sup>th</sup> place), Romania (28<sup>th</sup> place), Serbia (29<sup>th</sup> place), Turkey (31<sup>st</sup> place), Montenegro (32<sup>nd</sup> place). Bulgaria's position has deteriorated by one place compared to 2019, returning to the positions of 2018 and 2017. In 2021 Bulgaria has 29 points, having a deterioration compared to previous years (- 3 points compared to 2019, -1 compared to 2018, -2 points compared to 2017) (OSIS 2021). However, this is currently one of the few studies that specifically registers the level of media literacy in Bulgaria and measures certain indicators in this direction, in comparison with other countries. The indicators used by the index also illustrate the link between media literacy and media freedom and education. The indicators are media freedom, education and trust between people. Because the indicators are of different importance, they are included with different weights in the model. The most important are the indicators for media freedom of Freedom House and Reporters without Borders and those of education.

Media and digital literacy are among the prerequisites for media pluralism. The reason is that media and digital literacy guarantee access to more diverse sources of information. Research on

the matter also links the issue of social inclusion, as access to media helps groups of minorities and disadvantaged people to participate fully in public life.

The fourth edition of the Media Pluralism Monitor (2021) of the Center for Media Pluralism and Media Freedom at the European University Institute in Florence presents some conclusions in this direction. Research in the field of social inclusion focuses on access to media from certain groups in society: minorities, local and regional communities, women and people with disabilities, along with the conditions and factors for the development of media literacy in the country, including digital skills for all the population (Coalition for Media Literacy, 2021). A new indicator in the field of social inclusion has been added to the 2021 monitoring edition to assess the new challenges related to the use of digital technologies: protection against illegal and harmful speech. Efforts to counter misinformation and hate speech have been added to the fourth major area as specific digital issues that may hinder social inclusion.

According to expert Snezhana Todorova "We are witnessing the creation of a production pleasing to the powerful of the day, and their role as the guardian of the human right to information has been replaced by bespoke PR (white and black), as well as classic propaganda. This deformity harms society. The downplaying of the role of the media has a heavy impact on the journalistic profession, which is declining morally and materially. This leads to a hidden replacement of the profession, because journalists become PR agents, propagandists and advertisers".

## 5.5. Assessment of media related competences among citizens

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A very important aspect of media competencies is the selection of sources of information by consumers. Depending on their digital and media literacy, people decide where to get information, which predetermines the formation of their opinions on important topics and, accordingly, their behavior in specific situations. Research finds that the social network is a frequently used source of information in Bulgaria. According to a study conducted by the Reuters Institute,

global fears of false and misleading information have increased lately, with those who use social media more likely to think they have been exposed to coronavirus misinformation than those who do not use social media. Facebook is seen as a major channel for spreading false information almost everywhere (Reuters Institute, 2021). According to the data for Bulgaria, the media trust in the country is relatively low compared to the other 46 countries. At the same time, according to the report, more than half of Bulgarians use Facebook to follow the news. Many studies around the world have found a link between preferences for information on social networks and beliefs in conspiracy theories, which raises the question of the choice of sources of information as part of the skills associated with media consumption.

The fact that more than half of the Bulgarians rely on the social network to receive news also shows the need for a more in-depth study of the level of media competencies of the country's audiences. According to expert Svetlozar Kirilov "A main issue is the rise of social online networks and the ability of traditional media to compete with them for the attention of the audience and traditional media themselves to use the possibilities of social networks, incl. and the content created in them".

## 6. Analytical conclusions

The review of the studied sources and databases and the conducted analysis of the media environment in Bulgaria allow highlighting some of the critical junctures in the four research domains (2000-2021).

Although the country is defined as free in terms of political and civil rights (Freedom House), freedom of expression (Reporters without Borders), journalism and media market are at increasing risk of instability and dependence. The freedoms of movement of goods, capital, services and people of the European single market turned to be challenging to upholding of the basic pillars of Europe's audiovisual model, such as cultural diversity, media pluralism, and protection of minors, consumer protection, and intolerance of incitement to hatred.

The selected sources in legal and ethical regulation domain present the results of in-depth research on media law and media regulation of radio and television environment and the main aspects in self-regulation and media ethics. They also cover the legal framework of digitalisation of the electronic media and the main regulatory ideas concerning the new online media. The challenges generated by new media services for media freedom and independence are also examined. Possible critical junctures may arise as a result of the slow and incomplete media legislation, non-systematic implementation and the deficiency of media accountability, deficiencies in media self-regulation and media co-regulation.

The analysis of the selected research of the legal and ethical regulation domain allows highlighting some possible risks and opportunities for the media developments.

A substantial risk which is unalienable to legislation is that the political bodies may include too many restrictions in it concerning the media and journalists. An opportunity for the civil society and media organizations is to act strongly and present their own draft which is favourable to freedom of expression or at least introduce good amendments to the draft. Such steps presuppose professional and future oriented media community.

Risky is the situation when there is not up-to-date legislation and many gaps in the operating legal provisions exist. Media professionals can use the opportunity to entrench self-regulation and co-regulation in the media sphere.

Media professionals may struggle for setting some of the controlling competences of the audiovisual media regulator on media associations and deconcentrate political power.

Media representatives may initiate complex measures against concentration of media ownership and lack of transparency counteracting the risk media lobbies and businesses to grasp the initiative and introduce laws beneficial for those in power.

If media does not support good regulation that guarantees freedom of expression this may result in legal nihilism with all its negative consequences for the quality of the media environment. Expert Raina Nikolova says “The problematic regulatory framework has led to negative phenomena in the media sector, such as the fusion of the media business with political factors that do not allow the development of investigative journalism. The media are placed in financial dependence on the state. This is risky for maintaining high professional standards in journalism. In practice, the media turns out to be an insignificant factor in the democratic development of Bulgarian society”.

The lack of strong and demanding civil society, constant political pressure and submissive journalistic culture which does not vie for independence and high moral standards every day are other factors that have to be taken into consideration. A critical juncture could arise from the up-coming application of the EU digital services and digital markets package which will require close cooperation and harmonization of the actions of member states in the complex digital environment to enable transparency, user safety, and platform accountability against the trade of illegal goods, services and content online and manipulative algorithmic systems spreading disinformation.

The examination of the selected research sources on the media environment draws attention to several critical junctures for the journalism domain. Most of them are related to media pluralism in its various aspects - diversity of content and opinions, transparency of media ownership, political and financial (in)dependence of the media, social exclusion of certain groups, etc. The status of the journalistic profession with regard to: labor market and working conditions; training of practicing journalists and market realization of students in journalism; and sustaining of journalistic values and standards, reveal additional risks for the professional developments of journalism in the country.

All forms of media pluralism are threatened, the most critical being the state of market pluralism, political and corporate independence of the media. The possibilities for the development of media pluralism and the media environment in Bulgaria relate to the disclosure of the real ownership of the media and the interests of the actual media owners. In fact, even now, the actual media owners are becoming known to the public, thanks to investigative journalists in Bulgaria and despite the mimetic actions of the regulatory bodies and institutions provided for in the legislation. The impression is created that the state and society are driven by different motivations and interests regarding the transparency of media ownership in Bulgaria.

It is time for the competent authorities and institutions to stop being satisfied with the entry in the registers of formal market entities, behind which the real interests and media owners remain hidden. This would demonstrate real support for quality journalism and media discourse in Bulgarian society, part of which is deliberative communication. The need to develop a specialized methodology for calculating market concentration in the media sector, which would effectively support antitrust legislation and the work of the Commission on Protection of Competition, also becomes obvious. This means introducing a mechanism that takes into account not only the number of media owners, but also the share of acquired influence on the audience.

The introduction of effective mechanisms for the transparency of media ownership and for avoiding concentration in transactions in the media sector would be a good start for the recovery of the media market, for solving the serious problems in Bulgarian journalism and restoring the trust of the Bulgarian society in the media.

Other serious problems are commercialization of journalism, deterioration of the working environment and labour market for journalists, growing political and corporate influence and self-censorship, lowering professional standards, declining consumer trust in traditional media and the rise of online platforms. Opportunities to improve the media environment stem from overcoming the risks themselves. They require the will and coordinated action of political class, legislature, media owners, media and communication regulators, professional journalistic organizations, academia and civil society.

An important step in solving the above-mentioned problems is the creation of strong professional organizations to represent and protect the interests of journalists in Bulgaria. Special attention should be paid to strengthening the positions of public service media in Bulgaria, by ensuring independent financing, management and editorial policy, so that they are able to fulfil their public mission and balance the highly commercialized media environment. This requires the will and coordinated action of political class, legislature, media owners, media and communication regulators, professional journalistic organizations, academia and civil society.

Expert Valeriy Todorov thinks that “opportunities for better developments in journalism are connected with overcoming the insufficient investments for technological development, the limited market, the low pay for journalistic work, the already established political and economic dependencies, as well as with establishing higher criteria in the training of journalists, better financing of public service media, and more transparency of the activities of commercial media and the work of media regulatory bodies”.

The analysis of the research regarding media usage patterns shows that although considerable amount of reliable data is available, it is not sufficiently regular and systematic.

Two main critical junctures can be outlined: the decline of public trust in media due to their economic and political dependence and media consumption divide by age and social groups due to technological developments.

With the advent of the Internet, a complete reversal both in media’s world and the way they are created has been witnessed, as well as in the world of their audiences, in their expectations and attitudes. The Internet has transformed the once strict distinctions between print (newspapers, magazines) and electronic media (radio and television). Through a computer or smartphone, everyone can now listen to the radio and watch TV without actually having a TV or a radio set. Each of the media creates its own internet sites, and in some of them it is now possible to publish video materials from events, thus entering the competitive field of television. Through them, the viewers seem to be present live at what is happening. Live broadcasting of press conferences and other events of a different nature, which bring the audience directly to the place of what is happening, is becoming casual. For their part, TV stations create their own radio variants. News is available 24/7, there is no limit to its consumption, nor to the volume of information that is broadcast in the public space. The changes that occur, however, are not only positive. The risk factors affecting the quality of journalism are also increasing.

The decline in quality for the sake of speed due to the imposition of new technologies is witnessed. More and more often unreliable information is published, unverified by at least two independent sources. The tendency to include in the media milieu information without additional points of view, without pluralism, with less and less investigative materials, analyses, serious reports is growing.

The speech style, especially in electronic sites, moves on to casual everyday communication, very often sprinkled with jargon. Less and less attention is paid to correct literary Bulgarian language. According to expert Ivanka Mavrodieva “The risks are that the quality of journalistic materials will continue to decrease, that there will be no freedom of speech, that there will be no in-depth analyses and journalism in a large part of the media, especially in the online media”.

The amount of media outlets in which the selection of topics and their content is interesting for society but not serving the interests of society is growing.

The increasing difficulty to recognise and control of the fake news leads to a confusion in the audiences and its growing mistrust in media. The decline in freedom of speech is largely due to the concentration of media ownership for certain political or business interests. Reality shows, low-budget comedy shows, music formats, betting on the emotional features, prevail over the rational elements. The percentage of negative news increase compared to positive ones.

Audiences definitely prefer easily digestible audiovisual information. More and more people are relying to browse social media for information, becoming more and more inert in their search for media. The leading device for reading and watching news is the smartphone, which is decisively ahead of the personal computer. Among children and young people, there is a high level of digital inclusion and connectivity.

Although studies in the area of media competencies domain since the beginning of the century exist sporadically, they have been on the rise in the last six years in a more systematic and regular way. The topics are mainly dealt by non-governmental organizations, scientific institutes or independent researchers. The studies are focused mainly on the consumptions and perceptions of the audiences, but not on the producers of media content, nor on the political, economic and technological factors shaping the media world, regardless of their competent literacy on the most important component – media content.

The outlined critical junctures are connected with trainings to increase media and digital literacy; coping with fake news and misinformation; media diet preferences; technological challenges.

Starting from the understanding that media literacy is a condition for universal access to information, for the development of critical thinking and for effective empowerment of citizens, the lack of media literacy policy is assessed as a risk to media pluralism. Active literacy is driven by active measures, including the development and implementation of policies taken by countries to promote media literacy among different groups of the population, so that their citizens develop as sensible consumers and producers of information capable of recognizing how the media shapes popular culture and influence their choices and decisions.

In today's world, media competence is becoming an important skill, and both experts, civil society and institutions are increasingly aware of the need for efforts to improve these skills, including because of the increasingly easy circulation of fake news due to the development of new technologies, access to internet and the use of social networks. This explains the increasing interest in media and digital literacy and the increasing number of studies and initiatives in this regard, such as courses, seminars for children and students, as well as for the elderly, the so-called newcomers to the web.

In the hypermodern age, when technology is revolutionizing culture and it is no longer in the representations, but in the objects, brands and technologies of the information society (Lash, 2004), information and communication determine the parameters of the new “media” society. In order to sustain its proper functioning for the sake of deliberative communication combined efforts of all stakeholders (in the legal, regulatory, technological, economic, professional, academic, and social areas) is needed in all four domains.

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# CROATIA

## Critical junctures in the media transformation process

By Zrinjka Peruško, Dina Vozab & Iva Nenadić, University of Zagreb<sup>4</sup>

### Executive Summary

The present study details the critical junctures in the transformations of risks and opportunities in the four domains of media systems – the Legal and ethical environment, Journalism, Media usage, and Media-related competencies domain – that are expected to contribute to or deter from deliberative communication. Study includes a background chapter on social and political changes that influenced the four key domains Croatia.

The study is based on the literature and other data sources identified in Case study 1 “*Risks and Opportunities Related to Media and Journalism Studies (2000–2020). Case Study on National Research and Monitoring Capabilities*”, but goes beyond it by offering an in-depth analyses of changes within each domain and identifying the actors behind them. Legal framework in Croatia is in most respects in accordance with European standards, but a degree of conflicting legislation exists regarding defamation offences. Frequent legislative changes (although most without a change of direction) show that a coherent policy-led system has not yet materialized. Evidence of hybridity of the media system is seen in media and related practices, which take place in a diverse yet highly concentrated media system, most similar to the Mediterranean polarized pluralist media system model from the Hallin and Mancini (2004) typology. Media-related competencies and media literacy appear to be higher in some areas and population groups than in others. Journalism market is diverse although subject to economic constrictions as well as pressures on journalists in the form of many SLAPP lawsuits.

## 1. Introduction

According to the latest population census, Croatia is a country with 3.88 million inhabitants, a significant demographic decline from 4.28 million in the 2011 census (DZS, 2021). The country is ethnically homogenous, with 90 % of Croatians. Serbs are the largest minority (4,5 % of the total population), followed by Bosniak, Albanian, Italian, and Hungarian minorities (all with less than 1 %). Various other smaller ethnic groups also live in Croatia. Croatia was historically, and continues to be, predominantly a Catholic country, with historical Serbian Christian Orthodox populations and the well-integrated historical Muslim (Bosniak) minority, as well as various other religious denominations.

The country declared independence from the SFR Yugoslavia in 1991, which was followed by the war for independence and a challenging process of post-socialist transition and democratization (for a comprehensive overview of the history of media development in Croatia since the 15<sup>th</sup> century in the context of political & economic changes see Peruško et al., 2021). Croatia became an EU member state in 2013. The strongest political party in the country is the center-

<sup>4</sup> Authors would like to thank Filip Trbojević for his contribution in editing both studies and the references.

right Croatian Democratic Union (HDZ), which won most elections since the country's independence and is currently again in government. After major economic losses amid the COVID-19 pandemic, the country had a strong rebound of the economy in 2021, and GDP is expected to grow in 2022 at a more modest rate (World Bank, 2022).<sup>5</sup> Considering its size and population, Croatia has a relatively diverse media sector. However, journalism has been negatively affected by de-professionalization which was doubly related to the rise of social media platforms. On the one hand citizens gained a role in producing news, on the other, institutionalized media were economically squeezed by the platforms and reduced their news producing activities.<sup>6</sup> A long history of political control over media, especially the public service broadcaster, is also seen as a negative trend (Bilić et al., 2021).

The Croatian media system has been described as having many traits of a polarized-pluralist Mediterranean system described by Hallin and Mancini (2004), with higher historical political polarization, an elite oriented press at the time of its establishment and a later introduction of the mass media, with lower journalism autonomy and higher political parallelism (Peruško, 2012, 2013). In comparative studies based on the empirical operationalization of the Hallin and Mancini (2004) model Croatia clusters with south European countries (Greece, Italy, Spain), as well as with some post-socialist countries (Lithuania, Hungary, Bulgaria, Romania) in a peripheral European media system (Peruško et al., 2013; Peruško, 2016). In a different empirical operationalization of the Hallin and Mancini (2004) model and including only CEE countries, Croatia groups with Czech Republic, Poland, and Slovenia in the Central European media system model (Castro Herrero et al., 2017). When the digital media systems dimensions are included together with the dimensions of political system of inclusiveness and globalization, all CEE countries, including Croatia, form one media system cluster (Peruško et al., 2015).

### 1.1. Critical Junctures: Social and Political Change

Social and political change in Croatia can best be understood by examining the rhythm of critical junctures and path dependencies that followed. Critical junctures are those times in history when the social and political equilibrium is shaken, punctured, and the future developments can more easily sway from the previous development path. Particularly developed within the theory of historical institutionalism (Moore, 1966; Mahoney, 2001; historical institutionalism was employed for the analysis of media systems in Peruško, 2013, 2016; Peruško et al., 2021; and an overview for communication studies in Bannerman and Haggart, 2015), the notion that social change is not linear sits well with other contemporary theories of processual approach to change (see Sztompka, 1993). The argument here is that these points in history, when the previous social order breaks down or is dramatically changed, in some way mark the future social development. It is our expectation that historical frequency of such interruptions in the path of development is responsible for more difficulties in the present-day democratic consolidations. One explanation of this assumption, if it proves to be correct, is that the path dependencies, i.e., social institutions including social values and practices from previous periods were sometimes carried over in the next period, without having a chance to transform. Thus, the volatility of the social field, brought about by frequent radical interruptions, may be behind the difficult consolidation of democracy, and might also reflect to the four dimensions we expect to link to the quality of deliberative communication – the dimension of journalism, the legal context, media usage patterns of audiences, and media related competencies of users and producers.

<sup>5</sup> The data are from the period preceding the war on Ukraine, as well as the inflation in Europe in the second part of the 2022.

<sup>6</sup> Tomislav Wruss (October 2022, contribution in interview).

While in political and social theory these critical junctures are mostly analyzed in relation to political change and revolutions, it is equally important to consider other internal or external crises or developments that bring about (or have the potential to bring about) radical social change.

### 1.1.1. *The Longue Durée*

Croatia is one such country where volatility and frequency of the *longue durée* change affects it even today. A recent study by Peruško et al. (2021) identifies three critical junctures and subsequent periods which are pertinent to the development of media systems in the post-Yugoslavian states in Southeast Europe, including Croatia: the bourgeois revolution, the socialist revolution, and the democratic revolution. The first critical juncture introduced the long period leading to modernity of Croatia as a peripheral part of the Habsburg empire, then as part of the south-Slavic state following the dissolution of the monarchy in WWI and the creation of the Kingdom of Yugoslavia. WWII enabled the second critical juncture and marks the start of the socialist period, which lasted until 1989 when the third wave of democratizations in CEE following the collapse of the Soviet Union presented a common critical juncture for CEE countries. The transformations of the political, social, and cultural / symbolic fields (in which the media eventually developed) during these three periods are, to a smaller or greater degree, included in the shape of the media system.

The study also argues for the importance of including multiple communication revolutions which have influenced the structures and practices, as well as values and expectations, of communication since the invention of the printing press, or the telegraph, which is, according to Anthony Giddens (2012), the moment when modernity began. Thus, each historical period is particularly linked to specific types of media, but their structures and practices differ according to the historical paths. This is exactly one of the aims of the “*MEDIADELCOM*” project – to see how a different age plays differently in various media system contexts, and especially in relation to deliberative communication.

Peruško et al. (2021) applied a set-theoretical research approach using a fuzzy set qualitative comparative analysis (fsQCA) (Ragin, 2008) with the conditions coming from three temporal frameworks and three fields of power – the political field, the socio-economic field, and the cultural-symbolic field – alongside several adapted dimensions that are familiar from the mainstream media systems theory (i.e., Hallin & Mancini, 2004). Their study shows that among the six post-Yugoslav states (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and Macedonia), Croatia took one of the two paths to a free media system in contemporary times. Both paths have very similar conditions in the first two temporal frameworks (modernization and socialism), as peripheral parts of the Habsburg Monarchy, with early introduction of book printing, early introduction of political elite newspapers, more pluralism and autonomy of the cultural and media scene during socialism than the other Yugoslav republics.

In the last period, the first decade of the transition, the 1990s, was separately analyzed in terms of the difficulty of the transition. Croatia had a difficult transition with war in its territory as well as a semi-authoritarian president, but had successfully consolidated democracy, with a sufficient score of liberal democracy and the resolved stateness issue (Peruško et al., 2021). Further analysis showed that in Croatia the development of acceptable levels of media freedom resulted from the remote path of strong markets and consolidated institutions in the three-time frames, a developed media market in the third temporal framework (after 1990), and a policy actively implementing media pluralism and digital infrastructure. Croatia also had necessary levels of conditions necessary for media freedom in the last period: consolidated liberal democracy, the resolved stateness issue, European integration (EU member since 2013), economic development, state support for digital infrastructure, and a lack of media capture in comparison

to other SEE media systems. The set of necessary conditions that contributed to low media freedom (in Serbia, Bosnia and Herzegovina, Montenegro, and Macedonia) included “clientelism, a non-cooperative transition, weak post-materialist values, asymmetric pluralism, and higher media capture” (Peruško et al., 2021, p. 235).

### 1.1.2. 2000–2020 Period

While the three periods following critical junctures in the *longue durée* of several steps of system changes explain differences between a set of SEE media systems and explain the path of the development of the Croatian media system, we need here to take a step further and identify those turning points, or critical junctures, that have shaped the four critical media system areas of risks and opportunities for deliberative communication. These four dimensions – journalism, the legal framework of freedom of expression and information, media usage patterns of audiences, and media related competencies of media producers and users – have also reacted to various critical stimuli in the past 20 years.

The causes for the loss of equilibrium come from many fields – political, economic, and the field of communication, among others. The causes can be internal or external and can include matters that act disruptively on societies across the globe, like the present COVID-19 pandemic. Or the causes for change can be local and present in only one country. However, it is to be expected that there will be similarities in the types of causes that enable positive change. Critical junctures are neutral in this way, they are just the times when change is more possible than at other times, when purposeful agency is more effective, but whether the change really happens, and whether it brings an improvement or not, depends on a particular contingent context.

Robert McChesney’s definition of critical junctures in media and communication rests on the coexistence of three events: “1) There is a revolutionary new communication technology that undermines the existing system; 2) the content of the media system, especially the journalism, is increasingly discredited and seen as illegitimate; and 3) there is a major political crisis in which the existing order is no longer working and there are major movements for social reform” (McChesney, 2007, pp. 1433–1434). According to this definition, we are globally amid a communication critical juncture. The challenge of the “*MEDIADELCOM*” project is to understand how have this and other critical junctures in the past 20 years shaped the four dimensions of risks and opportunities that, as argued in the project proposal, influence deliberative communication in the 14 countries that are part of the comparative analysis. The identification of path configurations to deliberative democracy and the related critical junctures will be the task of the WP 3.1 where the fsQCA calibrations will be performed based on research in Case study 2 (WP 2.2).

## 1.2. Political Junctures

The first multi-party democratic election in May 1990 and the declaration of independence from the SFR Yugoslavia in 1991 were the first critical points in the media transformation process in Croatia as they marked the beginning of transition towards the adoption of democratic principles, including the fundamental right of freedom of expression. New laws were introduced in the field of public information and public communication, which, in some cases, were not completely new, but rather a hybrid of the old socialist laws and the newly accepted democratic values (Peruško Čulek, 2003; Jergović, 2003). The overall process of democratizing the media and public information system was slow due to the war situation, but also the political reluctance of those in power (Peruško et al., 2011; Bilić, 2012). That first period was dominated by the state-building process (Peruško Čulek, 2003; Bilić, 2012) and in the media, the protection of dignity, privacy, and reputation took precedence over the public’s right to information (Jergović, 2003; Bilić, 2012, based on Peruško Čulek, 1999). Freedom of expression was loudly appreciated, but in practice the political field sought to retain many controls over media. The media were

still understood by the ruling polity to be part of the state apparatus (Peruško Čulek, 1999; Peruško et al., 2011). The opposing view to this “state building normative media policy” came into play in 2000, when the change of political direction enabled the “pluralist normative media policy” to gain primacy (Peruško Čulek, 1999).

After a difficult first decade of its post-socialist transition, Croatia’s democratic trajectory took off in 2000 and enabled the country to join the EU in 2013<sup>7</sup>. The level of democratic consolidation is still low in certain areas (especially regarding democratic culture – according to the Economist Intelligence Unit Democracy Index, from 2020, the country is a flawed democracy (6,5) and political culture has the lowest value (4,38) (EIU, 2021). After receiving lower scores on international freedom of expression indexes than most post-socialist EU members, the latest Reporters Without Borders World Press Freedom Ranking in 2022 ranks it as 48 (increase from 56 the previous year, RSF, 2022).

The second political critical juncture came with the 2000 parliamentary elections. It was the first change of the party leading the government: a large center-left coalition led by the Social Democratic Party (SDP) defeated the Croatian Democratic Union (HDZ), which had led every government since the first democratic elections in 1990. This was followed by the change of the political system from semi-presidential to parliamentary (Peruško et al., 2011), and by significant democratic changes in the media policy and practice (Peruško et al., 2011; Peruško, 2012).

After 2000, Croatia was on a path of democratic consolidation. In this period, the HDZ was transforming into a more moderate conservative party ready to cooperate with ICTY in prosecuting war crimes and with a clear pro-European orientation. Conservative HDZ won elections again in 2003 and 2007. The conservative government rule was marked by various corruption scandals and the center-left coalition led by SDP won the 2011 election. Conservative coalitions led by HDZ won all subsequent elections (2015, 2016, and 2020).

Croatian political system was thus since 2000 characterized by the rule of two major traditional type parties and their coalition partners (Peruško, 2012). This model was not challenged until the rise of new populist parties which base their rhetoric on the “anti-establishment” sentiment mainly aimed against the two major parties. This was especially visible in parliamentary elections in 2015 and 2016 when populist anti-establishment parties gained seats in parliament. In 2015, under a new leadership of HDZ more in line with the radical right, the right-wing Patriotic coalition won elections and ruled in coalition with the populist party Most. The rule was short-lived due to conflicts in the coalition, and HDZ returned to power with more traditional type of coalition partners so that Croatia escaped the right-wing populist democratic backslide that happened in some of its neighboring countries.

The lack of political will can be seen as the main reason for the persisting negative aspects of the media system – for creating a framework for truly independent public service media.<sup>8</sup>

### 1.3. Legislative Changes / Turning Points

Three main phases in the post-socialist media policy in CEE are also discernible in Croatia „ 1) De-linking the media from the state; 2) Media market development – including privatization of media companies, creation of new ones, and foreign investments in the media; and 3) EU harmonization“ (Peruško, 2021a, p. 181). The fact is that there were only sporadic media policy texts and goals adopted in Croatia in the past 30 years, and that the legal framework changed frequently, in some instances every year, points to the lack of a comprehensive policy and rather

<sup>7</sup> Antonija Čuvalo notes the EU integration as the impetus for legislative harmonization also in the media field. (November 2022, contribution in interview).

<sup>8</sup> Maja Sever (October 2022, contribution in interview).

haphazard shaping of the media field.<sup>9</sup> This signals a time of volatility, and points to conclusion that the media system has not yet been stabilized. Within this broader context of constant change, we can point to the legal dimension of ROs as being the source of the majority of turning points in other areas of the media system,<sup>10</sup> in relation to all the key issues analyzed in this study.

Legislative changes are always linked to the political will, expressed in the electoral winners' views and goals, so we need to also look at the political undercurrents or background to various changes.

The coalition of HDZ and a populist party in the 2015 government (which lasted less than a year) had a very negative impact on media with "social and political pressures towards the media regulator and an unfavorable policy towards the community, minority and non-profit media" (Bilić et al., 2017, p. 2). Maja Sever also points to this change in media policy which resulted in the closure of many non-profit media.<sup>11</sup>

In Croatia, editorial policies of PSM usually change after the change of government. With the liberalization and democratic consolidation of the 2000s, the PSB Croatian Radiotelevision (HRT) was organized as a "public institution" that "promotes the interests of the public" and "responds to the public interest" (Bilić, 2012, p. 830), starting its transformation from state to public service broadcaster (Peruško & Čuvalo, 2014). The liberalization of the audio-visual media market also took place, with the first commercial televisions at the national level, Nova TV and RTL starting broadcasting in 2000 and 2004 respectively (Peruško & Čuvalo, 2014).

Retrograde political influence was especially pronounced following 2015 elections when "dozens of editors and journalists were dismissed immediately following parliamentary elections" (Bilić et al., 2017, p. 6). This was shown to be a short-term political instability, however, the "populist turn" and illiberal tendencies produced longer-term consequences in the form of "an increased number of legal actions against journalists and the media for 'shaming' and slander, brought by persons in political power or related to them; an increased pressure on the independent editorial and journalistic practices of the public service broadcaster, HRT, with a sharp ideological turn to the right; an unrelenting policy of non-support to the civic sector media, and pressures from the state and non-state actors on new forms of speech in the digital sphere and in the legacy media"<sup>12</sup> (Peruško, 2020). This is also noted in the media market, as analysis of media polarization found an expansion of media outlets on the right (Vozab & Peruško, 2021).

Another key juncture in the legal domain is the country's accession to the EU: from obtaining a candidate status in 2004, to full membership in 2013. The corpus of media legislation has changed since 2000 to further align media legislation with European standards (Badrov, 2007; Peruško et al., 2011; Bilić, 2012; Bilić & Švob-Đokić, 2016). Negotiations in Chapter 10 – Information Society and Media were completed in June 2011, following harmonization of the country's media and communication laws, first with the Television Without Frontiers Directive, and then the Audiovisual Media Services Directive (Bilić, 2012).

## 1.4. Economic Junctures

After strong economic downturn and isolation in the 1990s, in 2000s Croatia experienced economic growth and stability which lasted until the 2008 economic crisis. A first critical juncture

<sup>9</sup> This is also observed by Igor Kanižaj and Davor Mezulić (October 2022, contribution in interviews).

<sup>10</sup> Davor Mezulić notes that changes instigated by media laws were more often of a personal, and not substantial nature. Vanja Jurić also thinks that the changes to specific media laws did not substantially change their direction in the past 20 years (October 2022, contribution in interviews).

<sup>11</sup> October 2022, contribution in interview.

<sup>12</sup> Several interviewed experts pointed to the increased political dependence of the HRT.

is certainly the introduction of capitalism in 1990, with privatization of (print) media outlets and the possibility to start private media companies. The liberalization of the media market in early 2000s was the first media specific junction which opened the path for new commercial television channels and foreign owners to invest in the media sector in Croatia. In the Southeast Europe the foreign investment in the media market developed later in comparison to post-socialist Central European states, where foreign investors entered the media market in the 1990's (Štetka, 2012, p. 436). The press market was liberalized sooner in CEE with weak regulation, which resulted with "a 'wild' privatization of the press enterprises" (Peruško & Popović, 2008b, p. 170). In Croatia, foreign ownership was restricted by regulation in the 1990s so foreign investors came to the market after 2000 (Peruško et al., 2021, p. 173).<sup>13</sup>

The global crisis of 2008 also played an important role on the Croatian media market, increasing the downturn of the printed press. The recession followed with a high unemployment rate which was also felt in journalism.<sup>14</sup> The position of journalists was especially vulnerable, with increased layoffs, wage cuts and even more precarious position of freelancers across all media sectors (see detailed description under the Journalism domain).

Croatian economy has a large share of tertiary sector, and a strong reliance on tourism which makes it less resilient to different shocks to economy. The COVID-19 pandemic hit Croatian economy rather hard, and GDP decline of -8,4 % was one of the strongest in Europe, but the recovery was very quick and the GDP in 2021 reached 67,84 billion (US\$), still short of its pre-2008 position (World Bank, 2022). The effect of declining printed press after the 2008 crisis was continued by the COVID-19 pandemic,<sup>15</sup> which similarly shaped the print media market and strengthened the switch to the digital media and the growth of new media platforms and services as increasingly important sources of news and other media content. Although media companies received government subsidies during the COVID-19 pandemic, wages for journalists were still cut (see detailed description in the Journalism domain).

## 1.5. Communication Junctionures

Policy response to digital transformation was slow, and mostly directed towards the liberalization of the telecommunication system, with "some support and investment in infrastructure, mainly broadband development" (Peruško & Popović, 2008b). Croatia switched to digital TV transmission in 2010, before the deadline set by the European Commission (the deadline of year 2012 was set for EU member states, Milosavljević & Broughton Micova, 2013). Croatian market profited from the digital television switchover as this helped new DVB-T and IPTV channels to be introduced (Andrijašević & Car, 2013). Shortly after the digital switchover, six new DVB-T channels were opened, five IPTV channels were operating until 2013, and by that time there was 20 cable operators in Croatia (Andrijašević & Car, 2013). After the digital switchover, Croatian PSB HRT opened two new specialized channels – HRT 3 (culture and education), and HRT 4 (24-hour news and information programs). One of the consequences of the digital transformation is that the print media market is consistently falling in Croatia and broadcast and digital media are primary sources of news (Peruško, 2019; Vozab, 2014). Media markets in post-socialist Europe are clearly television-centric and television still holds a high place despite the digital transformation. Wruss (in interview, October 2022) finds the combined effect of the "changed media business, social contest and new audience habits" brings the destruction of the

<sup>13</sup> Amendments of Telecommunication Act from 1999 opened a way to privatization of the third channel of state-owned television, while Electronic Media Act from 2003 regulated the broadcasting licensing and the obligations of media owners (Andrijašević & Car, 2013, p. 280).

<sup>14</sup> Igor Kanižaj also stressed this (October 2022, contribution in interview).

<sup>15</sup> 86,2 % of average issue readership does not read daily newspapers, Tomislav Wruss quotes the Ipsos / Mediapuls survey (October 2022, contribution in interview).

business model of printed newspapers, where publishers are now looking to find revenues in the digital realm.

Digital transformation changed the audience access to media content. In the digital era, the digital media market dimension becomes increasingly important as orientation of the media markets shift from print media to diversified digital and hybrid media (Mattoni & Ceccobelli, 2018; Peruško et al., 2015). This area of research is one of the most important for the future understanding of the relationship of the (hybrid) media system to deliberative democracy, especially in those countries in which the transition to democracy in 1990 was not successful or where consolidation has backslided (Peruško, 2021b).

Changes in communication technology and new audience and media affordances were highlighted as a key change in the Croatian media system by all the experts we interviewed. The similarities of the changes with those in other European countries were stressed, including the diminished importance of traditional media and especially printed newspapers, the rise of platforms and the changes in the public sphere with increased role of the citizens. The effects of the change will be discussed in more detail in the next sections of this chapter.

## 1.6. Assessment of Monitoring Capabilities

The MEDIADELCOM WP 2 TASK 2.1 (D 2.3) *“Croatia: Risks and Opportunities Related to Media and Journalism Studies (2000–2020)”* presented an overview of published literature and other data sources in Croatia in the four domains that are seen as presenting risks or opportunities for deliberative communication: Journalism, Legal and ethical, Media usage, and Media-related competencies domain. The report was based on published studies (national and international) and reports, and gives a thorough insight into the breadth and depth of existing research and information in the four dimensions. The report also included an analysis of research resources: expertise, financing and position of research and data collecting units, with the aim of assessing the quality of research and the institutionalization of the academic discipline(s) necessary for their study.

While many articles are published in six academic journals dedicated to media and communication, as well as in other academic journals, books, and reports, we attempted to only include those of sound reliability of data and approaches. This has limited the number of useful publications but has hopefully improved the accuracy and the validity of our report. The largest number of sources was found in the domain of Journalism, followed by the Legal and ethical domain. The least numerous sources are in the Media-related competencies domain, especially pertaining to audience competencies, while audiences’ usage patterns are more thoroughly covered. The last two domains are significantly present only after 2011.

In addition to an uneven distribution of research in different domains, we also found an uneven distribution of expertise. The research capacity of the academia and NGOs in the field is solid, more pronounced in relation to legal issues, questions of media policy and media system transformation, journalism, and audiences, with a smaller extent of expertise related to media related competencies. The number of research teams is rather small; many researchers work alone and not as part of research teams, and this limits the overall development of the discipline and its potential impact. The promotion of research results by research teams or institutions is also not prominent and the public, as well as the policymakers, may not be aware of some significant research findings.

Additionally, the study highlighted a limited capacity of the relevant government media policy bodies (i.e., the Ministry of Culture and Media) to engage with research evidence<sup>16</sup> with a view to limiting risks and enhancing opportunities for deliberative communication.

## 2. Risks and Opportunities in the Legal and Ethical Domain

### 2.1. Development and Agency of Change

The critical turning points in the Legal and ethical domain are a result of the combination of internal democratization processes with external benchmarks set in the process of Croatia's accession to the EU, as well as the earlier harmonization with the Council of Europe media and freedom of expression frameworks. In both cases, political actors have played the key role in setting both the legal and practical conditions for exercising freedom of expression and access to information. An important role has also been played by the civil society organizations particularly in early 2000s, when Croatia had seen the first change of the leading party in government and when the process of democratic consolidation truly started. The process of adopting and implementing EU aligned legislative framework for media freedom and access to information has also spawned new or transformed institutions in this area, which have yet to establish their full independence from political influences. One of the risks in the democratization and media transformation efforts of post-socialist countries is the adoption of the outward reform structures without their internal values, leading to fragility of new institutions (which enables backsliding) or to the lack of success of reforms. The positive role was played by the Croatian Constitutional Court by its implementation of the European Court of Human Rights decisions and standards in freedom of expression, which has transformed the adjudication of defamation to give more importance to a legitimate public need regarding certain incriminated information.<sup>17</sup> Decisions of the European Court of Human Rights have also been instrumental in changes in the Legal and ethical domain in Croatia, where the responsibility of the publisher (in some circumstances) was included in the revised Electronic Media Act.<sup>18</sup>

### 2.2. Freedom of Expression

*Legal environment.* In Croatia, freedom of expression is one of the basic constitutional rights and freedoms. Article 38 of the Constitution of the Republic of Croatia (NN 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14) guarantees freedom of thought and expression, which, as set by the second paragraph, includes freedom of the press and other media, freedom of speech and public opinion, and free establishment of all institutions of public communication. The same Article in paragraph 3 forbids censorship and grants journalists the right to freedom of reporting and access to information. The Media Act (Article 3, NN 59/04, 84/11, 81/13), which is a fundamental regulation of Croatian media law, and the Electronic Media Act (Article 4 in the new law, NN 111/21; and Article 3 in the law that was in force 2009–2021), both contain specific provisions protecting freedom of expression and freedom of the media. In the relevant legislation, no explicit differentiation is made between freedom of expression online and offline, suggesting that equal rules should apply to all media.

*Necessity & legitimacy of restrictions.* The Constitution also prescribes restrictions on freedom of expression in accordance with the provisions of the European Convention on Human Rights and its interpretations, which have been generated by the case law of the European Court of Human

<sup>16</sup> This is also noted by Davor Mezulić (October 2022, contribution in interview).

<sup>17</sup> Vesna Alaburić (October 2022, contribution in interview).

<sup>18</sup> The ECHR decision is *Delfi v. Estonia*. Vanja Jurić (October 2022, contribution in interview).

Rights (Mijić Vulinović, 2021). The Constitution prohibits any incitement to war or violence, to national, racial, or religious hatred, or to any other form of intolerance (Article 39), as well as it declares (Article 16) the protection of the freedoms and rights of other people, the legal order, public morals, and health as legitimate grounds for possible, but proportionate legal restrictions on rights and freedoms.

The Media Act (Article 3, paragraph 3) defines the conditions in which limitations to media freedom are acceptable “only when and to the extent necessary in a democratic society in the interest of national security, territorial integrity or public peace and order, prevention of disorder or criminal acts, protection of health and morality, protection of the reputation or rights of others, prevention of disclosing confidential information or for the purpose of preserving the authority and impartiality of the judiciary solely in a manner stipulated by law”.

Scholarly and expert debate have mostly focused on limitations to freedom of expression imposed by the protection of the right to privacy, honor and reputation, and against hate speech. In the political system that the country was part of before independence in the early 1990s, the legislation respected the reputation of state bodies and officials by protecting them from critical judgment and dissent (Jergović, 2003). During the early democratic transition period, in its 1997 version, the Criminal Code foresaw *ex officio* prosecutions for alleged defamation committed against public officials (Jergović, 2003; Badrov, 2007). This provision was repealed by a decision of the Croatian Constitutional Court in 2000, as unconstitutional, but it reflects the early struggles in democratizing conditions for freedom of expression in the country (Badrov, 2007).

In 2011, Croatia adopted a new Criminal Code (NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18) which entered into force with the beginning of 2013 to meet the standards required at the time for the country to join the EU (Maršavelski & Juras, 2019). The adoption of this law is sometimes described as the “[c]omplete criminal justice reform in respect of offenses against honor and reputation” (Božić, 2019, p. 591), as it abolished two earlier criminal offenses against honor and reputation: revealing personal or family circumstances (Article 202 in the 1997 Criminal Code), and reproaching a criminal offense (Article 203 in the 1997 Criminal Code), and introduced a new one – shaming (Article 148 in the 2011 Criminal Code) as the most problematic legal aspects in the decade of the 2010.

The 2011 Criminal Code recognized three specific offenses against honour and reputation: *insult* (Article 147), *shaming* (Article 148), and *defamation* (Article 149). The law faced several amendments due to perceived problems in practice, and the need for additional harmonization with the EU *acquis* and international documents (Maršavelski & Juras, 2019; Božić, 2019). The shaming offence was particularly problematized. The 2015 amendments to the Criminal Code (NN 56/15) renamed the offense in grave shaming, and then it was removed from the Criminal Code in 2019 (NN 126/19). This crime, before abolishment in 2019, was loudly criticized by journalists, and to a lesser extent also within academia (see, for example, Derenčinović, 2015). In their critical analysis of the fifth amendments to the Criminal Code, Maršavelski and Juras (2019) put forward that the proposer of the deletion; Ministry of Justice, justified this by a small number of criminal proceedings initiated for this criminal offense, with most resulting in acquittals, and because the comparative analysis showed that “shaming” is unknown in most EU member states (Maršavelski & Juras, 2019).

The state has not decriminalized defamation. The issue is continuously and widely discussed in both academic and professional literature, starting from the fact that it is a delicate area with potentially detrimental implications for the protection of freedom of expression (Badrov, 2007). In Croatia, there have been numerous amendments to the Criminal Code, especially concerning journalistic defamation (Badrov, 2007; Maršavelski & Juras, 2019; Božić, 2019, 2020). The 2006 amendments (NN 71/06) to the 1997 Criminal Code abolished imprisonment as a sanction for

defamation. Even though jail sentences were never carried out, there were several impositions of a prison sentence, albeit suspended (Peruško, 2011).

*Adequacy of legal defence.* The burden of proving the untruthfulness of the allegation, as well as that the perpetrator had knowledge that the allegation is untrue, lies with the plaintiff (Novoselec, 2016). This circumstance, claims Novoselec (2016), makes it more difficult to convict for defamation. In case of the insult, proof of truth does not absolve from liability for the insult arising from the manner of expression (Novoselec, 2016).

Following the 2015 amendments to the Criminal Code, the exclusion of unlawfulness is available for insult (and was available also for grave shaming before it ceased to exist as a criminal offense in 2019), if the perpetrator acted “in a scientific, professional, literary, artistic work or public information, in the performance of duties prescribed by law, political or other public or social activity, journalistic work or defense of a rights, and it has done so in the public interest or for other justified reasons” (Article 148a).

According to the Media Act, the publisher shall not be liable for the damage if the information which caused the damage is (Article 21, paragraph 4), among others, based on truthful facts or facts for which the author had justified reason to believe that they were truthful and he undertook all necessary measures to verify their truthfulness, while there was a justified interest on the part of the public for the publishing of that information, and if the activity was undertaken in good faith. The Act stipulates that the existence of liability shall be proven by the plaintiff, while the existence of preconditions for the release from liability for damage shall be proven by the defendant (Article 21, paragraph 6).

The tension between protecting privacy and ensuring freedom of expression has often been discussed by legal scholars in the country (see Alaburić, 2000; Derenčinović, 2015; Maršavelski & Juras, 2019; Božić, 2019; Mijić Vulinović, 2021). The “legitimate public interest” is recognized as the criterion for determining the limit of freedom of expression versus the right to respect for privacy (Mijić Vulinović, 2021). Politicians and other public persons who themselves attract public attention are required to demonstrate a greater degree of tolerance (Mijić Vulinović, 2021). This was not the case earlier when the 1997 Criminal Code did not distinguish between public and private persons, nor did it consider the truthfulness of the disputed claim (Jergović, 2003).

*Protection of journalist’s freedom.* While in the last two decades there are “generally no incidents of blatant intrusion such as outright state censorship or media shutdowns” (BTI, 2016, p. 8), experts and scholars continuously document and report on violations of journalistic freedom of expression (see Jergović, 2003; Bilić, 2020). The public service media HRT is perceived as controlled by the government and is criticized for censoring its own journalists (BTI, 2016).

Since the country’s independence there has been an increase in lawsuits and defamation charges against journalists raised by politicians, businessmen, and other public figures (Badrov, 2007; Skoko & Bajs, 2007; Bilić, 2020). In recent years this practice has been categorized and observed as strategic lawsuits against public participation (SLAPPs), which pose a serious threat to journalism and media freedom. In 2019, more than 1 000 were directed towards journalists by politicians and other public figures, with some of the lawsuits initiated by the HRT against its own journalists. This was also emphasized in the Ad-hoc study for the European Commission (Bárd et al., 2020), which highlighted that the generally high number of lawsuits against journalists supports the assumption that SLAPP has become a systemic problem which negatively impacts media freedom in Croatia.

In addition, there have been reported cases of excessive and unnecessary police actions against digital news media journalists investigating local politicians. Police also detained and brought to

the misdemeanor court a journalist regarding his satirical tweets, where he was found guilty of insulting the police (Bárd et al., 2020).

In recent years, another topic came into spotlight. The line between freedom of expression and hate speech, especially in the online context, has become a much-debated topic in the country, with a general attitude towards imposing regulation of hate speech online (Bilić et al., 2017; Roksandić Vidlička & Mamić, 2018). No such concrete measures, policy or legal actions have been adopted to ban hate speech in (social) media by 2020 (Bilić, 2020). In the Croatian legal system hate speech is criminalized through several provisions. However, as pointed out by Munivrana Vajda and Šurina Marton (2016) none of them is called “hate speech” (p. 441); the term is not approached in its entirety, and the criminality is prescribed for only some of its manifestations.

The new 2021 Electronic Media Act (Article 14, paragraph 2) prohibits in audio and / or audio-visual media services any encouragement or promotion of hatred or discrimination based on race or ethnic origin or color, sex, language, religion, political or other belief, national or social origin, property status, membership in trade union, education, social status, marital or family status, age, health, disability, genetic heritage, gender identity, expression or external orientation, as well as anti-Semitism and xenophobia, ideas of fascist, Nazi, communist and other totalitarian regimes. As per the Article 94 paragraph 2, providers of electronic publications are obliged to take all measures to prevent the publication of content that incites violence or hatred. Similar applies to video sharing platforms (Article 96) that are obliged to take appropriate measures to protect the general public from the videos generated by users and audio-visual commercial communications that contain incitement to violence or hatred against a group of persons or a member of a group. However, the provision is very broad and does not contain further details on such measures and their implementation.

The country has not adopted any new legislation to counter disinformation. The publication and dissemination of false news is mentioned only in the Act on Misdemeanors against Public Order and Peace (NN 5/90, 30/90, 47/90, 29/94) which states that “who invents or spreads false news, which disturbs the peace and tranquility of citizens, will be punished for the offense by a fine from 50 to 200 DEM in the equivalent of domestic currency or imprisonment for up to 30 days” (Article 16). The law prescribing this offense, with minor changes, has been in force since 1977, and it still prescribes fines in the former monetary unit of Germany. Unlike with most misdemeanors and criminal offenses, here it is the defendant who must prove the truth of the stated claims and not the prosecutor (Pravna klinika, 2020). This offense can be committed through negligence, so it is not necessary to determine the intent, i.e., it does not matter whether the perpetrator was aware of the characteristics of the claim, but only that the defendant spread false news, or that his behavior allowed it to reach more people (Pravna klinika, 2020). There is no indication that this has been used on journalists regarding disinformation / fake news.

Some legal scholars in the country have suggested that Croatia should consider the possibilities to hold online platforms (such as social media) responsible for harmful and illegal content published and shared on their services, in line with Germany’s Network Enforcement Act (NetzDG) which obliges the large platforms to remove content that appears manifestly illegal within 24 hours of having been alerted of it (see Roksandić Vidlička & Mamić, 2018).

The new Electronic Media Act steps into that direction as it obliges providers of video sharing platforms to take appropriate measures regarding the protection of the public from the program – videos generated by users and audio-visual commercial communications that contain incitement to violence or hatred against a group of persons or a member of a group (Article 96). However, the provision is very broad and does not contain further details on such measures and their implementation.

Following the adoption of the EU General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), Croatia has adopted the Act on the Implementation of the General Data Protection Regulation (NN 42/18). However, the country did not impose limits with regards to data retention that would prevent illegal monitoring of journalists by law enforcement authorities (Bilić, 2020), neither did it adopt legislation to reconcile the right to the protection of personal data with the right to freedom of expression and information, including processing for journalistic purposes.

The Act on the Implementation of the GDPR contains no specific provisions on data processing for journalistic purposes. No scientific literature has been found on this topic in the country. However, the prominent media lawyer Vesna Alaburić in an interview given to the *Global* newspaper highlighted the fact that Croatia failed to enact the possibility to exempt those who exercise their freedom of expression for “journalistic purposes” from specific GDPR rules and obligations, which resulted in the Personal Data Protection Agency (AZOP) (<https://azop.hr>) applying the GDPR in journalism in more or less the same way as in all other situations of actual processing of personal data (Grbavac, 2020). This lack of consideration of the public interest in journalistic processing of personal data, warned Alaburić, sometimes results in the AZOP asking a publisher to delete parts of the texts published, with the lawsuit having no suspensive effect, and litigation going on for years.<sup>19</sup>

The new Copyright and Related Rights Act (NN 111/21) entered into force on 22 October 2021. One of the main reasons for adopting the law was the transposition of the EU Copyright Directive (Directive (EU) 2019/790). The law allows for the use of copyrighted works for the purpose of informing the public (Article 201), with adequate reference to the source and authorship of the work. The provision is in line with the previous Copyright and Related Rights Act (NN 167/03, 79/07, 80/11, 141/13, 127/14, 62/17, 96/16). No literature has been found on whether journalists in Croatia enjoy effective protection from copyright laws.

### 2.3. Freedom of Information

The protection of the right to information is recognized in the Constitution and national laws. Access to public information is seen as an integral part of freedom of expression and a constitutional right since the 2010 (amendments to the Constitution). Article 38, which guarantees freedom of expression, also guarantees the right of access to information held by public authorities, stipulating that any restriction of this right must be proportionate and carefully accessed in each individual case, necessary in a free and democratic society, and prescribed by law. In the same Article, the Constitution specifically guarantees journalists the right to freedom of reporting and access to information. Journalists have a special legal position in accessing public sector information within the framework of Croatian legislation due to their special role in the democratic society – as professional information seekers (Rajko, 2012).

In the Media Act (Article 3) accessibility to public information is considered an integral part of media freedom. The Act stipulates that “bodies of executive, legislative and judiciary power and bodies of local and regional self-government units, as well as other legal and natural persons who perform public service and / or duty, shall be obliged to provide accurate, complete and timely information on issues from their scope of activity” (Article 6, paragraph 1), and especially to journalists (Article 6, paragraph 2). The public institutions are obliged to determine a person who shall ensure access to public information (Article 6, paragraph 3), do so “in an appropriate time framework” and be accountable for the accuracy of the information provided (Article 6,

<sup>19</sup> Vanja Jurić also notes that GPDR is often (mis)used by various institutions to evade answering journalists requests for information (October 2022, contribution in interview).

paragraph 4). The Act also stipulates fines for the authorized person in a body or legal person who denies a journalist information (Article 62, paragraph 1).

Croatia has the Act on the Right of Access to Information (NN 25/13, 85/15). The specific Act on access to information was first adopted in 2003, providing more precision around the timeframes and procedures to ensure access to information (Peruško, 2011). However, the implementation of that Act was facing some shortcomings detected through monitoring by civil society organizations (Peruško, 2011). In 2013 Croatian Parliament adopted a new Act, which laid down the right to access to information and re-use of information held by public authority bodies; as well as the principles, restrictions, and procedures for achieving the access; but the biggest novelty was the introduction of the Information Commissioner, an independent government body for protection of the right of access to information and re-use of information (NN 25/13). The Commissioner has a mandate to protect, monitor and promote the right of access to information and the right to the re-use of information (Article 35), with broad formal powers, such as appellate procedure, investigation, and sanctioning (Musa, 2019).

As per the Act on the Right of Access to Information, the public authority body must respond to the request for access to information within 15 days from the date of submission (Article 20). The deadlines for exercising the right of access to information may be extended by additional 15 days: 1) if the information must be sought outside the seat of the public authority body; 2) if the request pertains to numerous different information; 3) if this is necessary to ensure the accuracy and integrity of the requested information; 4) if the situation requires conducting the Proportionality Test and the Public Interest Test (Article 22).

The development of legal and institutional setting for ensuring the right of access to information through three stages “driven by the process of Europeanization in the field of public administration, democratization, the human rights development, and the fight against corruption, as well as the introduction of e-government, with a significant role held by civil society” (Musa, 2019, p. 340). The three stages are: (1) “the nascent phase (2003–2010)”, starting with the adoption of the first RTI law in 2003, but which lacked the institutional support for enforcement; (2) “the adolescent or intermediate phase (2011–2013)”, related to the constitutional protection of access to public information, and improvements of the RTI regime, in particular by designating the appeal procedure to an independent institution – the Personal Data Protection Agency; (3) “the mature phase”, which began in 2013 when the new law was adopted, including the Public Interest Test, better procedural safeguards, and a new, specialized independent body for the protection, monitoring, and promotion of the RTI (Musa, 2019, pp. 341–342).

The number of complaints filed to the Information Commissioner when access to information was denied in the period from 2011 to 2014 increased, showing a growing awareness of citizens about the right to access information (Vajda Halak et al., 2016).

*Legitimacy of restrictions on freedom of information.* In general, the (un)availability of public sector information in Croatia is regulated by a set of regulations that are not always harmonized with each other (Rajko, 2007, 2012), but are generally defined in accordance with international standards (Bilić et al., 2017).

The Constitution guarantees the security and confidentiality of personal data (Article 37). As an EU member state, Croatia has also transposed and implemented the GDPR. There is the Data Secrecy Act (NN 79/07, 86/12), and the Media Act stipulates the grounds for withholding of public information.

Both the right of access to public information (Article 38) and the right to the protection of personal data (Article 37) are constitutional categories. Following the adoption of GDPR, Croatia has adopted the Act on the Implementation of the General Data Protection Regulation. The country also has the Act on the Right of Access to Information, which is considered of great

importance in terms of the overall social development of the Croatia as a democratic social and legal state (Boban, 2012).<sup>20</sup>

In the Media Act (Article 6) the provision of information may be withheld when: “the requested information have been defined, in the proper manner and for the purpose of protecting the public interest, as a state or military secret”; “the publishing would represent a violation of the confidentiality of personal data in compliance with the Act, unless their publication may prevent the execution of a severe criminal acts or immediate danger to the life of people and their property”. If the public information is withheld, a responsible person is obliged to explain in writing the reasons for withholding information within three working days from the day on which the written request for information was received. Furthermore, in case of withholding of public information, a journalist has the right to file a complaint with the competent court, which should decide on the complaint under a special law in the emergency procedure.

Article 15 of the Act on the Right of Access to Information lists acceptable restrictions to access to information: “if the information concerns an ongoing investigation by public authorities”; “if the information is labelled as classified”; “if the information is a business or professional secret”; “if the information is a tax secret”; “if the information is protected by personal data and privacy laws”; “if the information is being generated by public institutions and the publication might affect the decision making process”; “if it is limited by international treaties”; “if publication would affect the efficient, independent and unbiased court, administrative or other legal process”; “if it would affect the work of bodies performing supervision, inspection and monitoring of the legality of certain actions”; “if it would violate intellectual property rights without a written consent of the author or owner”.

The Data Secrecy Act provides for four different degrees of classified data secrecy: top secret, secret, confidential, and restricted (Articles 6, 7, 8 and 9). In Article 16, the Act stipulates that “when there is public interest, data owner shall determine the proportionality between the right for data access and protection of the values stipulated in Articles 6, 7, 8 and 9 of this Act, and decide on maintaining the degree of secrecy, changing the degree of secrecy, declassification or exemption from the obligation to keep data secret”.

Proportionality and Public Interest Tests are defined in the Act on the Right of Access to Information (Article 16). The public authority that conducts the test should determine whether access to information may be restricted to protect some protected interests stipulated by the same Act or whether access to requested information should be provided. If the public interest prevails over the protection of protected interests, the information will be available.

*Journalists access to official documents.* Scholars often warn that there is a general trend towards widespread disregard for respecting the legally defined and timely delivery of requested information (Peruško, 2011; Vajda Halak et al., 2016; Bilić et al., 2017; Bilić, 2020). Their assessments are based on monitoring by civil society organizations and on the regular reports by the Information Commissioner. The Commissioner continuously reports about some public bodies deliberately stalling or delaying access to information: most appeals submitted to the Commissioner are due to the silence of the administration and the share of such complaints is continuously growing (Povjerenik za informiranje, 2020). At the same time, over 60 % of public authority decisions are illegal, and requests are often rejected despite publicly available guidance from administrative and judicial practice that has set clear standards of conduct.

In 2020, according to the Commissioner’s report, personal data protection was the most used legal restriction, with a high 65,38% of illegal decisions denying information for this reason.

<sup>20</sup> As mentioned above, GDPR is often used by institutions to evade the Act on the Right of Access to Information, Vanja Jurić (October 2022, contribution in interview).

This referred to the availability of information on the distribution of public funds (names and surnames of beneficiaries and amounts paid), which is determined by the Act on the Right of Access to Information and confirmed by the case law of the High Administrative Court of the Republic of Croatia. Another common and long-standing practice of avoiding compliance with the established standards of public data access is the use of trade secrets as a protective mechanism for denying information (Povjerenik za informiranje, 2020). This was so widespread that in 2020 in more than 80 % of appeal cases the Commissioner determined that it was not a trade secret (e.g., various payments, salary data, etc.), but rather that it was a matter of managing public funds.

The protection of journalistic sources is explicitly recognized in Croatia. Article 30 of the Media Act explicitly protects journalistic sources: a journalist, as well as editors and authors of published content who are not journalists, are not obliged to reveal the source of information that is published, or one intends to publish. As per the same Article, the state attorney can, if necessary for the protection of national interests, territorial integrity and health, request from the court a demand to the journalist to reveal the source of information (to be) published; and the court can give such order to a journalist if it is necessary for the protection of public interests in particularly significant and serious circumstances when it has been indisputably established that there is no reasonable alternative measure and that a legally based public interest to reveal the source overcomes the interest in protecting the source.

The Code of Ethics of the Croatian Journalists' Association (HND) states in Article 5 that a journalist "has the right to hide the source, but that he or she holds responsibility for the published content".

There have been no major court cases, news reports, or NGO reports on the infringement of the protection of journalistic sources.

In 2019, the Croatian Parliament adopted the Act on the Right of Access to Information ("whistleblowers") (NN 17/19). Pursuant to this Act, reporting irregularities in business operations is not considered a breach of business secrets. The Act protects whistleblowers from subsequent unfavorable treatment such as termination of the employment contract, harassment, salary reduction, disabling promotion at work, changing of the work schedule, and similar. The Act recognizes internal and external irregularity reporting. In accordance with EU Directive 2019/1937 on the protection of persons who report breaches of EU law (known as EU Whistleblower Directive), the Act stipulates that applicant should first use the internal reporting procedure, where it exists, to give the employer the opportunity to rectify irregularities and only then external reporting or disclosure (Ombudswoman, 2021). All employers employing more than 50 people are obliged to provide a possibility for internal reporting of irregularities, appoint a confidential person for internal irregularity reporting if such person is proposed by at least 20 % of the employees, protect irregularity reporters from damaging acts, undertake measures to terminate irregularities, and keep the data received in the irregularity complaint confidential. This process should be known and available to all employees.

External whistleblowing (to the public ombudsman or to the public) is set as a second resort: if there are specific obstacles to internal reporting, if there is an imminent threat to life, health or security, or if there is a possibility of large-scale damages or the destruction of evidence. In Croatia, a competent public ombudsman is authorized for external irregularity reporting.

The first report from the Ombudswoman of the Republic of Croatia for 2019 states that there was little time to evaluate the implementation of the law which was in force for only six months in 2019. However, the report also states that there were several requests from institutions, employers, attorneys and citizens on the interpretation and application of the Act, the scope of implementation, definition of reporting irregularities, and so on, which all indicate the fact that

the creation of the Act was not followed-up by sufficient informative activities explaining specific rights and obligations. The Ombudswoman report for 2020 shows that the potential whistleblowers are not sufficiently familiar with the law and legally defined procedures of reporting irregularities as there was a relatively small number of internal notification procedures conducted. The report also suggests that in some cases (potential) whistleblowers do not have confidence in the internal procedure and opt directly to the external reporting. There have been public cases of sanctioning whistleblowers. The most recent is that of Adrijana Cvrtila, whose whistleblowing and testimonies on the corruption in the local utility company led to the arrest of the mayor of Kutina and three other local politicians. It also led to her losing her job for which she is now fighting in court based on the Act for the Protection of Persons Reporting Irregularities (Prerad, 2022).

The Trade Secrets Directive (Directive (EU) 2016/943) has been implemented in Croatian law by the Act on the Protection of Undisclosed Information with Market Value (NN 30/18), in force as of 7 April 2018. The Act defines trade secrets as information that meets all of the following criteria: 1) it is secret in the sense that it is not generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; 2) it has commercial value because it is secret; 3) the person who is lawfully in control of the information, undertook reasonable steps to keep it secret. Disclosure and unauthorized acquisition of trade secrets, except when in the public interest, is a criminal offense punishable by imprisonment according to the Article 262 of the Criminal Code.

In the context of access to information, trade secrecy is primarily inherent in public authorities who perform some form of economic activity (companies in which the Republic of Croatia and local and regional government units have separate or joint majority ownership, and part of public institutions). Alen Rajko is one of the key authors discussing the intersection between the right of access to information and various grounds for restricting it. In his paper on Trade secrets of public companies in Croatian legislation and legal practice, Rajko (2015) highlights several aspects of consideration when trade secrets is used for restricting the right of access to information: there is a general content limit on restricting access, as well as a general time limit on the unavailability of information; the decision should be subjected to the test of proportionality and public interest; and trade secret does not constitute a basis for restricting the access to information when managing public funds is in question.

The Media Act contains media-specific provisions requiring the disclosure of ownership details to public bodies as well as regular updates of the ownership information to the public. Article 32 of the Media Act obliges publishers to report annually to the Croatian Chamber of Economy the company and headquarter information, names and residence of all legal and physical entities who directly or indirectly own stock or shares, along with the information concerning the percentage of stock or share. The Act also stipulates sanctions for non-reporting of ownership information (Article 59). In 2011 the Act was amended with a paragraph to Article 32 stating that any cover-up of the ownership structure by any means is forbidden. Yet, the Act does not have an explicit definition of the ultimate beneficial owner. According to the Act these can be either physical or legal entities. The obligation to inform the relevant public authority of any ownership change greater than 10 % has been in place since 1992, while the measures to increase the transparency vis-a-vis the public were broadened in 2003 (Peruško, 2011).

Before introducing the new Electronic Media Act in 2021, the old one was amended in 2011 to improve the transparency of the ownership structure of media publishers (up to natural persons) and prevent the transfer of broadcasting licenses (Peruško, 2012; GONG, 2013). The 2021 Act (Article 61) seeks to improve transparency of media ownership by requiring media service providers to report to the Agency for Electronic Media (AEM) (<https://www.aem.hr/en/>) name and surname and residence of all legal and natural persons who directly or indirectly became

holders of shares or business stakes in that media service provider, with information on the percentage of shares or business stakes. Media service providers are required to submit to the AEM certified copies of documents on the acquisition of shares or business stakes in that media service provider during the previous year and an excerpt from the Register of beneficial owners, except when the shares and stakes are less than 1 % of the capital value. They are also required to publish any change in ownership structure in the Official Gazette. The Act also prohibits any concealment of the ownership and contains a possibility of sanctions for non-fulfilment of all the listed obligations related to ownership transparency. However, this Act applies only to audio and audio-visual media and electronic publications. Printed press is a subject of the general Media Act, which does not contain such detailed requirements and it is currently not clear whether the printed press would also be included in this more detailed and integrated register of media ownership.

The Registry of Beneficial Owners (including media) (<https://www.fina.hr/registar-stvarnih-vlasnika>) was established as a publicly accessible register in January 2020, and all the legal entities were obliged to be enter their data by the end of 2019, following the EU directive.

Deficiencies related to media ownership transparency have been one of the key issues raised and discussed by the media scholars in the country (see Zgrabljic Rotar, 2003; Malović, 2004; Peruško, 2011, Peruško, 2012). The issue of the ultimate beneficial owners or individuals who ultimately control or own a media company remains problematic (Bilić, 2020). The study published by the civil society organization Citizens Organize to Monitor the Elections (GONG) in 2013, warned that the register of the AEM provides sufficient information on the formal owners of the media. For decades suspicion persists that behind some of the listed owners there are the hidden actual owners who exert influence. As this is of course illegal, there is no public information that could prove the situation either way. In the past, relevant information may have differed between different registers (i.e., the media ownership register of the AEM and the court register of companies) and, as GONG underlines, some publishers are reluctant in providing the complete and detailed information, especially if the requirement is not clearly stipulated by law.<sup>21</sup>

Since the introduction of the Registry of Beneficial Owners, the public can search this online registry free of charge and find out the natural persons who have been registered as owners of the media.

## 2.4. The Accountability System

### 2.4.1. Development and Agency of Change

Professional Croatian Journalists' Association (HND) and the Union of Croatian Journalists (SNH) are the key agents in the area of accountability. However, this is not due to their effectiveness and membership strength, but rather because there are no other instruments of professional and market accountability. Public accountability instruments are weak and fragmented, and political accountability is still not fully independent from political elites and their interests. The AEM is charged with oversight of content in terms of the legal requirements, and the public service HRT and HINA are subject to yearly reports to the parliament. HRT is also accountable to its Oversight board as well as to the government by way of the AEM.

The Ombudsman for human rights also has a role in protecting media freedom, but their role is limited by the political unwillingness of the ruling HDZ party to engage with the critique.

<sup>21</sup> Nada Zgrabljic Rotar highlights the problem of ownership transparency (October 2022, contribution in interview).

In terms of the media accountability for published content, it is the courts who finally have the last say if the matter is brought before them. A high number of SLAPPs is seen by scholars to pressure the media instead of improving their quality.

## 2.4.2. Existing Media Accountability Instruments and an Evaluation of Their Effectiveness

### 2.4.2.1. Professional Accountability

In Croatia, there is no press or media council. The idea of a media council in Croatia, as a media ethics self-regulatory body composed of journalists, editors, and members of the public, was discussed by Vilović (2009) but it never came to existence.

The main professional journalists' association in the country is the HND, which was founded in 1910, and which is a member of the International Journalist Federation (IFJ) and the European Journalist Federation (EFJ). It reports to have more than 2 500 members. HND publicly promotes professional standards and values of journalism and warns about various negative conditions that the profession is facing with. One of the HND's bodies is Journalistic Council of Honour, which monitors the behavior of journalists according to its Code of Ethics (HND, 2009). While it regularly issues warnings, breaches and severe breaches, these self-regulatory measures do not have enough strength or enforcement mechanisms to improve the overall professional standards and editorial independence in the country. The only sanction is that of a reprimand to the journalist and the media in which the offending content was published, and its publication on the HND website and in its journal (Skoko & Bajs, 2007).

The HND's Code of Ethics entails the key principles for journalistic conduct but has not been updated to account for various and emerging challenges that journalists are facing in the information environment where online platforms are playing increasingly important role in the production, distribution, and consumption of journalism.

### 2.4.2.2. Market Accountability

In Croatia, there are no media ombudspersons at the newsroom or media company level with an impact on journalistic practice. If existent, organizational codes of ethics with an impact on journalistic practice are not publicly promoted or available. The only exception is the public service media (HRT), which has its Code of Ethics and General Rules of Conduct, but the documents are no longer publicly available on the HRT website (<https://o-nama.hrt.hr/hrt/dokumenti-zakoni-pravila-pravni-akti-7761>). These documents have been discussed as deficient and overly restrictive to journalists (see Nenadić, 2020).

The status of journalists and conditions in journalism are often a topic in media discourse. The analysis of the most popular topic in Croatian journalists' tweets, conducted by Nenadić (2020) showed that journalism is the most frequent topic appearing in the Twitter posts of sampled Croatian journalists, after politics. Nenadić (2020) suggests that the high interest of journalists in discussing their own profession on Twitter may be related to the constant struggle of journalists in Croatia for economic stability, editorial autonomy, and respect for professional standards. We have not observed any practice of commercial media editorial blogs or streaming of editorial meeting that would qualify as online transparency tools with an impact on journalistic practice. There is an online publication MediaDaily (<https://mediadaily.biz/en/home/>) that follows developments in the media and telecom industry in Southeast Europe, with Croatian chapter.

### 2.4.2.3. Public Accountability

There are some media-critical initiatives and NGOs and academic centers which deal with media; however, it is not clear what is their impact on journalism practice. There are only two literature units found in literature review which at least partly deal with public accountability as discussed in the "MEDIADCOM" project. Civil society was important in forming media policy

at the end of 1990s, when a network of civil society groups and media experts demanded legislative changes to ensure media freedom (Peruško et al., 2011). In 2000s, there were public discussions held about the role civil society should have in the Council of HRT and in the Electronic Media Council, but besides media experts, civil society representatives were excluded from the discussions (Peruško et al., 2011). The only recent overview of public accountability is found in *The European Handbook of Media Accountability* (Malović, 2018). In this overview, Malović (2018) emphasized higher education institutions and journalism students as main actors in public accountability, citing student projects at the University Sjever and Faculty of Political Science in Zagreb.

Active academic and civil society organizations are listed below. They are engaged in public discourse through conferences, press releases and through Internet and social media. An important aspect of web-based media criticism is the fact-checking media platform, in Croatia called Faktograf. Besides that, there is no visible web-based media criticism by civil society actors in form of, e.g., media blogs with an impact on journalism practice. Furthermore, it is difficult to measure such meta-discourse as there is scarce research or data pertaining to this issue. Because of lack of literature on the subject, it was also difficult to capture longitudinal trends and critical junctures in public accountability.

The Centre for Media and Communication Research (CIM) (<https://cim.fpzg.unizg.hr/>), at the Faculty of Political Science, engages in media research and monitoring, focusing on media systems, media policy, media market, journalism, and media audience research. It is a Croatian partner in Reuters Institute Digital News Report since 2017, as well as in the Worlds of Journalism Study, which are visible projects with a potential to provoke public discussion on media. However, its activities are mostly focused on promoting academic research on media, rather than media-critical advocacy.

The Institute for Development and International Relations (IRMO) (<https://irmo.hr>) is a research institute whose Department for Culture and Communication engages in media research and monitoring projects. It is engaged in media policy research, and research on digital political economy, digital platforms, and labor. It is the Croatian partner in Media Pluralism Monitor since 2015, which is a visible project with a potential to provoke public discussion. However, its activities are mostly focused on academic research on media, rather than media-critical advocacy.

The Association for Communication and Media Culture (DKMK) (<https://dkmk.hr/>) is a non-governmental organization which focuses specifically on media. It is primarily focused on advocacy and educational activities in media literacy, mostly oriented towards children, young users, parents, and educational institutions. As it mostly focuses on media users, it has less impact in terms of public accountability of media and journalism.

Although the HND and the SNH belong more closely to the concept of professional accountability, they are also engaged in media-critical initiatives and advocacy. In 2021, together they organized a campaign “Local media to citizens, not to sheriffs”,<sup>22</sup> which advocates more autonomy of local media from (local) political power. These two organizations also organized a campaign #zajednobezmržnje (“together without hate”) in 2021, which discusses hate speech in public discourse and hate attacks oriented towards journalists.

Faktograf (<https://faktograf.hr>) is the biggest Croatian fact-checking organization. It was established in 2015 as a project from HND and the NGO GONG. Since 2021, Faktograf is operating as an independent civil society organization. It is registered as a non-profit media, a name used for

<sup>22</sup> The word “sheriff” in Croatia alludes to the position of local mayors and governments, who are usually perceived as governing without transparency and by capturing public institutions and local media.

the third sector or community media in Croatia. Faktograf is a member of the International Fact Checking Network. Since 2019, it is a member of Facebook Third Party Fact Checking program and is engaged in identifying and reviewing misinformation on social media. It is often under attack from certain political actors, media and civil society groups, and the attacks became especially pronounced during the COVID-19 pandemic, when Faktograf was engaged in fact-checking misinformation on COVID-19. However, as in recent period Faktograf is mainly financed by Facebook, it is unclear whether it belongs to the institution of public accountability.

Citizens Organize to Monitor the Elections (GONG) (<https://gong.hr>) is the most prominent non-governmental organization which deals with transparency, democratic process, political communication, digital democracy, the role of media in a democratic process and media and digital literacy. It was established in 1997, and in the beginning focused on the monitoring of the electoral processes but has over the year expanded its activities on monitoring and advocacy of wider democratic processes. It is actively engaged in advocacy of transparent governance and media autonomy. GONG is also engaged in research projects concerning media, political communication, and political and economic pressures on media. For example, it is a partner in the Croatian chapter of the European Digital Media Observatory (EEDMO); it was engaged in monitoring of hate speech during political campaigns and in media (Hoffmann, 2015, 2016); analysis of different political and economic pressures on journalism practice (Klancir, 2021); or ownership structure and influence of ownership on local media (Mirković & Žagar, 2013). Together with Human Rights House Zagreb, it developed an online tool for reporting hate speech in the media, on the Internet and social media (<https://www.dostajemrznje.org>).

The Human Rights House Zagreb (<https://www.kucaljudskihprava.hr>) was established in 2008 in Zagreb, connecting several civil society organizations that deal with human rights. Although media are not in primary focus, it sometimes includes media-critical initiatives in advocacy of human rights issues. For example, it organizes public discussions on the impact of digital platforms on human rights, discussions on the effects of media policy on human rights and hate speech in online media. It publicly advocates protection of freedom of speech and reacts on breaches of freedom of speech.

Kurziv is a non-governmental organization monitoring and advocating independent culture and media. Its activities are primarily focused on the digital media outlet Kulturpunkt (<https://www.kulturpunkt.hr/node/29>) which deals with independent culture and the media, organizing lectures, discussions, and workshops on the subject.

#### 2.4.2.4. Political Accountability

The media sector is overseen by the Ministry of Culture and Media, which only added media in its title in 2019. There are two media-related sectors in the Ministry: Sector for media and Sector for audio-visual activities and promoting entrepreneurship in cultural and creative industries. In Croatia, Media Strategy was announced and started to be developed by the Ministry during the left-liberal coalition government but was not adopted in the mandate (2011–2015). During this period, Ministry was engaged in numerous discussions with different stakeholders, ranging from media, professional journalists' associations, media experts, and civil society, and engaged in research on media system, and journalism in Croatia.<sup>23</sup> The result of these activities was a document named "Draft Proposal for the Media Policy of the Republic of Croatia until 2020", but the actual Media Strategy was never adopted. In this period, Ministry was also engaged in promoting media pluralism by establishing a subsidy program for community media and independent journalistic projects, which received some criticism for lack of transparency (Bilić et al., 2017). After the parliamentary elections in 2015, a new conservative government

<sup>23</sup> The list of the discussion and documents related to the process can be retrieved here: <https://min-kulture.gov.hr/izdvojeno/izdvojena-lijevo/mediji-16434/arhiva-9818/rasprava-o-medijskoj-politici/11833>.

came to power, and a controversial new minister became a head of Ministry of Culture. The new minister abruptly suspended the subsidy program and in his public speeches took an aggressive stance towards progressive media and independent culture. The Media Pluralism Monitor for 2016 evaluated the position of media during this period as: “there were social and political pressures towards the media regulator and an unfavorable policy towards the community, minority and non-profit media” (Bilić et al., 2017, p. 2). Following the new elections in 2016, a more moderate new minister, still under conservative government though, made another announcement of developing a Media Strategy (which never materialized). In 2021 Croatia enforced a new Electronic Media Act to transpose the 2018 EU’s Audiovisual Media Services Directive.

The post-socialist media policy in Croatia aimed at regulation of distribution of broadcasting frequencies, and while broadcast media were more heavily regulated, the press was expected to be self-regulated (Peruško et al., 2021). The first regulatory bodies for broadcasting were established in 1990s (Council for Telecommunication and Council for Radio and Television), and press council was never established. In the 1990s, regulatory bodies decided on licensing usually following political decisions and interests, and licenses were often given to actors close to the ruling political party (Peruško, 2012). Council for Telecommunication is most known for an act of censorship, when in 1996 it denied a broadcasting license to an independent radio critical of government (Radio 101), after which one of the largest citizen protests in Croatia was organized to protest the Council’s decision. After the protest and continuing public pressure, the decision was withdrawn.

The media policy and forms of regulation changed with the turn in government in 2000. The AEM is the main media regulating body set by a government, established in 2003, whose major role is licensing and regulation of electronic and online media and promotion of media pluralism and media literacy. It is also responsible for reacting on breaches of the Electronic Media Act, by issuing warnings or sanctions (for example, it is responsible for reacting on breaching on hate speech regulation in the media). It was established in line with the 2003 Act. The establishment of the AEM coincided with the turn towards the “pluralist media policy” with “lifting of restrictions on media freedom, liberalization of ownership, and the establishment of public service broadcasting” (Peruško et al., 2021, p. 157). According to the latest Act (2021), its duties are: licensing and registering broadcast and online media, media monitoring, issuing warnings and sanctions for breaching Act, ensuring protection of media pluralism (e.g., by issuing opinions on media concentration, and by managing a Fund for Media Pluralism and Diversity), reacting to citizen complaints, reporting to Croatian Parliament and European Commission, promotion of media literacy, promotion of media research and public discussions about electronic media, etc.

Electronic Media Council is the governing body of the AEM. Members of the Electronic Media Council are appointed by the Parliament based on the proposal of the government. There are seven members of the Council, including the president, and the Electronic Media Act defines that members of the Council cannot be connected to media companies or media connected companies, and cannot be state officials, to prevent the conflict of interest (Peruško et al., 2011). Since 2009, the mandate of the Council lasts for five years (Peruško et al., 2011). Electronic Media Council was constituted for the first time in 2004. The procedure for Council constitution was done according to the law, but it did not pass without criticism from civil society, who saw the process as untransparent (Peruško et al., 2011).

The evaluations of the impact of the AEM are often not very positive. After the politically biased regulation in 1990s, regulatory bodies have become more transparent in 2000s, and were on a path on becoming independent (Peruško, 2005; Peruško et al., 2011). However, bias towards powerful political or economic agents is still noted in decisions on license allocation, e.g., when

two large international media companies received licenses for new television channels in 2011, despite possible risks for media pluralism (Peruško, 2012). The AEM was at certain period under political pressure for its decisions. In 2016, the Electronic Media Council issued a three-day broadcasting suspension to a local television outlet as a sanction for hate speech in one of its programs. This decision provoked reaction from the radical right politicians, public figures, and civil society, who organized a protest and violently entered the AEM. After that event, the Government rejected the annual report by the Council of Electronic Media and proposed to the Parliament to vote for removing the members of the Council (Bilić et al., 2017, p. 4). Faced with strong political pressures, the president of the Council offered her resignation. After the failure of this Government in 2016, pressures towards the AEM waned (Bilić et al., 2017). Today, the AEM is often evaluated as having a passive role and not “sufficiently effective in terms of monitoring and market regulation” (Peruško et al., 2021, p. 161). In terms of reacting to hate speech in the media, it is also evaluated as not having a proactive role, but reacting only upon receiving complaints (Bilić et al., 2021).

#### 2.4.2.5. *International Accountability*

International actors in Croatia are present in the form of international professional organizations which cooperate with Croatian organizations, in the form of EU institutions, or international foundations.

HND and SNH are members of international professional organizations like International Federation of Journalists and European Federation of Journalists. HND is cooperating with Southeast Europe Media Organization (SEEMO). Unresolved issues in the Croatian media sector resulted with visits by the international mission for media freedom composed of several European media associations in 2016 and early 2018.

The Croatian Office of the European Parliament organizes conferences and discussions on the state of media and journalism in Croatia, and advocates and reacts on the issue of media freedom.

In Croatia, several German political foundations are operating and promoting public dialogue on various themes, including media. For example, Friedrich-Ebert-Stiftung (FES) and Konrad Adenauer Stiftung organize conferences and discussions about media policy and state of media and journalism in Croatia.

## 3. Risks and Opportunities in the Journalism Domain

### 3.1 Development and Agency of Change

The development and transformation of the media market in the first decade covered by this study (2000–2010) primarily took place through liberalization of the market and market entry of foreign owners, who soon became dominant agents in the market. The digital transformation after 2010 seems to have worsened already weak professional standards. The public service media is the largest news media organization in the country, which legally transitioned from a state broadcaster to a public service media in 2001. However, even to this day, it has not managed to position itself as politically independent and a leader in professional standards and technological advancements in journalism. A negative role was played by commercial media owners regarding the status of the public service HRT, with their lobbying and pressure to reduce their advertising time and public funding.<sup>24</sup>

<sup>24</sup> Antonija Čuvalo (November 2022, contribution in interview).

The economic crisis of 2008, followed by the COVID-19 pandemic, have negatively influenced the Journalism domain.<sup>25</sup> The main agents were the government with their aid packages (in the recent pandemic), and media owners who variously influenced the position of journalists. These risks were difficult for the journalists to mitigate. In the past 20 years, journalists have worked in increasingly deteriorating conditions, required to work more for lesser pay and in less secure circumstances. The linking of “fake news” to journalists/ism can also reduce their credibility, and the increased threats in the online environment have also contributed to the worsening of journalistic conditions over the two decades.<sup>26</sup>

### 3.2. Market Conditions

According to the register of the AEM, there are 31 digital terrestrial television channels broadcasting in Croatia – 153 radio broadcasters, 18 on-demand media providers, 177 Internet and satellite media providers, 437 online publications and 71 non-profit media (AEM, 2022). Among these, 11 are terrestrial television channels with national coverage – four public television channels (general HRT 1 and HRT 2, specialized culture channel HRT 3, and news channel HRT 4), two commercial general channels (Nova TV, and RTL), and five specialized commercial channels (entertainment Doma TV and RTL 2, CMC music television, children channel RTL Kockica, and sports channel Sportska televizija) (AEM, 2022). Of 153 radio stations, six are with national coverage (three public and three commercial). Other stations are either regional or local. In 2020, Croatia had 13 daily newspapers, of which three with general and national focus.

Croatian online journalism started establishing itself as the relevant media from 2000, and in 2003 they reached the legacy media in the number of users (Brautović, 2010). The development of the online media market was mostly led by the online natives, but in recent years among the most popular websites are also online publications by legacy media (Brautović, 2010; Galić, 2018). The 2020 Digital News Report by the Reuters Institute for the Study of Journalism of the University of Oxford shows that top five online publications are Index.hr (online native), *24sata* (tabloid daily newspaper), Jutarnji.hr (daily newspaper), Net.hr (online native), and Dnevnik.hr (linked to a commercial TV) (Newman et al., 2020). Legacy media’s online publications are not identical in content to their parent media, but rather report and present content in a way adapted to the online environment. In 2020, a new online medium, Telegram.hr, joined the list of top ten online media brands (Newman et al., 2020).

The overall list of the top ten media brands in the country (encompassing print, TV, and radio) is led by audio-visual programs. The most popular is commercial Nova TV News, followed by the public service broadcaster HRT News, and commercial RTL News (Newman et al., 2020). Amongst the top ten is also N1, a cable news channel launched in 2014 as a CNN affiliate and serving the region of former SFR Yugoslavia with headquarters in Belgrade, Sarajevo, and Zagreb.

Between 2015 and 2020, the Croatian media market employing about 4 000 people and made about 2.4 billion HRK in total annual revenues (app. 320 million EUR). The annual 2019 report by the Central Bureau of Statistics shows that there were 4 088 persons directly engaged in production of TV programs and 3 547 in the production of radio. It should be considered that due to the media convergence these figures should not be observed cumulatively but are likely to overlap significantly, even when taking the print and online media workforce into consideration. According to the 2011 census, the total number of persons with a journalistic profession (31 March 2011 is considered the reference date) were 5 452, of whom 525 were unemployed and 4 909 were working. Of the engaged journalists, 1 075 work outside journalism, most often

<sup>25</sup> This is also the opinion of Maja Sever (October 2022, contribution in interview).

<sup>26</sup> Maja Sever (October 2022, contribution in interview).

in marketing, advertising, and public relations. Thus, it remains that at the beginning of 2011, there were 3 852 working journalists in Croatia – 506 freelancers, and 3 346 with employment contracts.

The overall production of in-house TV program in 2019 was more than 200 000 hours, of which one quarter, or the most represented program in general, was information and documentary. In radio content, information program accounted for around 15 % of the overall production, while the music was more than 65 % (DZS, 2021).

Between 2000 and 2014 the commercial television market has grown from one national and 12 regional / local channels to seven national and 20 regional / local channels (Ministry of Culture, 2015). Commercial television revenues were also growing until 2008, when the global economic crisis struck, but their loss afterwards is relatively less than for other legacy media, and especially compared to newspapers who suffered the biggest loss (Ministry of Culture, 2015). In addition to the print news media, local television is another part of the Croatian media system significantly affected by the crisis, poor management, and non-sustainable business model (Ministry of Culture, 2015).

The media company Media Servis plays an important role in the radio market, producing radio programs and selling them to local and regional radio stations. The company was founded in 2002 and is affiliated with Radio Antenna (Peruško et al., 2011). The informative program by Media Servis is widely used by both the most listened national stations and the local ones, which reduces diversity and pluralism especially in local news offerings (AEM, 2015; Peruško et al., 2011).<sup>27</sup>

The trend in the print media market in the 2000s was an increase in overall publications, but a decrease in circulation of daily newspapers (Gavranović & Naprta, 2008; Peruško et al, 2011).

In the period between 2008 and 2013, following the global financial crisis, the conditions for the newspaper industry in Croatia were further exacerbated. The analysis provided by Vozab (2014) showed the constant decline in circulation of daily newspapers and shutting down of three newspapers that failed to cope with the challenges. The situation did not improve with the time as the analysis in fact showed the sharpest decline in circulation in the last year encompassed by the study. Furthermore, the advertising revenues for all media except online were reduced significantly, and the print media were hit by the biggest loss (Ministry of Culture, 2015; Vozab, 2014). However, not all the publishers were affected in the same way. While most newspapers in their financial statements reported the loss of sales and advertising revenues in the period from 2009 to 2013, *24sata* recorded an increase in revenue in 2013 (Vozab, 2014). To mitigate the losses, the leading newspaper publishers were mainly cutting the costs by dismissing their employees, laying off 22% of employees in the period from 2009 to 2013 (Vozab, 2014). The exception was again *24sata*, which increased the number of employees from 2008 to 2013.

The interesting thing about the Croatian case is that the biggest advertisers in the daily press for a certain period were the newspaper publishers themselves – Styria Medien AG, Europapress Holding, and Konzum, which operates under the same conglomerate (Agrokor) as the leading press distribution network (Tisak) (Vozab, 2014). According to the more recent data available from the media, the leading advertisers are telecommunication companies (also operating cable TV) and supermarket chains. Native advertising became so common that it is often not marked properly to differentiate it from the news articles.<sup>28</sup>

<sup>27</sup> The disappearance of journalists in radio programs was noted by Nada Zgrabljic Rotar (October 2022, contribution in interview).

<sup>28</sup> Gordana Vilović (November 2022, contribution in interview).

The main direct state subsidy to the media is provided through the Fund for the Promotion of Pluralism and Diversity, which is managed by the AEM in accordance with the Electronic Media Act. The Fund receives 3% of the total monthly funds collected from the HRT fee paid by citizens.

Some local governments also provide direct subsidies for local media – for example, the City of Zagreb awards small value grants for co-financing the production and publication of programs promoting topics relevant to the City. Furthermore, the Electronic Media Act (Article 38) requires state bodies, public institutions, and legal entities owned by the Republic of Croatia to spend 15% of the annual amount intended for advertising their services or activities in audio-visual or radio programs of regional and local television broadcasters and / or radio and / or online media registered in the Register of Providers of Electronic Publications, with the AEM.

**Table 1: Main media outlets in Croatia**

Public service media (type of funding)	HRT (Croatian Radiotelevision, television branch HTV, HR radio) (license fee and advertising)
Dailies (ownership)	<i>24 sata</i> (foreign owner, Styria Medien AG)
	<i>Večernji list</i> (foreign owner, Styria Medien AG)
	<i>Jutarnji list</i> (domestic owner, Hanza Media)
	<i>Slobodna Dalmacija</i> (domestic owner, Hanza Media)
	<i>Novi list</i> (majority foreign owner, JOJ Media House)
Main private TV broadcasters (ownership)	Nova TV (foreign owner, United Group)
	RTL TV (foreign owner, CEM Enterprises)
	N1 (foreign owner, United Group)
Main private radio broadcasters (ownership)	Otvoreni radio (domestic owner)
	Narodni radio (domestic owner)
	Antena radio (domestic owner)
Main digital media outlets (ownership)	24sata online (foreign owner, Styria Medien AG)
	Index.hr (domestic owner)
	Net.hr (foreign owner, RTL Group)

Source: adjusted and updated based on Peruško et al. (2021, pp. 178–179)

The Croatian media market in general terms may be seen as relatively diverse, especially considering the size of the market and its economic strength or lack of it. However, when focusing on specific media markets the concentration is high. Two publishing companies, Styria Media Group and Hanza Media, account for between 70 and 90% of the newspaper market (AZTN, 2021). Two commercial televisions (Nova TV and RTL) share five of the 11 national television channels and 80% of advertising revenue (Ministry of Culture, 2015). Two agglomerations control more than half of the radio market. The largest media owners in the country are foreign media corporations, and this has been the case, with some changes in ownership structures, for the past 20 years (Peruško, 2003; Peruško et al., 2011; Grbeša & Volarević, 2021). The expansion of foreign ownership in the Croatian media market took place from the beginning of the 2000s with the main investors initially being the companies from Germany, Switzerland, and the Scandinavian countries, especially in the print media (Peruško, 2003; Peruško et al., 2011).

The Austrian Styria Media Group owns two out of the three bestselling newspapers – the tabloid *24sata* and the general, conservative leaning newspaper *Večernji list* (Grbeša & Volarević, 2021),

and had the share of 50–60% in the daily newspaper market in 2020 (AZTN, 2021). The second position in the daily print media market holds Hanza Media, formerly the Europapress Holding (EPH), which was bought by a late prominent Croatian layer and businessman in 2014 when it was on the verge of bankruptcy (Grbeša & Volarević, 2021). EPH was the biggest Croatian print media company in which the 50% of ownership shares was held by German WAZ (Westdeutsche Allgemeine Zeitung, today Funke Mediengruppe) (Peruško, 2003). Hanza Media publishes a left-leaning general daily with the largest readership of non-tabloid daily press (the first is the tabloid *24sata*), *Jutarnji list*, and a variety of other newspapers and magazines (Grbeša & Volarević, 2021). In 2020, Hanza Media had a market share of 20–30% in the daily newspaper market, which represents a slight decline from 2019 (AZTN, 2021). The third publishing group is Glas Istre (with regional and local daily newspapers *Novi list*, *Glas Istre*, and *Zadarski list*), in which the controlling share is held by JOJ Media House, a.s. from Bratislava (Slovakia). It reached a cumulative market share of 10–20%, but is recording a stagnation (AZTN, 2021).

The data reported by the AZTN (2021) show that in 2020 all news dailies in Croatia together sold 42.9 million copies, which is significantly less than in 2019 (53.3 million copies sold). The decrease in sales was recorded for all news dailies. In fact, there has been a continuous decline in the copies sold between 2017 and 2020. The decrease is also recorded in advertising revenue – 22% less in 2020 compared to the previous year. When observed by individual publishers, the decline in advertising revenue for daily newspapers ranges from 11–36%. The largest share in the advertising market for 2020 was held by *Jutarnji list* (Hanza Media) at 20–30%. The same share was held by two dailies from the Styria Group together (*Večernji list* and *24sata*).

Commercial television media market is dominated by Nova TV and RTL, which are both owned by foreign companies. Until 2017, Nova TV was owned by the Central European Media Enterprise (CME) and today it is a part of the United Group, whose owner is the British investment fund, BC Partners (Grbeša & Volarević, 2021). German RTL owned seven channels in Croatia – RTL (general), RTL 2 (entertainment), RTL Kockica (children), and several specialized channels in cable TV. In February 2022, it was announced that RTL was sold to the subsidiary of the Czech investment group PPF – Central European Media Enterprises (CME), the former owner of Nova TV (HINA, 2022).

Public radio and television are the largest news media organization in the country, both in terms of the amount and variety of content produced and in the number of employees, the audience, and the scope of financial capital circulation in the industry (Ministry of Culture, 2015). HRT broadcasts four television and three radio programs at the national level, eight regional radio programs (Dubrovnik, Knin, Pula, Rijeka, Zagreb / Sljeme, Split, Zadar, and Osijek) and one international radio (Glas Hrvatske) via the Internet. It also has its online outlet Hrt.hr, which, in addition to a review of written news and program schedules, offers HRT programs on demand (Ministry of Culture, 2015).

### 3.3. Public Service Media

Following the closure of the daily newspaper *Vjesnik* in 2012, public service media in the country include the Croatian News Agency (HINA) and the Croatian Radiotelevision (HRT). HRT has four television and three radio channels at the national level. The fourth channel of Croatian Television began broadcasting in December 2012. The program is informative and consists mainly of daily news and current affairs programs.

The Croatian Radiotelevision Act (NN 137/10, 76/12, 78/16, 46/17, 73/17, 94/18) obliges HRT, as a public service media, to produce programs that meet the democratic, social, and cultural needs of Croatian society, guaranteeing pluralism and including cultural and linguistic diversity. Public service media remit is detailed in chapter 3 of the Act, highlighting, in particu-

lar, the role in: informing the public about political, economic, social, health, cultural, educational, scientific, religious, environmental, sports and other events and phenomena in the country and abroad and ensuring open and free debate on all issues of public interest; producing, co-producing and publishing feature, documentary and other audio-visual works, as well as various musical and radio works, contributing to the development of Croatian culture, arts and entertainment, especially with the intention of preserving Croatian national and cultural identity; producing and publishing educational programs for children, youth and adults, and scientific programs; programs intended for informing Croatian citizens outside the Croatia, as well as programs intended for the public in Croatia relating to the life, events and problems of Croats living outside the Croatia; programs for national minorities in the Croatia in the languages of national minorities; programs on persons with disabilities, encouraging also the translation into Croatian sign language; programs aimed at achieving gender equality; inform and educate about the preservation of cultural heritage and natural environment; about democracy, civil society and the culture of public dialogue; promoting religious culture and understanding between religions and religious communities; human rights, equality and political rights of citizens; broadcast sports events, entertainment programs, etc.

Even though HRT has formally undergone a transformation from state to public media in 2000s (Šalković, 2000; Car, 2011), the controversies about whether it serves the public or the government remain (Šalković, 2000; Zgrabljic Rotar, 2003; Popović, 2004; Grbeša & Volarević, 2021; Peruško et al., 2021). Grbeša and Volarević (2021) argue that the political influence over Croatian Television (as a part of Croatian Radiotelevision) is being exercised mainly through the management appointment procedures.

HRT is managed by the Director General. Other bodies of HRT are the Directorate, the Supervisory Board, and the Program Council. According to Article 19 of the HRT Act, the Director General of HRT is appointed and dismissed by the Croatian Parliament. The call for appointment is published by the Supervisory Board of the HRT, which receives applications, gives opinions on formal criteria in accordance with the Act and HRT Statute, and then passes applications to the Parliamentary Committee on Information, Computerization and Media. The Committee conducts interviews with candidates and files a proposition to the Croatian Parliament on the most suitable candidate. With a simple majority of votes, the Parliament elects the Director General for a five-year mandate.

The Supervisory Board has five members, four of which are appointed by the majority vote in the Parliament and based on a public call issued and managed by the Parliamentary Committee on information, Computerization and Media. The fifth member is a representative of HRT employees, in accordance with the HRT Act and the Labor Act (NN 93/14, 127/17, 98/19). Supervisory Board members elect their president and deputy. Their mandate is four years.

The Program Council has 11 members, nine of which are appointed by most votes in the Parliament and based on a public call issued and managed by the Parliamentary Committee on Information, Computerization and Media. Two members of the Council are elected by journalists and other HRT employees who creatively participate in creating the program.

According to the EU-wide Media Pluralism Monitor, the specific indicator on the Independence of PSM governance and funding scores a high risk. Authors of the report for Croatia, Bilić et al. (2021), motivate this score with the high dependency of the PSM management appointment procedures on the Croatian Parliament that in this case decides by a simple majority and thus does not require a political consensus. For the Media Sustainability Index (IREX, 2019), Tena Perišin, a professor of television journalism at the University of Zagreb and former journalist and editor with the PSB, said that Croatia has tried many different governing models for PSM, but it is more about the democratic culture in the country in general than about a governing model. Peruško (2021a) shows how the institutional stability of PSM in the socialist times,

especially in terms of the license fee it collected directly, carried over in Croatia also post-1990. The lack of a social consensus about the required role of the PSM in society (one of the four requirements for PSM success according to Paolo Mancini, 2014) is probably to blame for the troubled consolidation of an independent position of the HRT.

In the past 20 years, HRT was facing constant management and political crises, which contributed to the “steady deterioration of program quality, a decrease in public trust and a continual drip in HRT program ratings” (Car, 2019, p. 93). Car (2019) warns that the quality of programming has been a low priority on the management’s agenda, and hardly any attention has been paid to the working conditions for journalists.

Furthermore, with the arrival of commercial televisions in the early 2000s, HTV began to popularize and commercialize its program to maintain its market position (Car, 2011, 2019). Trying to please a wider audience it has included many soap operas and other entertainment in its program, at the expense of high-quality educational, documentary, children’s, and cultural programs (Car, 2011). The opposite of what was expected, this was drawing viewers away (Car, 2011). Furthermore, due to its perceived political bias, HTV’s primetime newscast lost its highest market share to commercial television Nova TV around 2010 (Car, 2019).

HRT has dual financing from the license fee and from time-limited advertising. Article 35 of the HRT Act determines the license fee at 1,5% of the average net salary in Croatia based on the statistical indicators of the previous year. According to Article 37 of the same, advertising is allowed for nine minutes within one hour and four minutes within one hour during prime time (18:00 to 22:00). The funding of HRT has been stable and based on the obligatory license fee paid by the public. A risk was introduced with the introduction of the program contract, with which the government has the possibility to reduce the license fee for the next contractual period, and in that way the public service broadcaster may be inclined to propose a favorable editorial policy.

HINA is the leading news agency in the country. It receives basic financing from the State Budget and has also been a beneficiary of some public funds (Ministry of Culture, 2015), which raised concerns related to unfair state aid as HINA also performs commercial activities by selling its products and services (Ministry of Culture, 2015). The relevant research shows that there have been no major reports and indications of the overt political influence on HINA in recent times, but the parliamentary appointments of its Management Board is still seen as a potential bottleneck for appointing politically favorable candidates (Bilić et al., 2021).

### 3.4. Production Conditions

According to the IREX Media Sustainability Index (2001–2019) that evaluates media sustainability in relation to five areas – free speech, professional journalism, plurality, business management, and supporting institutions – in 2001 Croatia performed worst on plurality, while in 2019 the lowest scoring was on professional journalism. The report highlights that “while there are active pockets of good journalism in Croatia, the indicators of professional standards in journalism have been in decline long enough that it can almost be considered an irreversible trend, rather than just the consequence of a temporary industry crisis” (IREX, 2019, p. 6). The report, which is based on a panel with a small number of experts (journalists and members of NGOs), also states that plagiarism is a matter of daily practice, the reporting often lacks background information and context, and that niche reporting, including investigative or business reporting, is essentially extinct. Their rating of Croatian media in 2019 as unsustainable is a little over the top, reflecting more the critical position of the expert panel than the actual comparative position of this media system in relation to other SEE or EE media systems.

HRT began the process of digitalization and automation in 2001, which resulted in the acceleration of news production processes, increased editorial control over journalists' work, centralized newsroom organization, and introduced new work routines (Brautović, 2009). How things worked prior to the newsroom computer system implementation is best illustrated by one of the interviewees in Brautović's (2009) study: "I was raised to work according to the principle – You are a journalist, you do not touch the equipment. To this day, I have a mental hindrance when a rough cut is needed. I always remember the editor warning me not to touch the knob " (p. 32). Today, of course, journalists are expected to be familiar with and use the digital equipment, and those with such knowledge are preferred in comparison to more seasoned journalists without it.<sup>29</sup>

At the end of 2012, HRT announced its reorganization towards the convergent integrated newsroom and the establishment of a single news media service serving different media platforms (Perišin, 2013). However, as Perišin (2013) notes, from the very beginning of the process its rationale and goals were not communicated effectively, which resulted in most staff being skeptical and resisting the true change.

### 3.5. Journalists' Agency

The status of journalists in Croatia is vulnerable and journalists are very poorly protected both economically and professionally, particularly from SLAPPs. Unions are not well established in many of the commercial media, and journalists working in commercial media often do not have protection in the form of collective working agreements.

A limited number of studies looked at how journalists in the country are adopting new technologies and platforms, and how digitalization may be affecting newsroom dynamics. Available studies are focusing mainly on how media / journalists are sourcing news from blogs (Brautović, 2007), and particularly from social media (Šošić, 2019; Volarević & Bebić, 2013) or on how journalists perceive the importance of social media in their work and in content production (Žlof et al., 2014). In one of the first studies to explore the frequency of sourcing news from social media by television journalists in Croatia, Volarević and Bebić (2013) found that there was an increasing relevance of Twitter as a source of information, along with Facebook. With content analysis they examined the extent to which the news reports of two leading television channels (one public, one commercial) contained information derived from social media. Findings showed that public HTV usually used social media as a source of hard news, while commercial TV (Nova TV) explored social media more in the context of entertainment. In her later study, Šošić (2019) found no statistically significant difference among public and commercial channels in the frequency of using social media to source news.

Gordana Vilović <sup>30</sup>notes that the important development of investigative journalism in the past 20 years is the result of the dedication and professionalism of journalists alone, and the reason that many corruption stories have been uncovered.

### 3.6. Journalists' Organizational Working Conditions

In 2015, within the preparatory activities for the discussion on the media policy of the Republic of Croatia 2015–2020, the Ministry of Culture published results of a survey on the experiences and attitudes of media workers in the country (the survey was the WJS questionnaire referenced in Peruško et al., 2016, with some added questions). The survey was carried out between 13 December 2013 and 29 January 2014 via an online questionnaire sent by email to 2 703

<sup>29</sup> Nada Zgrabljic Rotar (October 2022, contribution in interview).

<sup>30</sup> November 2022, contribution in interview.

addresses of journalists from print, online, radio and television media, and the invitation was accepted by 661 (24%). More than 80% of respondents claimed that the time available for journalistic research has (significantly) decreased. Even more respondents claimed that the commercial and owners' influences have grown and even surpassed the political interference in editorial autonomy. Working hours have increased dramatically and are largely unpaid, and there are increasing numbers of temporary contracts and freelancers. The working conditions have consistently been deteriorating over the past years, due to the global economic crisis but also local market conditions and inability of publishers to find a sustainable business model in the environment where advertising is largely consumed by a couple of global technology companies (Bilić & Primorac, 2018).

The COVID-19 pandemic only further exaggerated already poor working conditions for journalists. At the SNH assembly in late September 2020, it was reported that media employers take advantage of the pandemic as an excuse for reducing journalists' rights and putting the financial burden of covering losses on the employees. The leader of the Union emphasized that the local media are suffering the most, especially independent journalists and freelancers. Among the issues, union members from different media emphasized reduction of pay which is higher than the income loss, cancelling travel subsistence even though journalists do their fieldwork, lack of financial compensation for work-at-home options, etc. At the same time, journalists working in commercial media often do not have protection in the form of collective working agreements, as do journalists on public service media such as HRT and HINA.

According to a non-scientific survey conducted by the HND and the SNH in 2020, 85% of surveyed freelancers and external collaborators, lost all, most, or half of their work assignments since the beginning of the crisis caused by the COVID-19 pandemic. In the first year of the pandemic salaries were reduced by 30 % in Hanza media (one of the major print publishers), although all the media companies received state support for economic recovery. A similar situation happened in Styria (another major print publisher), where salaries were reduced between 5–25%. Some salaries were later resumed, but the overall effect of the pandemic on journalists remains a negative one.<sup>31</sup>

### 3.7. Intra-Organizational Diversity of Human Resources

The study by Peruško et al. (2016) for the Worlds of Journalism Study project showed that most working journalists in Croatia are women (53,9%); the average age of journalists in Croatia is 44,69; more than 70% have a university degree, the majority in journalism or communication studies (53,0%). Half of the journalists surveyed had more than 20 years of experience, gained in one or two newsrooms. Most of them were full-time employed and without a specific beat, instead covering various topics and subjects (Peruško et al., 2016).

In mid-2013, the public service HRT had 3 358 employees – 41% women and 59% men (Ministry of Culture, 2015). HRT does not have a comprehensive gender equality policy, nor is there a provision on gender equality promotion in the programs of the PSM in the Agreement between the Government and the Croatian Radiotelevision (2018–2022). According to Bilić et al. (2021), women are underrepresented in the PSM Program Council and executive roles.

According to the Central Bureau of Statistics, in 2020 all radio stations in the country had 3 510 employees directly engaged in production of the programs (42 % were women). In the management boards of private TV companies, women are represented, but not at the executive levels. In news and current affairs broadcasting women are largely underrepresented or presented in a stereotypical way, claim Bilić et al. (2021).

<sup>31</sup> Maja Sever also points to the reduced number of union collective agreements which decreased from 11 in 2000 to 2, making journalism an increasingly precarious work (October 2022, contribution in interview).

In 2014 and 2015, the AEM monitored the Visibility of Women and Men in the Central News Programs of Three Most Watched National Televisions and found that women are almost equated with men as news anchors and journalists, but their statements and opinion as experts make up less than a third of the views expressed by individuals in central news programs.

Similar study was published by Car et al. (2017), who examined a correlation between authorship and representation of women and men in television news. The study found that women took leading positions in central news programs by authoring 42,6% of the analyzed news, while men were at 23,9%. Editorial positions were held in almost equal proportions (38,33% women and 39,44% men). However, men were more visible as news authors as they more often appeared in the author's role in front of the camera, and they were more often presenters of the news program (60%). Women were strongly underrepresented as news sources and experts in news programs, appearing four times less than men (Car et al., 2017). There is a noticeable pay gap in the "information and communication sector" (which includes journalism), and hierarchical and sectorial segregation in Croatian media organizations (Car et al., 2017; Vozab & Zember, 2016).

### 3.8. Journalistic Competencies, Education, and Training

University journalism education in Croatia started developing late. First journalism university program was established at the Faculty of Political Science in Zagreb in 1970 (Peruško et al., 2021). There are now many media and journalism education programs at several public and private universities and faculties in Croatia, and the number of enrolled students is considered too high in comparison to market demands (Car & Bukvić, 2016). There is a variety of forms of journalism education: "high education scientific and specialist study program at public universities and private schools, as a study program for postsecondary education and in the form of vocational training for both young and professional journalists, organized by their employers or by professional associations" (Zgrabljić Rotar & Vrljević Šarić, 2009, p. 373). Although initial motivation for studies in media and journalism is high among students, it decreases with time, and more students prefer to choose a career of a public relation specialist, rather than journalist (Car & Bukvić, 2016; Majstorović & Vilović, 2012). The dissatisfaction with media and journalism studies is also driven by the student's perception of a lack of practical training and skills acquired at such study programs (Car & Bukvić, 2016; Majstorović & Vilović, 2012), even though the largest such program at the University of Zagreb includes a TV and radio studios and programs as well as a monthly newspaper.

There are a limited number of studies looking at how journalists in the country are adopting new technologies and platforms, and how digitalization may be affecting newsroom dynamics. Available studies are focusing mainly on how media / journalists are sourcing news from blogs (Brautović, 2007) and particularly from social media (Šošić, 2019; Volarević & Bebić, 2013) or on how journalists perceive the importance of social media in their work and in content production (Žlof et al., 2014). In one of the first studies to explore the frequency of sourcing news from social media by television journalists in Croatia, Volarević and Bebić (2013) found that there was an increasing relevance of Twitter as a source of information, along with Facebook.

### 3.9. Professional Culture and Role Perception

One of the rare and recent investigations of journalism culture in Croatia was conducted by Peruško et al. (2016), within the Worlds of Journalism Study project. Surveyed journalists saw their role in society primarily as the watchdog, striving to monitor and to hold the government or any other power to account. The same study showed that journalists self-perception deviates from the objectivity norm if they understand their role as being more an advocate of social

change. Authors consider this to be related to the (relatively) recent change of the political system, democratization, and “the view that the media should assist in this change” (Peruško et al., 2016, p. 1).

Nenadić (2020) explored the extent to which the practice of Croatian journalists on Twitter departs from the normative professional principles and routines, such as objectivity, gatekeeping, verification, and the separation between journalistic work and commercial practices. She found that “journalists in Croatia continue to recognize the traditional boundaries of their work into the social media realm, but they are adopting the cultures of self-expression and self-promotion in a way that sometimes deviates from organizational and institutional principles” (Nenadić, 2020, p. 142). Her research also reviewed the availability of social media guidelines for journalists in the country to navigate their social media use from a professional perspective. Most media organizations in Croatia, if they have them, do not make their social media guidelines public. The guidelines provided by the public service media to their journalists in 2013 framed social media primarily as a risk and focused more on setting the boundaries to journalists’ social media use (Nenadić, 2020). The HND has a general Code of Ethics but no specific social media guidelines.

Recent study among journalism students found that the most valued journalism roles in Croatia are those of a detached observer and the watchdog role, which is perceived as more important than giving commentary and opinion (Pjesivac & Imre, 2018, p. 13). Worlds of journalism research found that “reporting things as they are” is the highest appreciated value in Croatia (Andersen et al., 2017; Peruško et al., 2016).

## 4. Risks and Opportunities in the Media Usage Domain

### 4.1. Development and Agency of Change

Structure aspects of media use have a powerful effect on agency (Peruško et al., 2015). We can see that many changes in audience preferences are a result of the transformations from the structural level (liberalization of the media market in early 2000s, and digital transformation from late 2000s / early 2010s, which changed the supply of media and access to media content). There are several longitudinal trends which can be noticed from our literature review: decline of the public television audience shares, decline of newspaper audiences, rise of online news media audiences (both online editions of newspapers, and digital born media), a rising access to news through social media platforms as intermediaries, and a trend of news avoidance and emergence of “minimal” news users.

Commercialization and liberalization of the media market, internationalization of ownership in the media, digitalization of transmission and production in the media together with increasing access to fixed and mobile online services, as well as the rise of the media platforms, have all influenced the new media affordances of Croatian citizens. These trends have been shaped by national and international policies by governments and tech corporations. Research shows that the structural framework in individual countries influences media usage patterns (Peruško et al., 2015), but the agency also exists at the level of media users – everyday media use by individual citizens is also shaped by their individual or collective traits, within the context of their media system framework. Their collective media / genre choices impact media programming and thus individual agency is made visible.

## 4.2. Agency of Media-Users and Analysts

Croatia has four media generations that differ according to media use: the largest group consists of the traditional media users, followed by digital immigrants, digital users who read newspapers, and digital users who avoid newspapers (Čuvalo & Peruško, 2017). Digital immigrants have the broadest news repertoire and prefer reading newspapers both in print form and on the computer, while digital users prefer to read them via mobile phone. Higher education is correlated with belonging to the digital immigrant and digital users who read newspaper. Highest share of traditionalists can be found among those born in 1960s and before, digital immigrants among those born in 1970s, while highest share of digital users belong to millennials and generation Z born in the late 1980s and later (Čuvalo & Peruško, 2017).

Gender is shown to be important in determining preferences for television channels with sports programs, and older audiences prefer public television channels (AEM, 2013). The analysis of characteristics of young television audiences in Croatia found that cultural capital divides audiences based on their television preferences into those preferring domestic spectacle television genres – those with lower cultural capital prefer domestic programs and lighter entertainment), while those with higher cultural capital prefer foreign fiction (Krolo et al., 2020).

Media use of children is especially studied as a vulnerable group, especially regarding their online behavior. Other social groups that might be at risk for exclusion – the elderly, homeless, less educated, or rural populations – have only been sparsely studied regarding their media use habits (a recent study that investigated the digital exclusion of the rural population has not yet been published and is thus not included here).

## 4.3. Access to News and Other Media Content

The consequences of the liberalization of the media market were multifaceted. First, the supply side of the media market was diversified, with larger number of brands offered both on the electronic and digital media market (Peruško, 2012; Roller, 2014). The diversification and the structure of the media market is described in detail in the Journalism domain. Although the neo-television age came later in the post-socialist context in 2000s, it offered diversification of television programs and genres (Peruško & Čuvalo, 2014). However, the largest diversity of programs and genres could be found in the public television, since private television channels offered mostly entertainment and fiction content (Peruško & Čuvalo, 2014). The social inclusiveness of the media is evaluated as lagging, especially in the women's access to media (Bilić et al., 2021). Croatian public service media are obliged by law to produce content for minorities, however, "media access in practice is reserved to ghetto-like broadcasts in the least popular program slots poorly visible to the general public" (Bilić et al., 2021, p. 13).

Second, these changes influenced the position of the public service HRT, especially its television division, which now for the first time had to compete with commercial television channels. Despite the higher number of media outlets and increased supply of digital media, television still holds the highest position among audiences in Croatia (AEM, 2016; Car & Andrijašević, 2012; Vozab & Peruško, 2021). Although younger digital audiences follow television less, it is still important in their media repertoires (Čuvalo & Peruško, 2017). Television is still mostly viewed linearly on the traditional television set at home (AEM, 2016; European Commission, 2021b). From 2000 to 2010, Croatian public television channels attracted largest shares of audiences. In 2002, three public television channels had an 87,1% audience share, and in 2010 first public television channel still had the highest audience share (26,9% as opposed to second most popular private television channel Nova TV with 23,2%) (Peruško, 2012). This position changed in 2011 when Nova TV took the first place in audience share, and the viewership of Croatian public television since then has been either in the stagnation or decline. Since then,

Nova TV had consistently held the first position in prime-time audience share (AEM, 2013, 2016; Vozab & Peruško, 2021). In 2012, HRT 1 (first public television channel) still held the second position which was shortly after overtaken by RTL, and HRT 1 is now holding the third place in viewership (AEM, 2013, 2016; Vozab & Peruško, 2021).

Third, despite of diversification of channels, programs and genres, the amount of content in public interest has been in decline (e.g., news and information, science and education, culture) (Peruško & Čuvalo, 2014). In the early 2000s, while Croatian public television didn't have stronger competition from private television broadcasters, the most aired genres on its three channels were film and television series (34%), news and information programs (19%), sport (12%) and entertainment (10%) (Peruško, 2005, p. 457). Educational, children's and youth programs were each represented by 6% (Peruško, 2005, p. 457). New private television channels mostly offered entertainment and fiction programs, so content in public interest had a smaller share in the total broadcasted television content (Peruško, 2009; Peruško & Čuvalo, 2014). In 2000s, public television had a higher diversity of programs and genres, higher share of content in public interest and higher share of news and information programs in comparison to commercial televisions with national coverage (Peruško, 2009). From 2005 to 2009 on all television channels combined, the most aired programs and genres were news, comedy, children's programs, and drama (Peruško, 2009). In 2009, a sharp rise of light entertainment programs like reality television were noted (Peruško & Čuvalo, 2014). Television genres with highest shares on Croatian television channels in 2016 were film (14%), reality television (13%), and comedy (11%). Cultural programs were represented with only 1%, current affairs 4%, documentary 5%, and news with 9% (Peruško et al., 2021).

**Table 2: Audiences of the most popular terrestrial television channels with national coverage in 2016 (population over 4, share %)**

	Nova TV	HTV 1	RTL	HTV 2	Doma TV	RTL 2	HTV 4	RTL Kockica	HTV 3
All day share %	22,9	15,4	13,2	8,1	5,4	5,3	3,7	3,4	2
Prime time share %	31,8	12,4	15,5	7,9	5,9	4,8	1,7	2,3	1,4

	All day share %	Prime time share %
United Media Group (BC Partners) (Nova TV, Doma TV)	28,3	37,7
HRT (public service) (HTV 1, 2, 3, 4)	29,2	23,4
Central European Media Enterprises (PPF) (RTL, RTL 2, RTL Kockica)	21,9	22,6

Source: adapted from Agencija za elektroničke medije (AEM, 2016)

Besides digital terrestrial channels, Croatian audiences follow channels available through IPTV and cable providers. Some of the most popular are news channels N1 television (regional affiliate of the CNN for the Southeast Europe, operating from 2014) and Al Jazeera Balkans established in 2011 in Sarajevo (as part of the Qatari owned and financed Al Jazeera Media Network). DNR shows that N1 had 11% of digital news audiences in 2017, which rose to 19% in 2021 (those who watched it at least once a week, Peruško, 2017; Vozab & Peruško, 2021). Al Jazeera Balkans had around 10% of digital audiences from 2017 to 2020 (Peruško, 2017, 2020).

Radio audiences decreased from 68,4% in 2002 to 65,4% in 2006, and to 49,8% in 2010 (Mučalo, 2010, p. 81).<sup>32</sup> Still, radio has a prominent position in Croatian media use (Peruško et al., 2017b), although it is often excluded from the media audience analysis (Mučalo, 2010). There are several radio stations on the list of the 15 most popular traditional sources of news in 2021 (Otvoreni radio, Narodni radio, Radio Antena, and local radio stations in general) (Vozab & Peruško, 2021). Survey from 2013 found that almost 50% of young audiences were daily radio listeners, mostly via the radio set, and mostly listening to music (77%) (Mučalo & Knežević, 2014). Radio is an important source of news and a part of different news repertoires (Peruško et al., 2017b). However, the problem with available research on radio audiences is that it was mostly focused on traditional use of radio, and not on its nonlinear forms, like online streaming. There are fewer radio listeners among digital generations, but these generations are also more likely to listen to radio on their mobile phones (Čuvalo & Peruško, 2017). There is a rising popularity of podcasts in Croatia – 39,3 % of audiences listened to podcasts in 2020, and the share rose to 42,4% in 2021 (Vozab & Peruško, 2021). Most popular themes of podcasts in Croatia are lifestyle, specialist themes (e.g. science, health, business), and news, politics, and international events (Vozab & Peruško, 2021).

Croatia has characteristics of polarized pluralist media system model, so newspaper readership has never been very high (Peruško, 2012). However, newspaper market has been in stark decline, and newspaper audiences are increasingly turning to online editions of newspapers (Vozab, 2014). Available data show a noted drop in daily newspaper readership from 2005 to 2010 (Car & Andrijašević, 2012, p. 22). In the five-year period from 2008 to 2013, daily newspaper circulation has dropped for 53% (Vozab, 2014). However, in a survey from 2014, 58% of audiences listed newspapers a source of news which they follow at least once a week (Vozab, 2014). The decline in newspaper circulation is continued from 2013, and for example, circulation has dropped for another 19% from 2019 to 2020 (AZTN, 2016, 2021). Reuters DNR (Newman et al., 2020) finds that newspapers are with time less popular as sources of news (6,1% of digital audiences preferred newspapers as sources of news in 2017, and 5,6% in 2020, and a large drop to 3,6% was noted in 2021) (Vozab & Peruško, 2021). Large drops in circulation from 2019 to 2020 and in interest in newspapers as sources of news in 2021 could be also ascribed to the COVID-19 pandemic, when newspaper readership fell due to lockdowns.

<sup>32</sup> Although data for 2002 and 2006 come from different source than data for 2010, so the difference might be also caused by difference in methodology.

Alongside the declining newspaper readership, online audiences are on the rise. Households are with time more equipped with ICT – in 2005, 30,1% of households had a personal computer, in 2010, 60%, in 2015, 77%, which is a share which stayed until 2022 (DZS, 2008, 2011, 2015, 2020). Mobile phones are the most used communication technology, and already in 2010 the penetration was 139,57% (Car & Andrijašević, 2012). In 2017, access to news and information was fourth most common use of the Internet (64,6% of Internet users, after e-mail communication, search for useful information, and instant messaging) (Bilić et al., 2017). The five largest daily newspapers which have had a declining circulation (*24sata*, *Večernji list*, *Jutarnji list*, *Slobodna Dalmacija*, *Novi list*), and had a sharp rise in audience share of their online outlets from 2008 to 2013 (Vozab, 2014). Online editions of newspapers are now on the second place as a preferred source of news, after television (Vozab & Peruško, 2021, p. 16). Most popular online news sites are 24sata.hr (online edition of a daily tabloid), Index.hr (digital born new site), jutarnji.hr, večernji.hr (online editions of daily newspapers), dnevnik.hr, rtl.hr (owned by private television networks), net.hr, tportal.hr (not necessarily always in the same order, depending on the measurement, see Bilić et al., 2017; Vozab & Peruško, 2021).

Despite channels diversification after 2000, the amount of content in public interest has been in decline (e.g., news and information, science and education, and culture) (Peruško & Čuvalo, 2014). In the early 2000s, while Croatian public television didn't have stronger competition from private television broadcasters, the most aired genres on its three channels were film and television series (34%), news and information programs (19%), sport (12%), and entertainment (10%) (Peruško, 2005, p. 457). Educational, children's and youth programs were each represented by 6% (Peruško, 2005, p. 457). New private television channels mostly offered entertainment and fiction programs, so content in public interest had a smaller share in the total broadcasted television content (Peruško, 2009; Peruško & Čuvalo, 2014). In 2000s, public television had a higher diversity of programs and genres, higher share of content in public interest and higher share of news and information programs in comparison to commercial televisions with national coverage (Peruško, 2009). From 2005 to 2009, on all television channels combined, the most aired programs and genres were news, comedy, children's programs, and drama (Peruško, 2009). In 2009 a sharp rise of light entertainment programs like reality television were noted (Peruško & Čuvalo, 2014). Television genres with highest shares on Croatian television channels in 2016 were film (14%), reality television (13%) and comedy (11%). Cultural programs were represented with only 1%, current affairs 4 %, documentary 5%, and news with 9% (Peruško et al., 2021).

A recent audience survey shows a wish for more films and documentaries offered on television (AEM, 2016), while some earlier studies also confirm a lack of informational programs (Peruško, 2009; Roller, 2014). Overall audience satisfaction with the offer of free access television content is low (AEM, 2016). In 2009, the share of news and information programs on radio was 14,8% (Car & Andrijašević, 2012, p. 23) the digital media market, despite large number of different media outlets, most of them target national-level audiences, and cover traditional, general themes (Bilić et al., 2017, p. 21).

Digital transformation changed the audience access to media content, starting in the end of 2000s. In the digital era, the digital media market dimension becomes increasingly important as orientation of the media markets shift from print media to diversified digital and hybrid media (Mattoni & Ceccobelli, 2018; Peruško et al., 2015). Internet use has risen significantly, from 63% in 2012, to 82% in 2021; and individuals use Internet increasingly to access social media sites only 38% used Internet for that purpose in 2013, while 61% used it in 2021 (Eurostat, 2021). Although the Internet access and use are consistently rising in Croatia, it is still below the EU average. According to Digital Economy and Society Index for 2021, Croatia is in the 19<sup>th</sup> place, below the EU average (European Commission, 2021a). However, the position of Croatia according to this index has improved from 2016 to 2021. Croatia is performing below average in con-

nectivity and digital public services, while it is around the EU average in human capital (digital skills) and the integration of the digital technology (European Commission, 2021a). Croatia holds a high position in using Internet for reading news media - in 2016, it was in the second place in EU, with 90,6% of Internet users reading news media online (Bilić et al., 2017, p. 7).

Audiences in Croatia access online media directly but increasingly also through intermediaries, such as search engines and social media (Bilić et al., 2017; Vozab & Peruško, 2021). The preferred way of news access diverges between different age groups. Audiences in younger age groups prefer social media as an intermediary of access to online news, while those in older age groups prefer to access news directly on the web page of the media outlets (Vozab & Peruško, 2021). Younger audiences also prefer visual content and instant messaging, while older audiences more often seek textual news (Bilić et al., 2017, p. 29). Audiences do not express readiness to pay for the online media content; survey from 2017 found that 16,4% of Internet users pay for online media content (Bilić et al., 2017, p. 22), while only around 8% of digital news audiences pay for online news (Vozab & Peruško, 2021).

In 2021, Facebook, YouTube and WhatsApp are the most popular social media platforms, both for general purpose and for accessing the news (Vozab & Peruško, 2021). Most of the Facebook and YouTube users stated that they access news inadvertently, while looking for something else on these platforms (Vozab & Peruško, 2021, p. 38). Although there are not that many Twitter users (13% of digital news audiences in 2021), a large share of them uses it for seeking news and information (Vozab & Peruško, 2021, p. 38). Facebook and Twitter users give the most attention to mainstream media and journalists when consuming social media content, in comparison to users of other social media platforms (Vozab & Peruško, 2021, p. 38).

Most popular social media in Croatia is Facebook (85,2% of Internet users uses it at least once a week), Instagram (28,6%), and LinkedIn (13,9%) (Bilić et al., 2017, p. 35). All other social media are used by less than 10% of Internet users (Bilić et al., 2017).

#### 4.4. Relevance of News Media

Characteristics of media markets are, by Hallin and Mancini (2004), defined also by the position of quality media in the market. In Croatia, tabloid *24sata* is the one with the highest circulation but followed with non-tabloid *Večernji list* and *Jutarnji list* (Vozab, 2014). Digital news audiences also rate *24sata* as the most frequent source of print news (Vozab & Peruško, 2021). Most of the mainstream media have a commercial orientation and “attract audiences of different political orientation in a ‘catch all’ manner” (Peruško et al., 2021, p. 170). All four public television channels in Croatia are evaluated by the surveyed audiences as “worse” than commercial television channels (AEM, 2016). Television programs and genres with highest audience preferences are films, documentaries, news and information program, and music programs, while the least preferred programs are children television and reality shows (AEM, 2016). Documentary and news and information programs are evaluated by audiences as programs with highest quality, while reality television and soap operas as lowest quality genres (AEM, 2016).

Online environment and lower entry costs have enabled lower quality outlets, which also publish misinformation, to emerge (Peruško & Vozab, 2017). However, their reach is limited. On the opposite end, some quality brands like Telegram.hr also emerged in the digital media market (Telegram.hr was eight most popular news source for the digital news audiences in 2021, Vozab & Peruško, 2021). Leading digital media outlet Index.hr, perceived as left-leaning, is not among the ten most trusted news sources, but is at same time seen as the most important online news source and is considered as being independent from political influence (Peruško et al., 2021; Vozab, 2017; Vozab & Peruško, 2021).

Most of the research about the relevance of news media point to the polarized-pluralist media system in terms of the characteristics of news audiences. There is a noted socio-economic and gender gap in news consumption, and news audiences are divided along the lines of their political affiliation. There are scarcer sources for the description of news relevance before 2010. Analysis of socio-demographic predictors of news use found that men and older age groups are more frequent users of news (Mataušić & Rimac, 2000). Analysis of press audiences based on a panel study from 1998 and 2002 found that they are more likely male, younger, more educated and with higher income (Lamza Posavec & Rihtar, 2003). Similar profile of newspaper audiences was confirmed in a study from 2009 – they have a higher socio-economic status and inform themselves more often (Čuvalo, 2010). Among the newspaper readers there is a divide between older audiences with lower socio-economic status, with more rural background who usually vote for the right-wing parties, and younger, urban audiences with higher socioeconomic status, who usually vote for left-wing parties (Lamza Posavec & Rihtar, 2003). While still present (Čuvalo & Peruško, 2017), the gender gap in news consumption seems to be less pronounced in recent years (Vozab, 2019a, 2019b). In the multimedia environment, the socio-economic divide remained, and generational divide became more important. Socio-economic status shifted to distinguish between internationally oriented omnivore news users, who have a higher socio-economic status and political interest; and news avoiders, with poor news media diet, who are older, with lower socio-economic status and lower political interest (Vozab, 2019a).

Television and online news are the most popular source of news and information programs, followed by radio and newspapers (AEM, 2013; Peruško et al., 2017a; Vozab & Peruško, 2021). As Croatia was slower in liberalizing its television market fully, public television was attracting significantly larger share of audiences in early 2000s (Peruško, 2005, 2012). HTV held the highest television audience share until 2010 (Milosavljević & Broughton Micova, 2013) despite the commercial competition and decreasing public trust. In the third decade HRT is steadily in the third place as the source of news for the Croatian public, behind two major commercial broadcasters. Its audiences self-identify with more conservative or right-wing political views, and its editorial policy is perceived as government friendly (Peruško, 2019; Vozab & Peruško, 2017, 2021).

Gradual increase in Internet use from 2017 to 2021 was not followed by an increase in digital news use, news interest or trust in news (Vozab & Peruško, 2021). Internet users in Croatia express the highest interest in news about local events and politics, then about health and diet, and news about science and technology are on the third place (Bilić et al., 2017, p. 30). Recent research shows that phenomena associated with “high-choice” media environments is present also in Croatia. In 2017, Croatia was third in news avoidance, after Turkey and Greece, as 50% of Croatian audiences stated they often or sometimes avoid news (Kalogeropoulos, 2017). “Minimalist” users with low use of news sources are the most common group of users in Croatia, followed by traditional news users (Vozab, 2019a, 2020b). Younger generations are more often “minimalists” or “social and commercial media users” when it comes to news repertoires, while middle and older generations news repertoires consist of digital news media and traditional media (Vozab, 2019b). Around quarter of audiences follow community or civil society media: these audiences differ from the average media user by higher news interest, political engagement, and use a wider array of news sources (Vozab et al., 2017).

A strand of research dealt with the correlation between news consumption and attitudes towards democracy, political attitudes, and participation. Research from early 2000s found correlations between higher media and news consumption and higher trust and acceptance of government (Mataušić & Rimac, 2000; Rihtar et al., 2000). As this was a period when media market was still not fully liberalized and state media did not finish its transition to public service media, media effects might have been in cultivating pro-government attitudes. For example, analysis of

cultivation effects of television found that heavier television viewers perceived the then ruling HDZ party more favorable (Rihtar et al., 2000).

Similar conclusions, which correlate democratic values and engagement with news consumption, are also confirmed in more recent research. Higher news consumption was found to be correlated to higher digital participation (Vozab, 2019a). Higher news consumption, especially with a focus on community and civil society media, has a positive correlation with political interest, efficacy, and engagement (Vozab et al., 2017). Although public service media in many media systems positively influence interest in politics, political knowledge, and mitigate the extent of news avoidance, in Croatia there is no link found between use of public service media and democratic engagement (Vozab, 2019a). In fact, it seems that public television in Croatia sits on the right side of the rather polarized media system, catering for the conservative audiences (Vozab & Peruško, 2017). Analysis of usage of different information sources and post-electoral expectations found a greater diversity of media effects on political attitudes (Vozab & Peruško, 2018). There is a link between different main sources of political information and political values – online news consumption is predominantly linked to liberal values, and interpersonal discussion as the main sources of political information is linked to conservative values (Vozab & Peruško, 2018). Political leanings are confirmed to influence media choice in young people in Croatia as well (Plenković, 2020).

#### 4.5. Trust in Media

Two early studies showed that the public perception of the quality of the media worsened from 2005 to 2006 in all aspects except one, i.e., the openness of the media to diverse and plural views (Peruško, 2005, 2006). Media autonomy and independence was seen to have been reduced, together with the journalistic professionalism. Some 30 % of the respondents to audience survey did not at that time accept media freedom as a value – they thought that some media should be shut down, that a body should watch over statements contrary to public interest, that public opinion contrary to the majority should be suppressed, etc. Although this was alarming, the acceptance of media openness was the highest in comparison to other social sectors studied and increased with higher level of education and lower age group (Peruško, 2006).

Media and journalists are not highly trusted in Croatia. In 2009, they were in the seventh and eighth place below several other institutions in terms of trust (like Catholic church, the army, educational institutions, science, and leaders of the preferred parties) (Car & Andrijašević, 2012, p. 15)<sup>33</sup>. Most trusted media platforms in 2009 were Internet (45%), then radio (39%) and television (34%) (Car & Andrijašević, 2012, p. 15). Radio was in 2009 the most trusted medium among traditional media when it came to reporting news and politics, followed by Internet (Car, 2010; Mučalo, 2010).

Although Internet was the most trusted media platform in 2009, its position seems to have changed during time. A survey from 2017 found that 60,6% of respondents do not believe in the accuracy of information in the online media (Bilić et al., 2017). Audiences perceive online media to be filled with sensationalist reporting, having too many ads, lacking analysis, unreliable information which is not factchecked, and filled with typos (Bilić et al., 2017). On the list of the most trusted media in 2020 and 2021, first seven places are occupied by traditional media (private television channels Nova TV and RTL are on the first place, and Otvoreni radio in the third) (Vozab & Peruško, 2021).

<sup>33</sup> Igor Kanižaj and Davor Mezulić also speak of a loss of trust in journalists (October 2022, contribution in interviews).

Data from 2017 to 2021 about digital news audiences show that the overall trust in media didn't significantly change over time, although there was a slight rise in trust in media in 2021, probably due to increased reliance on the media for the COVID-19 related news (Vozab & Peruško, 2021).

Earlier research on news consumption found that higher news consumption is correlated to higher trust in parliament and more favourable evaluation of government (Mataušić & Rimac, 2000). In 2009, television use was positively correlated to trust in many of the political and social institutions, while Internet use was negatively correlated to trust in politics, government, and elites (Čuvalo, 2010, 2013), in line with the comparative findings of Norris and Inglehart (2009) that media use for information purposes (including television, Internet, radio and press) consistently linked with higher citizen participation, modernization of social values, and tolerance. Research from 2000s also suggests that the media were not completely perceived as independent institutions, as trust in media overlaps with trust in other institutions rather than forming a separate dimension (Čuvalo, 2010, 2013; Mataušić & Rimac, 2000).

There is a noted concern about disinformation online – in 2021, 61,1% of audiences expressed concern over the amount of the misinformation (Vozab & Peruško, 2021). Paradoxically, although trust in media rose during the COVID-19 pandemic, the concern over disinformation rose as well (Vozab & Peruško, 2021). Croatian audiences express higher distrust towards media and professional journalism (and perceive them more as sources of misinformation) than average of global digital news audiences (Vozab & Peruško, 2021).

## 5. Risks and Opportunities in the Media Related Competencies Domain

### 5.1. Development and Agency of Change

Following the EU agenda, media literacy became one of the key areas of the audio-visual media regulatory bodies across the continent, including Croatia. AEM is the main funder of various media literacy activities undertaken by civil society organizations in cooperation with UNICEF and educational institutions, and the successful Media Literacy Days are just one of the results of this cooperation. The EU and other foreign actors seem to provide more support for the area development than national political elites, as Croatia still has not adopted a comprehensive or coordinated media literacy policy with measurable goals and objectives. The key risks in this are driven by the bottom-up initiatives and not by a comprehensive policy is that some already excluded and vulnerable groups, such as elderly and those without access to technology may remain outside the existing streams of media literacy building activities. Recent support by the Ministry of Science and Education and the Central State Office of Demography and Youth might speak to a future greater involvement of state bodies.<sup>34</sup>

### 5.2. Overview of Media Related Competencies in Policy Documents

Croatia is one of the few countries in the EU which in 2017 still did not have any media literacy policy (Cernison & Ostling, 2017). In 2021 Media Pluralism Monitor report, it is evaluated that Croatia is in high risk in the media literacy indicator (Bilić et al., 2021). Croatia is ranked rather low on the media literacy, in the third cluster out of five clusters of European countries, and this position remained largely unchanged from 2017 to 2021 (Lessenski, 2017, 2021). Media literacy in Croatia has had a sporadic development, mostly stemming from bottom-up initiatives from civil society and initiatives between NGOs and different public and educational institutions.

<sup>34</sup> Igor Kanižaj (October 2022, contribution in interview).

Policy development is slow, and there is weak sustainable institutional support on the national level. For this reason, it is difficult to pinpoint critical junctures in the development of media social context of media related competencies.

In legislation regulating media in Croatia, media literacy is mentioned for the first time in the Electronic Media Act from 2009, where promotion of media literacy is listed as a goal of the Council for Electronic Media and as one of the criteria for receiving subsidies from the Fund for the Promotion and Protection of Pluralism and Diversity (Kanižaj & Car, 2015). It is also mentioned in the HRT Act, where promotion of media literacy is listed as one of the public service media programmatic goals (Kanižaj & Car, 2015). In the newest Electronic Media Act, media content is defined as being in the public interest if it promotes media literacy; the Council for Electronic Media is tasked with the media literacy promotion; the AEM is advised to allocate funds for the promotion and protection of pluralism and diversity to projects which promote media literacy; and video sharing platforms are to take measures and develop tools for the media literacy development.

Media literacy has not been a priority in education policy, and the term is for the first time only briefly mentioned in the Strategy for Education, Science, and Technology, ratified by Croatian Parliament in 2014 (Kanižaj & Car, 2015). There is a wide public acceptance of the higher inclusion of media literacy in the formal educational system (Ciboci et al., 2015). Education reform named “School for Life” promised a greater inclusion of media literacy in the formal educational system. As a part of the reform, since 2019, the curricula of elementary and high schools in Croatia contain an inter-subject theme “Usage of Information and Communication Technology”.

### 5.3. Media Literacy Programs in Formal and / or in Non-Formal Education

Media literacy program has so far been provided in formal education program as media culture in curricula of Croatian Language and Culture since 1970s (Kanižaj, 2019). Some aspects of digital literacy are covered in computer classes. In the curriculum of Croatian Language and Culture the focus is on building competencies for interacting with media like “theatre, film, radio, press, comic books, computers, reception of theatre plays, films, radio and television shows, and gaining competencies for evaluation of radio and television shows and films” (Ministry of Science and Education, 2006, in Alerić et al., 2019, p. 54). The new proposal for the National Curriculum for the Croatian Language from 2017 suggests a more comprehensive approach to inclusion of media literacy in the education program (Alerić et al., 2019). For example, it is emphasized that media culture domain should emphasize a critical approach to media content, understanding of media effects, different communication competencies and competencies to produce media content, cultural and intercultural understanding, and understanding of different opinions and ideas (Alerić et al., 2019, p. 55).

However, the formal media literacy education program has been evaluated as outdated (Ciboci, 2018; Ciboci & Labaš, 2019), educators have not been equipped with competencies for media literacy teaching through their formal education, and teaching material has not been sufficiently developed (Ciboci & Osmančević, 2015; Kanižaj, 2019). Media literacy is somewhat covered and discussed as the part of the teachers professional training, but overall, it is not highly represented as a topic (Vanek, 2021). Survey with the principals and teachers in schools found that they are unsatisfied with the development of media education, and that they perceive themselves as lacking knowledge about media (Alerić et al., 2019; Ciboci et al., 2019; Kanižaj, 2019). Moreover, many principles don't recognize media literacy as an important issue which should be covered in the educational system (Ciboci et al., 2019). Media culture as a part of the Croatian Language and curricula is evaluated as not encouraging critical thinking, nor does it deal at great length with digital media (Ciboci & Labaš, 2019). As a part of the experimental curriculum reform, the computer classes became more available and updated, so students now learn about issues

including security and digital reputation, data protection, violence, and other forms of inappropriate behavior and how to protect from such content (Ciboci & Labaš, 2019). An inter-subject theme “Usage of Information and Communication Technology” introduced in 2019 sets a goal for students to develop digital literacy skills of “creative, efficient and responsible use of digital technology, by practicing communication skills and developing competencies for cooperation” in four domains: functional and responsible use of ICT, communication and cooperation in digital environment, research and critical thinking in digital environment, and creativity and innovation in the digital environment. Competencies to produce media content are for now not developed systematically in the education system. Schools which encourage creativity through participation in school newspapers or magazines, school radio or journalism groups, and workshops promote these competencies, but this is not equally developed through the education system (Kanižaj & Car, 2015).

Higher education institutions also cooperate in media literacy projects, promotion, and develop media literacy education. Faculty of Political Science of the University of Zagreb provides an opportunity for journalism students to create media content in student media (Televizija Student, Radio Student, newspaper *Global*), and to create educational material for the media literacy promotion. Media literacy is taught through several courses at the Faculty of Teacher Education of the University of Zagreb. The Academy of Dramatic Arts of the University of Zagreb offers courses about media content production (Kanižaj, 2019).

Besides formal education system, media literacy has been promoted by other public institutions and different civil society organizations. For example, the AEM, in partnership with higher education institutions and NGOs, has been engaged more extensively in the promotion of media literacy through financial support for media literacy projects, public campaigns, and development of different education materials. The AEM in collaboration with UNICEF annually organizes Media Literacy Days, when media literacy is promoted through various events like conferences or educational activities (in 2021, 4<sup>th</sup> edition of Media Literacy Days was held). Publications, educational and promotional material are regularly published on a special multimedia webpage<sup>35</sup> dedicated to media literacy, which was highlighted as one of the best media literacy projects in the 2010–2016 period by the European Audiovisual Observatory.<sup>36</sup>

Croatian Research and Education Network (CARNET) (<https://www.carnet.hr/en/>) has been promoting digitalization of activities and resources for elementary and high school education (Kanižaj & Car, 2015). It was also involved in educating teachers and in promotion of digital literacy among elementary and high school teachers (Kanižaj & Car, 2015). Public libraries are also important institutions in the media literacy promotion in Croatia (Kanižaj & Car, 2015; Unić et al., 2014). Other public or civil society institutions involved in media literacy promotion are Education and Teacher Training Agency (AZZO), Croatian Film Association (HFS), and Ombudsman for Children (Kanižaj, 2019).

#### **5.4. Actors and Agents of Media Related Competencies: Risks and Opportunities**

The most active agents of the media literacy development in Croatia have been civil society organizations and initiatives which often collaborate with other institutions (Kanižaj, 2016). According to Kanižaj’s (2016) mapping of media literacy projects, most of them were addressing media literacy skills related to critical thinking, media use, intercultural dialogue, and creativity. As policy development of media literacy is lacking, and there is a weak and unsustainable insti-

<sup>35</sup> This project was launched by UNICEF, AEM, Croatian Film Association, Croatian Audiovisual Centre, Faculty of Political Science and Academy of Dramatic Arts, <https://www.medijiskapismenost.hr/>.

<sup>36</sup> Nada Zgrabljic Rotar (October 2022, contribution in interview).

tutional support on the national level, media literacy activities and projects are mostly offered in the more developed urban centers in Croatia, mostly in the capital city of Zagreb (Bilić et al., 2017). In general, the development of media literacy in the country is largely linked to formal education and most activities and trainings aimed at advancing media literacy skills are designed for younger generations (school population).

## 5.5 Assessment of Media Related Competencies Among Citizens

Research in Croatia is mostly focused on the use of media and media technology by children and youth. In terms of media literacy dimensions (access and retrieval, understanding and evaluation, and creation and utilization), Croatian researchers have mostly focused on the first component of access and retrieval (UNESCO, 2013).

In 2000s, a series of sociological studies were done by the Institute for Social Research in Zagreb. In the book by Ilišin et al. (2001), different authors analyze the use of communication technology in family, and how do children use media in everyday life. Interpersonal communication is the most frequent type of spending free time among children and youth from early 2000s until present (Ciboci et al., 2020; Ilišin et al., 2001). However, media use is an important part of free time among children. In early 2000s the most preferred media was television, radio, children and youth magazines, and computer on the last place, while the most common functionalities of media use were entertainment (Ilišin et al., 2001). Media content is predominantly discussed with peers, and rarely with parents, so media use is influenced by peer and social environment rather than family (Ilišin, 2005; Ilišin et al., 2001). For the “laissez faire” parental approach and a lack of development of media literacy in the educational system, it is mostly driven to entertainment rather than educational function (Ilišin et al., 2001).

A rare analysis of digital divide, based on survey data collected in 2004, found that education, income, and age are the strongest predictors of Internet access and use (Krištofić, 2007). Digital divide is also noticed among urban and rural regions, and there is a gap between the capital city Zagreb and the rest of Croatia in access to ICT in 2000s (Potočnik, 2006). Urban youth in 2000s used ICT the mostly for writing, Internet access, games, and learning (Potočnik, 2006). In first half of 2000s, Internet was used by young users for surfing, communication with others and information seeking (Potočnik, 2006).

One of the rare studies which measured all three components of media literacy found that children and young users have rich media use practice but are weaker in critical thinking and production of media content (Ciboci, 2018). Similar conclusions could be drawn from the digital literacy research, as students have no problems with access and use of digital technology but lack digital skills and informational literacy (Mikelić Preradović et al., 2016). This could be interpreted as a result of lacking media literacy policies, inadequate integration in the education system and a lack of communication about media use in family.

In Croatia, around 50 % of citizens have basic or above basic digital skills (53 % in 2021), which is slightly below the EU average (58 % in 2021) (Eurostat, 2021).

There is a lack of research and data pointing to the privacy and data protection skills. The only sources we could find are the Eurostat report about digital rights (European Commission, 2021b), Croatian report from the “EU Kids Online” project (Ciboci et al., 2020), analysis of Facebook use by parents (Grmuša et al., 2019), and an evaluation of a pilot curriculum for e-safety in elementary schools (Kralj, 2016).

Croatian citizens are worried the most about the safety and well-being of children when it comes to digital tools and Internet (65%). After this issue, most of the citizens are worried about the difficulty of disconnecting and finding a good online / offline life balance (44%),

cyberattacks and cybercrime (e.g., theft of personal data) (41%), and use of personal data and information by companies or public institutions (38%). They are worried about the difficulty of learning new digital skills to take an active part in society more than the EU average (33%). 40% of respondents in Croatia were not aware that the rights that apply offline should also be respected online, and 78% believe it would be useful to know more about their rights in the online environment. 87% of respondents (less than European average) think that everyone should have access to education and training for acquiring digital skills, and 85% believe it would be important to have education in critical thinking while navigating Internet (European Commission, 2021a).

Croatian research about privacy and data protection skills has focused on children, young users, and parents. Croatian report from the “*EU Kids Online*” project (Ciboci et al., 2020) found that most of the children and young users of Internet didn’t experience stronger privacy or data protection issues – 1,7% had an experience that someone used their personal data in a way they didn’t like, 1,1% had an experience of someone creating an online content about them which was offensive or disturbing, and 5% had an experience of identity theft (someone using their online password). However, 10,9% of children and young Internet users had an experience when their parents or guardians posting information about them online without consent. In the analysis of use of Facebook by parents, Grmuša et al. (2019) found that many parents are unaware of the risks of social media communication and lack protection skills (e.g, from misuse of personal data, and the protection of identity).

This area of research is very limited and certainly points to a risk in media usage practices. There is no research relating to cognitive abilities in relation to media usage practices.

## 6. Analytical Conclusions: Risks and Opportunities Related to Changes in All Four Domains

### 6.1. Risks and Opportunities in the Legal and Ethical, Journalism, Media Usage, and Media Related Competencies Domain

In the *Legal and ethical domain*, we focus on two areas: freedom of expression and freedom of information. The freedom of expression is legally recognized and constitutionally protected, and the restrictions on pursue legitimate aims. Legal scholars argued that in some instances the proportionally or balance between the protection of personal rights and freedom of expression were inappropriately on the side of personal rights. Defamation incriminations are included in the Criminal Code, the Act on Misdemeanors against Public Order and Peace, and in the Media Act, and sometimes contradictory. Recent practice of use of the Misdemeanours Act to sue journalists based on their texts or platform content for insult or disturbing the peace can be seen as a risk to freedom of expression. Journalists are also exposed to many SLAPP lawsuits by public figures regarding libel (and shaming before it was removed) from the Criminal Code as well as in civil suits seeking large damages, and this can also be seen to present a risk. While defamation is still a part of the Criminal Code, the penalty can only be financial. Truth and public interest are a defense also for journalists.

Countering disinformation in the online and the offline is mostly related to the Misdemeanours Act, where the authors of challenged statements must prove them truthful; a new Electronic Media Act puts the onus on the publishers to remove audio-visual content including hate speech or incitement to violence from its sites.

The GDPR has not been implemented with exemptions for journalistic work, and this can present a risk for the possibility of journalists to inform the public. Croatia transposed the EU Copy-

right directive, and the usual public interest exemptions to copyright apply. This topic has not engaged academic debate so far.

Access to information and freedom of information is also protected in media legislation and in the Constitution, as well in special legislation with a special enforcement body in place. The public bodies are not eager to comply, but the number of citizens and journalist complaints attest to the rising consciousness of the right. Most denials of public information were explained incorrectly by the GDPR, and this might be seen as a risk.

Journalists have the right to protect their sources, and no infringement has been seen in this respect. While whistleblowers are protected by law, in practice they suffer negative consequences. The topic has not been analysed in relation to the media. The conflict of trade secrets protection and the right to freedom of information was reported, and the legal framework has been analysed in legal research.

Public accountability of the media is primarily conducted by different civil society organizations or the academia, with participation also of the HND both in its professional role with its Ethics council and in the public activist / oversight role. Civil society has had an important influence in media policy advocacy and media democratization since the 1990s (as well as in the 1980s, when it was accompanied by local / student media like Radio 101 and youth press).

Political accountability of media is conducted through different types of oversight and regulation including arms-length regulatory bodies (AEM, for the electronic media) or supervisory council (HRT, for the public service). The political field has the direct role of appointing the members of AEM, as well as the director general of HRT and the members of its supervisory council, who are all expected to be professionals with experience and a media freedom related track record. While the legal expectation is that they will be independent, the political parties in effect have the strongest role in their selection. The tradition of independence of public servants is not strong, and this can also be viewed as a risk.

HND and media are integrated into the relevant European associations and organizations. While there is no direct international accountability, breaches in any of the fields of freedoms are followed and noticed by various international organizations, like the European Federation of Journalists, or the Council of Europe platform for the protection of journalists, etc. This is an important opportunity.

In the *Journalism domain*, we find a dual model of the audio-visual market with a still strong (although not as strong as in the decade of the 2000) public service HRT and strong foreign-owned commercial television competitors on the national level, as well as several local television and radio stations. Commercial radio also transmits at regional and national level. The press sector is also varied with different owners, but both the audio-visual and the press markets are highly concentrated. The printed press market is seeing a continued downturn in revenues and audiences, and their transition to the online environment is ongoing, although slowed by the traditional lack of the subscription habit. Online sources are growing in importance, although the commercial TV, daily press, and a radio station still lead in the size of the news audiences. In the first five online news sources, only two are born-online, and the rest are web places of two daily papers and one commercial television. The importance of social media platforms as sources of news is also growing, especially in the younger age group.

The public service HRT has seen its ups and downs in the past 20 years regarding its editorial independence and public worthwhileness. While the past several years (especially after 2015) can be seen as more politically coerced / dependent, the period after 2000 was much more positive, and the preparation of new specialized digital channels by the interim team at the HRT in 2010/2011 was an optimistic era which unfortunately did not continue. The financial stability of HRT is a positive aspect, as it has been funded by a license fee paid by the citizens since

the 1960s. The position of the PSB is however not stable, as populist politicians often take it as a target, and considering the politically related appointments of their editors and the opinion that their programs are slanted, the HRT is becoming very hard to defend by those who believe in the importance of the public service.

Production conditions are influenced by the economic and political context as well as digitalization. The economic crisis and digitalization have negatively impacted some media organizations and journalistic positions (reduced pay and numbers in the printed press), and increased economic pressures on journalists, many of whom can be considered as precarious workers. The political pressures are mainly indirect, except for SLAPP lawsuits brought by public figures. Digitalization is influencing journalism roles and increases pressures especially in the online media. Their role by journalists is seen mainly as the traditional watch-dog role, but they also see themselves as advocates of social change. The hybridity of the media system is also evidenced by the inclusion of social media sources in legacy media programs and content.

Working conditions of journalists have been worsened recently, both regarding the speed of the news cycle related to the digitalization, and in relation to economic pressures aggravated by the COVID-19 pandemic, but also as a consequence of increased unwillingness of private media owners to negotiate union collective contracts with their journalists (and the failure of the state to enforce it).

Newsroom diversity is only studied regarding gender. We see women are leading as authors of news stories, but men lead in the presentation of the same stories and thus appear more in the news programs on television. In the editorial roles the gender balance exists, but not in the pay where women earn significantly less.

Professional journalism culture is based on the detached role of observer and the watchdog role, although a variety of different roles exists in different media. Only one university program gives a degree in journalism, but there are many more with degrees in communication or public relations. Ample possibilities for education exist.

*Media usage patterns* are influenced by the changes in the diversification of media supply in different channels and different media types. After 2000, the main expansions were in television channels (including new domestic commercial channels, which did not contribute much original programming apart from the required news programs, and some soap operas / comedy series), while after 2010 the digital multichannel streaming services and the social platforms are impacting both the entertainment and the news media market. While this diversity continues, the share of public service content is declining. This was enabled / accompanied by a strong rise in the spread of Internet access. Usage of Internet for reading news is among the highest in Europe.

Most Croatian audiences seem to prefer a tabloid daily for their news source, although this is not the full picture. Studies on news use have shown that different types of news users exist, among them avid news consumers of quality news, regional and national, as well as international news. Some news types prefer television, other newspapers, social media, or a mix of the digital sources. There are both strong mainstream oriented media (television and printed press) as well as more left or right leaning media, especially on the Internet. Polarization has been expanded in recent years in the right arm of the partisan media online which have gained a larger audience.

On a whole, trust in institutions is low in Croatia, and media were in 2009 still viewed as being linked to political institutions. After 2017, there is little change in the levels of trust (except for some increase because of the pandemic related reliance on news media). The legacy media are in the first place regarding trust, and 60% of audiences are concerned about misinformation on the Internet. Mistrust in professional journalists is higher than average for the countries included in the Oxford Digital News Report study.

*Media-related competencies* include media literacy policies and activities which are found to be inadequate and the levels of media literacy low. After 2015, a host of activities involving academia and NGOs were established to promote it, and especially regarding young people. The state education policy did not make media literacy a priority in school curricula, which might be seen as a risk.

In terms of user skills, research has mostly focused on technological capabilities of children (as has the school curricula). Research in 2000s shows mainly entertainment uses of media for children and youth, focusing on legacy media in the first instance. Studies after 2010 show proficiency of technical skills in young users, but a lack of critical thinking and content production skills. Half of the citizens have basic or a bit higher digital skill, somewhat below the EU average. This might be seen as a risk for deliberative communication.

Regarding their privacy rights and data protection skills, some 40 % of citizens do not know that their offline rights also apply online. Parents are also not always aware of the risks on the Internet, and 87 % of citizens think that everyone should be educated in digital online skills. This area of research is not large so far, but the results show signs of risks for unaware media users.

## 6.2. Critical Junctures and Agency of Key Actors in the Four Risk and Opportunities Areas

The longue durée change in Croatia is among those examples that include frequent disruptions to the previous development paths, and this volatility of political regimes and frequent change can perhaps explain its less than perfect democratic consolidation after 1990. While the country is seen as free and a democracy (though now with the adjective “electoral”), it was for the past 20 years ranked lower in media freedom indexes than other CEE countries (but higher than other SEE countries, except Slovenia). The hard transition of the 1990s was not only a democratic transition, but a state-building period when the country / republic declared its independence from the SFR Yugoslavia, and this decade included a war on its territory and a semi-authoritarian president together. The change of government in 2000 brought the second post-socialist critical juncture and a path towards a pluralist media policy and media system was charted. The beginning of the decade of 2000 saw a democratization of the political and media system, the overhaul of media legislation, opening of the audio-visual market to foreign investment, increased entry of foreign capital in the media market, and growth of the advertising market and industry. Some experts find that the primary focus on profits in the media corporations is the reason for the deterioration of news quality, and the predominance of the advertising and promotional model.<sup>37</sup> The economic crisis of 2008 had very strong negative consequences for the whole economy. The media suffered primarily from the slowing down of advertising, the lowered press circulations, and the general constriction of the media market. The digitalization was also starting to take its tool, but it will be the pandemic juncture of COVID-19 in 2019 that will make the largest impact in terms of the digital overtake. Even though the online media and platforms had already started to take primacy before the pandemic, especially with younger generations, the stay-at-home and lockdowns and working from home have changed news habits even more, to the detriment of especially the printed press.

The Croatian study identified several types of critical junctures in the 2000–2020 period. These include political junctures, legislative junctures, economic junctures, and communication junctures. These junctures are necessarily intertwined, one affecting the other, and their separation is necessary only to simplify the analysis and its explanation.

<sup>37</sup> Nada Zgrabljic Rotar (October 2022, contribution in interview).

The political junctures occurred in 1989–1991 with the start of the post-socialist democratic transition, in 2000 with the new democratization impetus and the change from the semi-presidential to a parliamentary political system, democratic consolidation after the second peaceful transfer of government to different parties (in 2003). The third political juncture can be identified as starting in 2015, with the rise of the populist, predominantly right, parties and politicians. This political juncture turned the political field further to the right with significant negative impact on the media and especially the editorial policy and personnel in the public service HRT. The polarization of the media market also increased at this juncture, with an increase in the popularity of right wing media outlets (mainly online ones). The main agency in these critical junctures is on the political field and its players. Political parties have the key role, but increasingly they are of a changed character, many of them without any policy initiatives and only riding on the populist sentiment. The rise of politically organized civil society is also an increasingly visible player, although with not much interest or influence in the media field.

Legislative junctures are related to political junctures or their consequent paths. The second political juncture in 2000 set a path of media democratization, liberalization, and opening to foreign investment, which was defined in the legal framework for the media. The advent of the more conservative governments that succeeded it, influenced again the direction of legal changes – for instance, the introduction of the shaming offense by the HDZ government in 2010. It took nine years for them to remove this offence completely, after the SDP government had in the 2011–2013 period watered it down to make it practically useless for SLAPP purposes. Outside political will also introduces legal junctures. The EU legislature had a direct role in this regard or was used as a pretext for legal changes that were not required by it (i.e., the 2010 change of the HRT Act which made it more dependent on the government by introducing the programming contract that has to be approved by the government on a regular basis). EU accession process of course influenced the legislative framework and continues to do so today as a member state. Here the legislators, members of parliament, seem to be the main agents, but in Croatia the supremacy of the executive is felt here as well, so the main agents are again political parties. The civil society organizations (including HND), prominent journalists and experts were also active players in the changing legislative framework, contributing at the same time to the development of the political will and the shape of the legislative, not always to the exact shape they wanted but their contribution was certainly an important democratizing one (especially in the 1990s and the 2000s).

Economic junctures sometimes come because of the political junctures. In the Croatian case, the economic liberalization of the media market came because of a political juncture. Other economic junctures – the world crisis of 2008, or the consequence of the COVID-19 pandemic of 2019 – are exogenous, and not related to internal or any identifiable international level political agents. The interested media owners were also active agents in the liberalization of the media system, which has with time given more and more space to the commercial media (to the detriment of the public service broadcaster and non-profit media).

The communication juncture – digitalization, platformization, mediatization, hybridity of media system and the public sphere – was noticeable also in Croatia in the past two decades. Not many of its consequences or manifestations have been thoroughly studied to date, but we can note the change in the practices of news production and consumption, the changes in the relationship between the political and the media field, and the growing voice (if most often only the angry one, and not a deliberative one) of the citizens in the social media.

## **Annex I: Experts interviewed for the study**

We would like to thank the following experts for their willingness to share their opinion:

**Vesna Alaburić**, attorney at law, lecturer, Faculty of Political Science of the University of Zagreb

**Antonija Čuvalo**, professor, Department of Communication and Media, Faculty of Political Science of the University of Zagreb

**Vanja Jurić**, attorney at law

**Igor Kanižaj**, professor, Department of Journalism, Faculty of Political Science of the University of Zagreb

**Davor Mezulić**, director Radio, HRT (retired)

**Maja Sever**, journalist, president of the Union of Croatian Journalists (SNH) and the European Journalist Federation (EFJ)

**Gordana Vilović**, professor, Department of Journalism, Faculty of Political Science of the University of Zagreb

**Tomislav Wruss**, director, publishing of printed and digital editions, Hanza Media

**Nada Zagrablić Rotar**, professor, Department of Communication, Faculty of Croatian Studies of the University of Zagreb

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# CZECHIA

## Critical junctures in the media transformation process

By Lenka Waschková Čísařová, Iveta Jansová and Jan Motal – Masaryk University

### Executive Summary

There are several critical junctures that arise from the context of the social, political, economic, and technological developments within the media in Czechia between 2000 and 2020. We identify these seven: (1) the consequences of the social transformation after 1989, which lasted until the beginning of the 21st century; (2) the emergence of new media, whose production and user development occurred mainly after the year 2000; (3) the economic crisis in 2008; (4) the emergence of new political movements after 2011; (5) the refugee crisis in 2015; (6) the polarisation of society; and (7) the pandemic of Covid-19 as a complex phenomenon after 2019. With focus on the agency of different actors in propelling certain risks and opportunities at the outlined critical junctures, these are the groups with either specific knowledge of the Czech media development or with a long professional history: (1) media industry representatives (e.g., media owners, media managers, journalists, journalists' professional unions); (2) communication researchers and lecturers; (3) media analysts and analytical companies; and (4) NGOs. As shown by our analysis of the Czech media system between 2000 and 2020, the critical junctures, risks, and opportunities, have not contributed to the development of deliberative communication and democracy in Czechia. On the contrary, we conclude that the changes just after 2000 led to an illiberal turn that stems from the social, political, economic, and technological development of both society and the media system.

## 1. Introduction

In our second Country Case Study, we follow up on the knowledge gained and presented in Case Study 1 and proceed with another evaluation of the source availability and notable limitations in data quality. This is explored in more detail in the section about the critical junctures of media development in Czechia.

As we already commented on the availability of the data in Case Study 1, we can briefly summarize that, in the Czech context, peer-reviewed and indexed articles are very easily accessible, but this is not true for books, book chapters, reports, and other sources. The main problem is that each university has a different cataloguing system (mainly access-wise). A similar situation exists for the accessibility of industry/business materials, the majority of which is restricted by pay.

Moving on to the obvious limitations in the data quality, we can assess that those various sources have diametrically different qualities. It would be hard to identify a systematic strategy for the field and industry because the field is thematically fragmented and it is defined by the individual interests of particular researchers and workplaces (i.e., departments, institutes). The side effect of the fragmentation and the small size of Czech academia is that the coverage of core disciplinary topics is not saturated. As will be discussed, the scholarly texts we discussed in Case

Study 1 showed that the Czech academic field had been predominantly theoretical in the early years and, only in later years, became more empirical with data being gathered and analysed. Even though industry data was collected more systematically, it became mostly inaccessible, and it is often of no use for academics.

Therefore, we decided to supplement the data with interviews with specialists in Czech academia and experts in the development of the Czech media industry. We focused on their views on the specific paths and critical junctures of media development between 2000 and 2020. In February 2022 we conducted 10 semi-structured interviews with representatives of the Czech media landscape who originated in academia, industry, and the non-profit sector. Our main interest was to gather their experiences and perceptions of the evolution of the Czech media landscape from 1990 to today. Our focus was on the main (perceived) critical junctures and risks, and the opportunities that have emerged during this time frame. The interviews were conducted by three trained researchers and lasted between 40 and 90 minutes. They were recorded and later transcribed into textual form for easier analysis. For the analysis (and due to the limited number of interviews) we used the classical paper-and-pen inductive approach. Most of the interviewees are cited in their own name, though several representatives asked to be anonymized, so a random codename was assigned to them.

The text is structured as follows: The first contextual section is focused on social, political, economic, and technological transformations and their important “turning points” so that we can later name the critical junctures of the media development in Czechia between 2000 and 2020. We focus mainly on the risks and opportunities for deliberative communication. The second section depicts the overall development in the four domains and specifically analyses the main changes (i.e., critical junctures) within each domain. The conclusion sums up the potential critical junctures and explains the agency of different actors in propelling certain risks and opportunities.

## 1.1. Critical junctures of major technological, economic political, social, legal and educational changes

Social, political, economic, and technological transformations within Czech society created conditions for critical junctures in the development of the media. Until the economic crisis in 2008, Czech society was developing both economically and politically towards the stabilisation of conditions characterised by the building of capitalism, the Europeanisation of politics (which culminated in 2004 when Czechia joined the European Union), and the consolidation of the political scene, which, on the surface of the socio-economic cleavage, was stabilised within a right-wing scheme that was represented by strong, traditional political parties (mainly ODS and ČSSD; see Hloušek & Kopeček, 2008).

The economic crisis was a significant shock for the media market, which had been dominated by foreign capital. Between 2008 and 2019, Czech media that had been owned by foreign companies passed into the hands of domestic millionaires. This “oligarchization” was also reflected in the political scene, where the previously stable scheme of strong traditional political parties began to erode with the emergence of new entrepreneurial political subjects (e.g., Věci veřejné, ANO 2011, SPD)<sup>38</sup>, and where anti-European voices became apparent. The unstable political structure was especially apparent at the local and regional level (Lorenz, 2020).

The refugee crisis in 2015 strengthened this political process. New political actors took advantage of the fear of refugees to stir up nationalism and a fear of Islam despite the fact that there was only a minimal presence of Muslims. This led to significantly stronger negative atti-

<sup>38</sup> YES 2011, Public Affairs, Freedom, and Direct Democracy.

tudes compared to other European countries (Marfouk, 2018). In this context, the success of the activist movement called *We Don't Want Islam in the Czech Republic* (Islám v České republice nechceme – IVČRN), which emerged and spread mainly on social media (initially as a Facebook group, later as a political force), is noteworthy.

These facts lead us to identify two critical junctures — *the concentration of ownership in the hands of domestic entrepreneurs* and *the emergence of new political movements* (“the populists”) — in the context of the socio-economic changes that followed the economic crisis of 2008. As we will see below, this process has serious implications for the Czech media system. Oligarchization and the pressure that the new politicians exerted on the media are the fundamental factors in the development of the media in Czechia over the last decade.

The advent of new technologies, especially social media, buoyed these political movements that are linked to the socio-economic changes initiated by the economic crisis. However, available research hardly indicated a radical, new media-driven transformation of citizenship; rather it suggested “subtle shifts in practices and a pragmatic mixing of face-to-face communication and traditional media” (Macek, Macková, & Kotišová, 2015). Czech citizens tended to avoid discussions on the internet, and the online environment was not becoming an important new space of the public sphere (Macková, 2017).

More recently, however, the importance of new media has increased, particularly due to the impact of the pandemic in 2020 and 2021. Recent research (Macková et al., 2021) shows that the internet is used as a primary news source by the same, or even higher, numbers of people than the previously dominant television (although caution is needed when interpreting these facts, because the pandemic and the temporary reduction in social contact in 2020 may have played a role). While news sites are the dominant news source, social networking sites are also growing in importance (up 8% year-on-year, with Facebook the dominant social network) (Macková et al., 2021). Hand in hand with this growing importance of new media for political debate and people's everyday decision-making is the proliferation of phenomena such as the spread of disinformation.

In terms of users, the press, as the traditional vehicle for news and political debate, is lagging behind the internet and television and its sales are declining year on year. There has not yet been a rapid decline in advertising revenues. Print is still perceived as a credible medium for advertising, unlike online advertising,<sup>39</sup> and, from the economic point of view, there has not yet been a major shake-up in Czechia that would lead to a rapid reduction in profits that would threaten print periodicals – although it must be said that advertising profits temporarily fell by up to 13% for print in 2020 due to the pandemic.<sup>40</sup> Therefore, *the emergence of new media* is another critical juncture, but its consequences are uncertain and need to be seen in a complex context (especially in relation to changing user habits).

In order to understand the socio-economic and political developments in the period 2000-20, it is necessary to understand the processes that occurred during this period (including the economic crisis of 2008 and the global pandemic) in the context of the transition period of the 1990s. Czechia underwent a radical social, economic, and political transition from a collective economic model and authoritarian one-party rule to a market economy and a parliamentary democracy. The consequences and ethos of this transition still strongly influence Czech society and contribute to its perceived polarisation.

Although pragmatic in nature, the post-communist economic policies have been charged with the sense of moral duty. The lack of a strong capitalist class led to the “spirit of capitalism” being

<sup>39</sup> <https://www.mediaguru.cz/clanky/2020/05/tisk-je-vnimany-jako-duveryhodne-medium-pro-reklamu/>

<sup>40</sup> <https://www.mediar.cz/investice-do-reklamy-loni-neklesly-dosahly-temer-120-miliard-kc/>

carried by intellectuals and technocrats (Eyal, 2000). That is why, especially at the beginning of the socio-economic transition in the 1990s, the main issue for media policy was the freedom of the media and the sovereignty of its owners (rather than social responsibility or alternative models of media).

Only after the economic crisis in 2008, when media capital changed from foreign ownership to the domestic portfolios of Czech billionaires with their own political interests, has there been stronger interest in supporting economically independent media. *The Foundation for Independent Journalism* has played a special role. Yet, it is symptomatic of the Czech socio-economic reality that the key players in supporting independent media are prominent Czech businessmen (the original idea emerged during discussions in the *Prague Business Club*<sup>41</sup>), who, in 2016, established the Foundation because they considered free and independent media to be essential for the balance of power in a democracy.

## 1.2. Specific features of the country

In the 2010s, with the rise of new “populist” political entities, there has been a very clear need in the public sphere to again articulate the necessity of the existence of the “civil society”. The emergence of entrepreneurial political projects by Andrej Babiš or Tomio Okamura (who have consistently been highly critical of independent and public service media, with which they refuse to communicate) has been perceived by the public as a “return of unfreedom” (i.e., communism, referring to Andrej Babiš's alleged collaboration with the regime before 1989). This culminated in the widely covered demonstrations organized by the *Million Moments for Democracy* association in 2019 (cf. Surowiec & Štětka, 2020). The largest of these demonstrations were in Prague's Letná district (June 23 and November 16). They each brought together a quarter of a million people, making them the most significant anti-government protests since the 1989 revolution.<sup>42</sup>

It is noteworthy that the period after 2013 (when Babiš became Minister of Finance) resembles the political cleavages of the early transformation period of the first half of the 1990s (Hloušek & Kopeček, 2008). In a sense, the current socio-political situation can thus be understood as a “polarized society” (as is often reflected in the public space by the rise of populist political forces) and as a return of post-revolutionary sentiments from the period of capitalist construction. We can also understand the post-2021 removal of the left-wing representatives from the Chamber of Deputies, which was unprecedented in a traditionally strong left-wing country, as a signal for both the inability of left-wing political entities to articulate the needs of their traditional electorate (the socio-economic aspect of elections) and the adaptation of the axiological aspect of “anti-communism” among voters of right-wing parties.<sup>43</sup> This is particularly important because this axiological perspective carries with it an aversion to regulation and emphasises procedural solutions. This is why the issue of public service media has been reduced to discussions of the mechanisms for electing members of media councils and the structural problems of the Czech media system are not reflected in the public space (i.e., the simplistic metaphor of oligarchization).

On the one hand, it is necessary to recognize that the orientation towards the procedural side of political problems neglects socio-economic deficiencies (i.e., poverty, inequality); on the other hand, the value of civil society as “the main strategic component of the neoliberal package”

<sup>41</sup> <https://www.nfnz.cz/o-fondu/proc-jsme-vznikli/>

<sup>42</sup> See [https://www.idnes.cz/zpravy/domaci/demonstrace-babis-letna-milion-chvilek-necas-odborari-vaclavak.A190623\\_173207\\_domaci\\_maka](https://www.idnes.cz/zpravy/domaci/demonstrace-babis-letna-milion-chvilek-necas-odborari-vaclavak.A190623_173207_domaci_maka)

<sup>43</sup> This anti-communist emphasis in relation to Andrej Babiš is paradoxical because he himself applied methods known from human resources management in the business sphere to his political project ANO 2011, which eventually made him the Prime Minister. See Hloušek & Kopeček, 2019.

(Eyal, 2000: 52) cannot attract the social strata that feels these socio-economic deficiencies. This was also shown by the research *Divided by Freedom* (Prokop et al., 2019), which distinguished six social classes in Czech society. Only the emerging cosmopolitan class felt the power to influence the solutions to problems in their communities. It was the only one to feel interpersonal trust; it trusted institutions the most; and it showed the lowest social distance from marginalised or socially excluded social groups (i.e., ethnic minorities, drug addicts, people of different religious beliefs). Together with the secure middle class, this emerging cosmopolitan class also feels social inequalities the least and it has the most profound positive perception of the development of Czech society after 1989 (i.e., the transition to capitalism). This is also important because members of these classes (34% of Czechs in total) represent professionals, managers, and people from creative fields, including the media. It is here that the “division” of society can be found – these are the social classes that control or work in the media and, in simple terms, see the world through very different eyes than the rest of society (cf. Volek & Urbániková, 2017). This is mainly in the sense that they overlook social and economic inequalities. The journalists’ appeal to civil society in the independent media, which reduces protest voices in the Czech society to populism, thus deepens rather than bridges social differences.

*Polarisation of society* can be considered another critical juncture. It is complex in nature, and it is associated with the stratification of society in terms of economic, social, and cultural capital. From this point of view, the social divide that has been opening up, especially in the last decade, is not between the left and the right, as has traditionally been the case in Czech politics; rather it runs transversally through the Czech political scene with a much more complex profile.

The above-mentioned facts are important because, according to the available research (Macková et al., 2021), Czech society perceives itself to be more polarised than it actually is. While 78% of people believe that certain topics divide society so much that individual groups of citizens are unable to talk to each other (61% of respondents perceive this polarisation at the level of the media, as compared to 55% of their audience), society is not as strongly polarised at the level of behaviour. Only 20% refuse to talk to people of a different opinion and only 30% do not want to use media with different opinions than theirs. However, social inequalities also influence this fact, especially on the level of education, which correlates positively with perceived polarisation and negatively with practiced polarisation. Older people (55+) perceive and practice polarisation more.

Thus, polarisation can be observed most strongly in the sense that there are demonstrable divides in the attitudes of the “successful” social classes (the secure middle class and the emerging cosmopolitan class) on some socio-economic and political issues. Additionally, two electoral “blocks” can be discerned in society – one contains voters of the left (ČSSD, KSČM) and the so-called “populist” voters (ANO 2011, SPD); and the other has voters of centre-right and right-wing parties (Pirates, ODS, KDU-ČSL, TOP 09, STAN) (Macková et al., 2021). In the 2021 elections, no left-wing parties made it into the Chamber of Deputies, so this pole of Czech society is represented only by the populist parties, against which a large coalition of centre-right and right-wing parties define themselves.

As this research demonstrates (Macková et al., 2021), the role of the COVID-19 pandemic will be crucial, particularly in a polarising society (e.g., in relation to vaccination). The spread of misinformation and the application of manipulative techniques that can be found in the media have reappeared in a new form after the refugee crisis – not least because the emphasis on users on new media is increasing. We therefore suggest that *the pandemic as a complex phenomenon* should be considered as a potential next critical juncture because it has intensified the above-mentioned processes that have so far been evident in Czech society.

### 1.3. Background

Czechia<sup>44</sup> is a country in the Central Europe created by the division of Czechoslovakia on 1 January 1993. It is a post-socialist country that started transition after the 1989 revolution. Czechia is a unitary parliamentary republic with a developed, high-income export-oriented social market economy. It is a member of European Union (since 2004) and NATO (since 1999). It has ca. 10,5 million inhabitants and the main language is Czech.

The highly concentrated Czech media system was on the 20<sup>th</sup> rank on the World Press Freedom Index in 2022.

#### Summary of the results of Case Study 1

Our literature review allowed us to map the national potential to monitor our project's four domains and to point out the main risks and opportunities for the monitoring capabilities and its quality.

The following aspects are **opportunities**:

1. We are able to gain the basic data about the media system, individual agents, and specific problems of media development in Czechia;
2. The number of sources is increasing;
3. The quality of sources is increasing; and
4. The number of reflexive content producers is growing.

The **risks** are that the analysed texts are problematic in terms of quantity and quality:

- 1. The saturation of time periods** – Until 2000 and the following several years, academic publications were sporadic, and the authors were initially foreign academics; later, industry data were gradually systematised and slowly became inaccessible and monetised;
- 2. Thematic density** – Focus on individual topics was more a reflection of the authors' and media organisations' individual interests than a systematic strategy of the field and industry;
- 3. Thematic breadth** – The small size of the academic field and the limited number of associated academics and students did not allow for coverage of even the core disciplinary topics over a longer period; the limited size of the media system has not created a sufficiently competitive environment for data to be accessible or for a relevant professional association to emerge; and
- 4. Quality** – Scholarly texts tended to be theoretical or descriptive, and only in later years did they build on empirical data, plus relevant industry data became inaccessible.

The data from the media academia and industry, in our view, makes it possible to highlight specific gaps in the research landscape in Czechia. We are, thus, able to give recommendations for future research initiatives. In the limited space of the Czech academia and industry, and with the limited number of people involved in the generation of reflections upon media development, the following are crucial to consider and implement:

1. The mutual cooperation of all actors (i.e., academia, industry, NGOs) with additional emphasis on interdisciplinary research;
2. The systematisation of topics and methods used, including for the long-term perspective;
3. The long-term perspective could lead to a gradual "densification" of the topics and a more systematic support (i.e., institutional and financial) for elaboration; and

<sup>44</sup> For basic facts about Czechia (e.g., number of inhabitants, economic data) see *The World Factbook*, which is published by the CIA. For key media system characteristics see *Reporters Without Borders*, 2022.

4. There is a lack of deeper reflection on the ethical and legal aspects of media development, the working and organisational conditions of journalists, and journalistic competencies.

## 2. Risks and opportunities concerning legal and ethical regulation domain

### 2.1. Freedom of Expression

The freedom of expression and the freedom of information are firmly anchored in Czech law under constitutional order Act No. 2/1993, the Charter of Fundamental Rights and Freedoms. Media-specific laws like Press Act No. 46/2000 and the Act on the Operation of Radio and Television Broadcasting No. 231/2001 regulate the obligations of the publishers of printed periodicals and broadcasters, respectively.

Czech law also contains opportunities for defence against non-compliance with the rules. This is in the form of the right of additional disclosure for the press. It allows individuals and legal entities to defend themselves against accusations made directly in the newspaper that wrote about them (46/2000) or, in the case of broadcasting, through regulators (councils regulate both broadcasting, in general, and public service media, specifically).

However, the laws do not contain a more precise definition for the journalistic profession, which can be considered a potential problem (Černý, 2022). Also, Czechia has no Press Council that would allow for a form of self-regulation to defend the freedom of expression and the freedom of information. The media in Czechia have mostly adapted codes of ethics since the late 1990s, and the overarching code can be considered the Code of Ethics of the Syndicate of Journalists of the Czech Republic, a professional organisation that, unfortunately, brings together a minority of journalists and has very little relevance for or influence upon the media in practice (Černý, 2022; Jiráček, 2022).

### 2.2. Freedom of information

Freedom of information is further strengthened by the Law on Free Access to Information (106/1999), which obliges the state, local governments, and public institutions to provide citizens with information about their activities. The Copyright Act protects copyrights (121/2000). Czech law contains a basic protection for whistle-blowers in public institutions based on the Whistleblowing Directive issued by the Ministry of Justice; however, a comprehensive law that reflects the current legislative requirements of the European Union and private entities is still under development at the time of writing.

### 2.3. Conclusion: main risks and opportunities concerning the legal domain

In the legal domain we identify three critical junctures. The first is *the slow development of media ethics* between 2000 and 2020; the second is *the public service media (television) crisis* after 2000; and the third, and most significant critical juncture of the last two decades, is *the oligarchization of the media (i.e., the concentration of media ownership in the hands of Czech businessmen)* after 2008. This ownership-based development also led to the emergence of new, independent media and thus started a certain transformation of the Czech media system, the consequences of which cannot yet be fully assessed.

## 2.4. Accountability system

### 2.4.1. The development of media accountability system, critical junctures, and overall understanding of media accountability

The development of media ethics and law in Czechia was profoundly influenced by the socio-economic transition process of the 1990s. This process can be characterized by the abandonment of the previous normative and legislative framework (based on the Soviet model of the media role in society) and the adaptation of free market principles, which led to the transformation of relationships in the media sphere, the transformation of market demand, and the related changes to media content and its form (Bednařík, Jirák, & Köpplová, 2011: 368). The detatization process went hand in hand with the privatization of the media; private ownership was understood to be a guarantee for media independence (Bednařík, Jirák, & Köpplová, 2011: 369). That is why in the 1990s new ethical norms and processes for media regulation were adapted very slowly and with reluctance. As Jan Jirák (2022) explains, there was a "sense of triumphant freedom" that led journalists to overemphasize neoliberal doctrine with its emphasis on self-realization and individualism. In 1995, the first ethical code was adopted by *Czech Television*, a public service broadcaster. Later, in 1998, it was adopted by the first privately owned media outlet, *Týden*, and the general ethical code was adopted by the Syndicate of Journalists (Moravec, 2020: 339).

The professional and public debate on media ethics in this period was characterized by intuitiveness, the lack of systematicity, and internal necessity. Although there was a professional union of journalists — *the Syndicate of Journalists of the Czech Republic*, which was established in 1990 and replaced the liquidated pre-revolutionary *Czech Union of Journalists* — considerations of the self-regulation of journalism or professional ethics were not common at that time. The Syndicate of Journalists is a central actor in the professionalization of journalism in Czechia; however, its real influence on the journalism profession is questionable. One of the reasons is that journalists were few and earned relatively high salaries in the transition period of the 1990s. The profession also enjoyed a certain prestige in society at the time. Thus, journalists did not feel threatened and had no need to organize and fight for their rights (Jirák, 2022).

Any self-limitation was seen as incompatible with the newly acquired freedom. The problem of media ethics was thus driven by an external agenda, most notably the Council of Europe document on the ethics of journalism (Moravec, 2020: 343–344). On this basis, the government of President Václav Klaus had been preparing a new press law since 1994 (prepared by the Minister of Culture Pavel Tigrid), which, after being revised, did not come into force until the government of President Miloš Zeman (who was a harsh critic of the media at the time) in 2000 (No. 46/2000 Coll.).

This period ended with a strike at *Czech Television* (cf. Císařová, 2003), which was caused by the resistance to the new management of the television station (director Jiří Hodač) by media workers, some politicians, and the public. As a result of this crisis, which was closely followed by the public, the *Czech Television Act* was amended, particularly the part that regulates the functioning of the *Czech Television Council*, which elects the director of the medium. The new code of ethics was adopted by the Chamber of Deputies in 2003. Thus, the new legislation did not provide a solution to political interference in the operation of the media, but rather extended it to the sphere of self-regulation of the media (Moravec, 2020: 370). The *Czech Television Act* was supposed to prevent the influence of politicians on the activities of media councils, but it failed to remove the political influence that still persists today.

At the same time, under the influence of political discussions about the press law and the threat of significant regulation of the media by the state, an attempt was made to establish a *Press*

*Council*. This ended in failure. One can assume that this was also due to the reluctance of the media and their owners to limit their business.

It can thus be concluded that in the 1990s in Czechia, the discussion of media ethics was almost exclusively oriented towards the issue of self-regulation and media regulation, especially in relation to public service media, the press law, and the government's pressure on media regulation, and within the activities of the Syndicate of Journalists, which did not play the role of an active initiator of the discussion, but rather also reacted to external (international) pressures and influences. No academic or professional institution that was focused on media ethics, apart from the *Ethical Board of the Syndicate of Journalists*, was established. The professionals were oriented primarily towards the question of press freedom rather than to discussions of the professional roles of media and its respective normativity. This corresponds to the fact that the media law (i.e., the Press Act) does not define who a journalist is and there is no legal definition for the profession. Therefore, the position of journalists in the media system was and is fragile (Černý, 2022).

The central critical juncture, which to some extent predetermined the attention given to public service media after 2000, was *the television crisis*. This led to a change in legislation and became a reference point in subsequent debates on public service media. In the following years, the *Czech Television Council* and the *Czech Radio Council* have repeatedly come under criticism, not only from politicians, who would like to bring the public service media closer to themselves, but also from media professionals and journalists themselves, who point to the dysfunctionality of the councils and the political influence on their staffing. This culminated in 2020 with the dismissal of Hana Lipovská from the Czech Television Council,<sup>45</sup> which became a symbol of defiance against the influence of politically influential groups (in this case, conservative ones) on the work of the broadcasting councils. Thus, the key actors for this whole period are the public service media, politicians, and influence groups (both liberal and illiberal, who compete for influence over the public service media policy).

The period 2000–20 was marked by this malaise of professional and public debate on media ethics and the reduction of ethics for regulatory mechanisms and within media law. This is also evident in the only existing Czech monograph on journalistic ethics, which was written by Václav Moravec, a presenter on the public broadcaster Czech Television, who became a key actor in the academic environment during this period. As a lecturer at the *Faculty of Social Sciences of Charles University in Prague* and the author of several partial texts on the subject, he became essentially the only theoretician of media ethics within a theoretically undernourished environment.

It is also symptomatic of the development of media ethics after 2000 that politicians (some who were active in the 1990s, like Miloš Zeman) continue to put pressure on the media, especially on public service media. Specifically, the role of the main PSM regulatory organs (i.e., Czech TV Council, Czech Radio Council) was widely discussed because these institutions remain under the heavy influence of the politicians. In 2013, Andrej Babiš became the key actor in both the media space, where his Agrofert holding had bought the media companies Mafra, a. s. and Londa (including the prominent newspapers MF DNES and Lidové noviny, and the dominant radio broadcaster Rádio Impuls), and in politics, where he was elected into the Chamber of Deputies and later became the Minister of Finance (2014) and the Prime Minister of the Czech Republic (2017–21) (see Kotisova & Waschková Císařová, 2021).

At the same time, the Czech media market underwent a radical transformation when media that had belonged to foreign owners (especially German) were sold on a large scale to Czech entrepreneurs. Thus, since 2008, after the economic crisis, the oligarchization of the media market

<sup>45</sup> <https://www.mediar.cz/vzestup-a-pad-hany-lipovske-v-rade-ct/>

led to the largest media groups moving into the hands of Czech billionaires with political ambitions or interests (e.g., Andrej Babiš, Zdeněk Bakala, Petr Kellner, Daniel Křetínský). In the first decade, most media outlets adopted their own codes of ethics, but there was neither the establishment of a self-regulatory body nor the strengthening of the role of the Syndicate, whose importance for the journalistic profession continued to decline.

The most significant critical juncture of the last two decades is the *oligarchization of the media*, which is the concentration of media ownership in the hands of Czech businessmen with their own political interests, especially Andrej Babiš. This event also led to the emergence of new, independent media and thus started the transformation of the Czech media system, the consequences of which cannot yet be fully assessed. The actors of this event are mainly domestic media magnates and the journalists who opposed them (and who often set up their own projects or embark on systematic critical work). This point combines probably the biggest risk but also the biggest opportunity for media ethics and law – the oligarchization of the media has led to a strong counteraction, whether it was the creation of new media, foundations, non-profit, and monitoring projects, or an increased interest within the academic world in the relationship between politics and media. In Czechia, the risks of oligarchization are still outweighed by the opportunities, which allows for the maintenance of a certain freedom for the media that is exceptional in the context of post-communist countries (cf. e.g., Hungary, Poland).

At this time, media law was also undergoing a significant transformation with the implementation of the so-called “muzzle law” (No. 52/2009 Coll.) in 2009. This law aimed to limit the publication of wiretaps, the leaks of sensitive information from criminal proceedings, and the secondary victimization of victims of crime. This law was amended in 2011 to a relaxed and constitutionally compliant form (No. 207/2011 Coll.) in response to widespread professional and political criticism that it excessively restricted press freedom.

In 2013, the *Press Act* was amended in relation to council (i.e., municipal) newspapers published by local authorities. This amendment placed a new obligation on local authorities to ensure that these publications provided balanced and objective coverage of the community, as well as a balanced space for the views of councillors. The problem with this amendment, among other things, is that it does not address the causes of the unsatisfactory state of council news media, but only the symptoms. For examples, there is no adequate definition for the media because of local political publicity tools, there is no solution to their funding, there is no relationship with other similar tools, and there is no authority with sufficient decision-making powers (Waschková Císařová, 2015).

In reaction to the oligarchization of the media, the second decade saw a revival of the debate about media ethics, especially with the emergence of the liberal independent media and the rise of the populist political forces that began to put increased pressure on public service media. On this basis, new professional organizations, such as the *International Press Institute – Czech Republic* and the *Association of Regional Journalists*, were established.

#### 2.4.2. Existing media accountability instruments and an evaluation of their effectiveness

It is symptomatic that, not only does the reduction of media ethics to journalistic principles continue (the issues of film, TV series, and entertainment productions are indeed critically conceived by Czech academics – e.g., Reifová, 2021 – but not within the framework of media ethics), but so does its interpenetration with media law. Moravec’s book *Transformations of Journalistic Ethics* thus does not follow the foreign discussion of media ethics, its key development tendencies, and paradigms; rather, it comments on certain characteristic phenomena and widely employs the legal framework to interpret the phenomena. This interpenetration of media ethics and media law is also evident in the fact that other publications that deal with media regulation or self-regulation are exclusively legal in nature (Pouperová, 2010; Rozehnal, 2007).

In practice, it happens that, while in terms of the law, citizens have sufficient means for defence in terms of defamation and invasion of privacy, at the level of self-regulation these means are limited or minimal. Only in the public service media is there the opportunity to defend oneself against accusations, invasion of privacy, use of personal data, and other hardships, based on the regulatory authorities. However, in most cases the affected persons have no choice but to go to court. Self-regulation in the Czech environment does not have sufficient institutional support to enable an effective defence of citizens against violations of journalistic ethics.

Equally, this lack of self-regulation (Černý, 2022) represents an insufficient protection for journalists, who are usually – unless they agree to go to court – forced to accept assignments in the newsroom under pressure and in undignified conditions, even if it is a violation of the rules of journalistic work. This is a major critical juncture that affects all the variables of interest. Journalistic sources are protected by law (Press Act, 46/2000, §16). Czech media law does not systematically address the issue of media ownership, but it does contain some provisions to protect press freedom (e.g., under the Conflict of Interest Act (159/2006), public officials may not own or operate media).

Media law focuses mainly on norms that were adopted in the 1990s and it does not reflect the advent of new technologies, which is, alongside changes in ownership, crucial for the transformation of the Czech media system (Jiráček, 2022; Černý, 2022). In recent years, there has been an increased interest in some of the issues related to copyrights in the digital environment and laws in relation to new technologies, especially at the Institute of Law and Technology, Faculty of Law, Masaryk University (<https://cyber.law.muni.cz/en>). It should be noted, however, that these discussions are separate from the discussions about the journalistic profession, and they do not lead, for example, to a deeper legal reflection on the issue of precarization of work (i.e., false self-employment) or the lack of compliance with copyright law in newsrooms (Černý, 2022).

#### 2.4.3. *The role of corporate and primary agents on media accountability*

The critical problem with Czech media ethics and media law is the absence of an academic workplace that would systematically address these topics over the long term and that could provide expertise for public policy. The fragmentation of the professional discussion is also characterised by mutual non-communication between actors (i.e., academics, journalists, politicians, media managers). Only in the last year has there been an attempt to establish such a workplace in Brno (see below).

Both professional and public discussions on media ethics and law, however, were primarily based on mere intuitive notions for objectivity and independence, as well as on the criticism of the oligarchized media. The academic institutions did not systematically develop a theory for media ethics or a specific ethical or legal stance on the media beyond partial commentaries or reviews and historical texts. Crisis phenomena, such as the ethics of portraying refugees or foreigners or sexism, have been commented upon mainly by NGOs and activists (e.g., Nesehnutí, *Člověk v tísni*). Thus, even though the Syndicate of Journalists still had an active ethics panel and the Prague Faculty of Social Sciences, Charles University, cooperated with the international organization *European Journalism Observatory* (<https://cz.ejo-online.eu>), no department has systematically developed media ethics as a specific discipline distinct from law. In 2021, the *Centre for Media Ethics and Dialogue* (<https://www.cemetik.cz/en/>) was established at the Department of Media Studies and Journalism at the Faculty of Social Studies of Masaryk University in Brno. It is headed by Jan Motal, who has spent the past decade focusing on education and the issue of dehumanization in the media in relation to media ethics (Motal, 2015). Apart from Václav Moravec's activities at Charles University, this is the only long-term academic activity in the field.

However, interest in media ethics is growing, as evidenced by the establishment of a new field of study called *Ethics and Culture in the Media* at the *Sts. Cyril and Methodius Faculty of Theology at Palacký University in Olomouc* in 2020. However, this focuses primarily on the education of future workers in social services, non-profit organisations, and authorities, not on professional ethics.

Overall, the discussions around the media councils (the Czech Television and Czech Radio Councils), in which journalists, politicians, and the public acted as key actors, were crucial for the development of media ethics and media law in the last two decades. Often, in the public sphere, this issue was put in the context of restrictions on media freedom in Poland and Hungary. Similarly, the oligarchization of the media, especially the acquisition of major media outlets by Andrej Babiš, was a key development. This has led to a broader discussion of journalistic ethics and to a renewed interest in the establishment of professional organizations. The *Foundation for Independent Journalism* (<https://www.nfnz.cz>) has played a significant role in the cultivation of the media environment, especially with its media rating system, which provides an assessment of media quality. It can thus be said that NGOs and foundations have been another key actor in the development of media ethics and law in the last two decades.

#### 2.4.4. Conclusion: the main risks and opportunities concerning the accountability instruments

Despite the new impulses in the academic sphere, however, the biggest risks remain the following: the intuitive nature of the discussion on media ethics in Czechia; its close intertwining with media law; the absence of a broader conceptual debate based on international comparisons; and the inactivity of the largest trade union organisation, the Syndicate of Journalists of the Czech Republic, which is unable to enter the professional or public debate in a significant way. This is also linked to the low willingness of journalists to organise and join professional and self-regulatory organisations (Volek & Urbániková, 2017). The renewed debates about the possibility of establishing a press council, which have emerged in recent years, are thus more the result of the initiative of a limited group of activists and professionals and they do not have broad support among journalists. A major risk is the long-term indifference of media professionals and the professional public to long-term and systematic solutions. On the other hand, at the moment, due to the above-mentioned processes, it is an opportune moment to open up the fundamental problems of media ethics and law, because the political representation and the professional public are willing to listen to the criticism of the oligarchized media.

### 3. Risks and opportunities concerning journalism domain

There were several critical junctures for media development between 2000 and 2020 in terms of topics related to the journalism domain. Firstly, there were key changes in the Czech media landscape: *post-socialist transition*, which was still covered in the analyses in the first decade after 2000 (e.g., Jirák & Köpplová, 2012; Volek, 2009); and *searching for a type for the Czech media system/market* and its similarities and differences with other post-socialist or western media systems (e.g., Castro Herrero et al., 2017). Later, the risks associated with the current trends in the media landscape: *public service media crisis* in 2000-01 (e.g., Císařová, 2003); *changing media ownership* after 2008 (e.g., Kotisova & Waschková Císařová, 2021); and the *development of illiberal democracy and its implications for the functioning of the media* in recent years (e.g., Surowiec & Stetka, 2020).

### 3.1. Market conditions

Our interviewees mention the foreign, specifically Western, influences on setting the basic features and development of the media system and market. Foreign owners, mainly from Germany, dominated the Czech media market until 2008. Experts recall that, at first, foreign ownership aroused distrust, but today, through the lens of the re-nationalisation of media ownership, they see it as a better option. It evaluates, from a distance, that foreign owners did not interfere in the functioning of the media and the autonomy of journalists (Jirák, 2022; Osvaldová, 2022). In addition, it enabled the financial and technological development of the media (Šmíd, 2022). Support for the development of journalism in the post-revolutionary period was also offered by the *Center for Independent Journalism*, which was established in the early 1990s and funded by the American foundation of the same name. As the expert recalls, CIJ was very cooperative (e.g., it published the first books about journalism in Czech and organized workshops for journalists; Osvaldová, 2022). Nevertheless, the beginning of the 21st century marked the end of the CIJ in Czechia – the American Headquarters “felt that we had moved on to the point where we no longer needed help with journalism independence” (Osvaldová, 2022). The same centres still operate in Hungary and Romania.

### 3.2. Public service media

The critical juncture, which to some extent predetermined the attention given to public service media after 2000, was *the television crisis*. This led to a change in legislation and became a reference point in subsequent debates on public service media. In the following years, the *Czech Television Council* and the *Czech Radio Council* have repeatedly come under criticism, not only from politicians, who would like to bring the public service media closer to themselves, but also from media professionals and journalists themselves, who point to the dysfunctionality of the councils and the political influence on their staffing. This culminated in 2020 with the dismissal of Hana Lipovská from the Czech Television Council,<sup>46</sup> which became a symbol of defiance against the influence of politically influential groups (in this case, conservative ones) on the work of the broadcasting councils. Thus, the key actors for this whole period are the public service media, politicians, and influence groups (both liberal and illiberal, who compete for influence over the public service media policy).

### 3.3. Production conditions

In terms of journalists, there are key topics for *professionalization* (e.g., Volek & Jirák, 2006; Volek & Urbániková, 2017) and the *transformation of journalistic work* (e.g., Jirků, 2020), specifically as a consequence of the changes of media ownership (e.g., Kotisova & Waschková Císařová, 2021).

The professionalisation of journalists and the conditions of journalistic work were often mentioned by the experts in the interviews. For example, the president of the Syndicate of Journalists reflected upon the unclear position of the journalist in the Czech legal system: “there is no mention of a journalist in media laws, the position of journalists is very fragile in the Czech Republic” (Černý, 2022). Moreover, he connected this unclear position to the situation after the Covid-19 pandemic and the related state compensation – “it is also symptomatic, if we look at the two Covid years, when all sorts of fields received support from the state ... but no support went to the media, although the consequences for them were dramatic” (Černý, 2022).

<sup>46</sup> <https://www.mediar.cz/vzestup-a-pad-hany-lipovske-v-rade-ct/>

### 3.4. Relations and interaction between the corporate and primary agents concerning the economic and social sustainability of journalism

The re-nationalization of traditional media ownership (see above) has also brought with it an increasing diversity of business models and media types – there are more independent, niche media and the emphasis on an audience-driven business model is growing. There is a lack of mutual cooperation of the different agents (e.g., researchers, media professionals, state, professional unions).

### 3.5. Journalists' working conditions

According to the experts, the precarious position of the Czech journalists has more roots in the 1990s because, at that time, there was a greater supply of job opportunities than the number of journalists, therefore journalists had high salaries, chose where to work, and, if there was the slightest problem in the newsroom, could go elsewhere (Černý, 2022; Jiráček, 2022). “Journalists had this sense of ‘triumphant freedom’ – that state of affairs has led journalists to underestimate the need to organize and collectively bargain and defend themselves for quite some time. They failed to realize that there might come a time when they would not be in the limelight” (Jiráček, 2022). On the other hand, as a consequence of the weakening of traditional media after 2000, the situation for journalists in Czechia today is abysmal: there are limited job opportunities, some work as freelancers even when they previously would have been entitled to full-time jobs, and working conditions are precarious (Černý, 2022). Moreover, the new media is blurring the line between who is a journalist and who is not (Osvaldová; Jiráček; Černý, 2022): “Not everyone who writes something is a journalist” (Osvaldová, 2022).

### 3.6. Intra-organizational diversity of human resources

The topic of intra-organizational diversity is not yet very visible in the Czech media discourse; it is mostly manifested in discussions about equal opportunities for women journalists (e.g., Jiráček et al., 2011). There is no policy on intra-organizational diversity in the Czech context, only some internal editorial standards of independent liberal media contain it, public service media or professional associations do not address such a topic.

### 3.7. Journalistic competencies, education, and training

In terms of the *state of journalistic education and related journalistic skills*, there is the ongoing debate over the structure of journalistic education; there are the majority of journalists without professional education; and there is an absence of lifelong learning for journalists. However, journalism education, like the profession itself, underwent significant developments in the 1990s. The first step towards establishing journalism education in universities was the ability to explain to critics that journalism was a discipline that belonged in academia. The department at Charles University in Prague, which was the first to be established, had cooperation with foreign universities for the preparation of the curriculum. The second step was the development of the field, but that progressed slowly – the field was small, based on a limited number of academics who were without strong links to foreign trends in the field, and this continues to this day. The experts mention: a lack of understanding of the social relevance of the field in academia (Orság, 2022); the fact that the field is still not represented in the Academy of Sciences (Jiráček, 2022); and infighting in the field (Academic 1, 2022). The third step was the search for a balance in the teaching of theory and creative practice. There are big differences between the three journalism departments (i.e., Charles University, Masaryk University, Palacký University) in the emphasis they place on the acquisition of practical experience by future journalists, which is tied to the

level of skills acquisition. For example, at the Department of Media Studies and Journalism, Masaryk University, a media internship has been compulsory for a full semester for undergraduate journalism students since 2006. One of the interviewees critically reflects on the periods in the development of journalism education and research:

*First, there was the period of textbooks in 1990s – it was a period of acquiring information abroad, publishing textbooks and dictionaries. At the end of that period there was a generational clash, younger colleagues setting themselves apart from the ‘first ones’. Then there was a phase of hunches and despair – we knew there was research and a scholarly article, but we didn't know how to do it. There was a lack of connection with the international academic community. And suddenly there was a period of demands – a rigorous system of science assessment on which university funding was based. (Academic 1, 2022)*

### 3.8. Professional culture and role perception

*Professional culture and role perception* of journalists was one of the topics that has received more attention from the academic community (e.g., trust towards journalists, Moravec, Urbániková & Volek, 2016; professional identity, Volek & Urbániková, 2017), than being part of the professional debate, which may also be related to an inactive professional journalistic union.

### 3.9. Conclusions: the main risks and opportunities concerning journalism

The biggest potential problem for media development in Czechia was the almost complete *lack of cooperation* or, at least, *the lack of mutual participation among individual actors in the field*, which concerned the following: academia; media; media associations; journalists union organizations; and NGOs. The media market is a highly competitive environment. It is understandable that some information is not made available. Nevertheless, the media do not collaborate with analysts or academics (with the occasional exception of the public service media), so information about them is mostly descriptive and simply unavailable. The situation is no better among the professional journalistic associations. One of the problems of the Czech media landscape and a potential risk for media development is the long-term *dysfunctionality of the professional journalistic union*, the Syndicate of Journalists of the Czech Republic. The other associations that have emerged in recent years are not yet able to cover the absence of a professional organisation. There is only one NGO, the Foundation for Independent Journalism, which repeatedly assesses the quality of Czech media (Nadační fond nezávislé žurnalistiky. Rating médií). *Critical reflection on the Czech media market, 30 years after the emergence of a free media landscape, thus remains primarily the responsibility of foreign organisations* (e.g., Reporters Without Borders, European Federation of Journalists, The Reuters Institute for the Study of Journalism).

And yet the respondents agree that the functional cooperation of various agents in the Czech media landscape would contribute to solving a large part of the above-mentioned risks and critical junctures. At the beginning of the development of the Czech media, both in the academic and professional spheres, there were foreign actors, but they served more as know-how consultants and financial resources than as real partners for cooperation. In further development, mutual cooperation could not be established, even though interviewees saw it as crucial: “Prejudice is probably to blame. There is a misunderstanding between practical journalism and its theoretical reflection at the university. If we don't understand that we have to work together, we will all pay the price” (Orság, 2022).

## 4. Publications, data sources and main monitoring actors of media usage patterns

Before we move to the main changes in the domain of media usage, it is important to address an issue we can see in different country case studies' reflection on existing research and knowledge – the tendency to exclude interest groups of audiences (e.g., gamers, fans, pop culture audience) and more general media usage that is not connected to news consumption. However, all of the groups of audiences that interact with media nowadays reflect on how media communication works and how much of a re-establishment of new relations between the producer and consumer identities is happening (they even often collide). It would be a wasted opportunity to ignore this part of the existing research. Studying audiences is an interdisciplinary task and it must be handled as such, which is why it will be reflected in this manner in the following text.

### 4.1. The primary and corporate agents of media usage domain, the role of stand-for actors

Audience-hood is inseparably influenced by the local (in addition to accessible global) media content offer. Its distribution channels co-determine the practices of the audience itself. That is why we consider the evolution of ownership/management and the distribution model of Czech media at this crucial critical juncture in our media landscape. The establishment of commercial broadcasters (both TV and radio), alongside public service broadcasters, inevitably changed the landscape (e.g., emergence of talent shows, soap-opera genre). The changes were initially observable in the 1990's with commercial television stations Prima and Nova taking important places in the landscape, then again around 2005 with the increased competition between individual players and the changes in content (e.g., talent shows) and content creation. In 2010, Czech media saw the beginning of oligarchization and, after 2015, international subscription and on demand services found their way in the region (Kubíčková, 2022; Academic 1, 2022). Of course, the gradual development of the internet and its features (i.e., social networks) significantly added to the changes of media usage patterns.

The technological evolution is related to this critical juncture, and it is influential. Turning off the analogue signal and the increase of digitalization allowed for even greater fragmentation of the content offer, which became even more true with the arrival of the international players HBO, Netflix, and, later on, others. Jana Kubíčková (2022) labelled this arrival, plus the consequential changes in the media landscape and audience-hood, as "Netflixization". Both Kubíčková and Academic 1 explain that contemporary audiences<sup>47</sup> often lose their "togetherness" with other members of audiences. The socialization function of media is at risk of eventually disappearing in the context of "algorithmic domination" that individualizes the media experience of each user to the point that it will be difficult to find two users with same skillset, consumption/usage rituals, and practices.

### Access and diversity to different media content and news

The state of the media landscape is naturally reflected in the existing research, which brings us to an additional set of critical junctures. As described in Case Study 1, the research on media usage represents a wide range of fragmented and individualized approaches to the field that are produced by a similar range of different actors (i.e., academics, media professionals). This

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<sup>47</sup> This applies mainly to the convergent audiences that use a mix of classical broadcast and subscription video on-demand services, such as Netflix and other sources of content (e.g., online television). However, it is important to stress that the number of convergent audiences is gradually increasing in Czechia (Macek & Jansová, 2020).

brings us to the next critical juncture – the obvious *lack of academic empirical research on audiences* that was typical in the first decade of the period 2000–20. Such a tendency, of course, also reflects the state of the field before the year 2000.

On the other hand, the industry section of the field collected data continuously. However, only a limited amount was accessible to the academic field or the public (e.g., Český statistický úřad, 2014). It is important to stress that such research was conducted with the simple goal of knowing the numbers (e.g., how many people listened/watched) to further monetize the audience's attention. What exactly those audiences were doing with their media (e.g., how they use it, what their rituals are, how they choose content) was not (and often is still not) part of “the question”. Jana Kubíčková (2022) points out that the “industry research” that is available (internal or external) is getting better and it is well contextualized. At the same time, she stresses that one of the biggest risks we are currently facing is the inability to interpret and use big data that reflects user experiences/behaviour. While Czech industry players collect such data, they are nowhere near effectively mining them, which is something Netflix, HBO, and others actually can do.

## 4.2. Relevance of news media

A significant change that concerned the previous lack of academic audience research (i.e., the contextual information of media usage) came in approximately the second decade of our time frame. Namely, *research teams* from (predominantly) Masaryk University (both the *Department of Media Studies and Journalism* and the *Interdisciplinary Research Team on Internet and Society*, with several lone researchers who combined media studies with psychology or sociology) *started to conduct both qualitative and quantitative primary research into media usage* (e.g., Macháčková & Blinka, 2009; Baslarová, 2014; Macek, 2015). The interest included specific audiences and their praxis (e.g., fans, gamers,<sup>48</sup> TV, and movie audience<sup>49</sup>); the generational uses of media (e.g., children's use of social networking); the psychological effects of media use (e.g., cyberbullying, eating disorders); and news consumption (e.g., connected polarisation, disinformation scene). As is apparent, the field became highly fragmented at the time (not only in the topics but also the methodological approaches).

This topic is addressed in detail in the newest research by a team led by Alena Macková (Masaryk University) that focused on information sources and the ability to process information from social networks sites (SNS). The research shows that 74% of the adult population used social networks at the end of 2020 and the main reason was to stay informed about their friends and acquaintances. During 2020 the number of people using SNS for information about world affairs increased by a third. The idea that Czechia was a polarized society (in types of perceived polarization and practiced polarization) was perceived by the respondents as the truth. The opinion divide was perceived by 61% of the respondents and polarization on the level of the media and their audiences by 55% respondents. Both types of polarization (i.e., perceived and practiced) increased during the Covid-19 pandemic. (Macková et al., 2021)

## 4.3. Trust in media

The state of contemporary Czech audience-hood and its actual research can be assessed with the help of several recent studies. Research that reflects Czech audiences and their practices regarding mostly (but not exclusively) its interest in content (e.g., TV series, movies) was conducted between 2019-20. The 98 interviews with contemporary audiences and the related

<sup>48</sup> Quite a strong tradition of game studies has been established at the *Institute of Information Studies and Librarianship* (Charles University).

<sup>49</sup> Once again, Charles University also has a tradition in this type of research, even though we still predominantly encounter textual analysis. Some of Irena Reifová's work represents audience-based research.

survey (N = 4,294) of the Czech population (Jansová et al., 2019; Macek & Jansová, 2020) indicates that approximately 30% of Czech audiences are now fully convergent. This number is steadily increasing (along with new possibilities in technology and accessible platforms). Convergent audiences are more in control (at least temporally and spatially) of their media usage because they can choose from the more traditional media (e.g., terrestrial broadcast) and also from new media offerings (e.g., social media, subscription based on demand services). Gradual individualization of the audience experience is also apparent in the polarization of (not only Czech) audiences/society.

#### **4.4. Conclusions: the main risks and opportunities concerning the media usage patterns**

Another critical juncture is the *cooperation between the academic field and industry representatives* and the combination of different approaches to the study of media audiences. This is difficult to date precisely in a particular year, but we approximate it to be in the 2010s. This cooperation stemmed from the changing of “audience-hood” as it is connected to the globalization of content, digitalization, and the growing media (and digital) literacy. Such cooperation represents a great opportunity in getting to know both Czech and international audiences in a more complex way. At the same time, it is important to consider that only a small number of such types of cooperation are functional and successful. Moreover, experts who were questioned in our interviews collectively highlighted the lack of a more efficient connection between the different bodies of research as a risk, while, paradoxically, each of the “representative body” perceived some sort of reluctance from others (Strachota, 2022; Academic 1, 2022; etc.).

## **5. Publications, data sources and main monitoring actors of media-related competencies domain**

### **5.1. Normative approach concerning media-related competencies**

In Czechia, the terms media-related competencies and media literacy are mainly used in connection with (1) non-profit or commercial courses focused on journalism, digital, or communication education; and (2) the structure of school education.

Media literacy and media education are compulsory parts of formal education in elementary and high schools; however, there is no organ that systematically reviews the state of this education.

Seniors are also one of the target groups for media literacy. Care in this regard is mostly supplemented by NGOs or private subjects.

The law for radio and television broadcasts requires annual reports on the state of media literacy with regards to new communication technologies and the radio and TV broadcasts. This requirement applies to the *Committee for radio and TV broadcasts* (Děti a média, 2021).

In the first decade after 2000, academic works were primarily theoretical. This was true even regarding topics that warranted a more empirical approach (e.g., media literacy research – e.g., Jirák & Wolák, 2008).

The lack of media literacy research and the lack of media literacy education led to a paradoxical situation in which the non-profit sector had to step in and supplement both the research and the education (Strachota, 2022). This has another layer: the understanding of media literacy only scrapes the surface of this complex term with early academic works, the consideration of digital literacy, and the user perspective is mostly absent.

## 5.2. Overview on media-related competencies in policy documents: risks and opportunities

The definition of media literacy varies in different sources, a unifying definition provides a European guideline about audio-visual media services (Směrnice, 2010): “Media literacy includes skills, knowledge and understanding allowing users effective and safe usage of media. (Media) literate people should be able to conduct informed choices, understand the nature of the content and services and be able to use all the opportunities offered by new communication technologies....”

Media literacy is addressed in a policy called Framework educational program that mandates all schools in Czech Republic to provide “media education” (see later). Monitoring media literacy is also part of a Council of Radio and Television Broadcasting function (see RRTV). The council should be cooperating with Czech Telecommunication Office in offering and development of the media literacy development in Czech Republic. Its role is purely monitoring, not educational. Realistically, the Council can only offer solutions and strategies, not enforce policies that is why not much effort are visible in this regard.

## 5.3. Information about the media literacy programs in formal and/or in non-formal education

Media literacy is addressed in a policy called *Framework Educational Program* that mandates all schools (elementary and high schools) in Czechia to provide “media education”. In this policy, media education is defined as a tool to be given to students on the basic level of media literacy. It is understood as ability to analyse media content and evaluate its trustworthiness, additionally also to recognize the communication aim of the information.<sup>50</sup> As we know from the previous sections, the level of media education varies among different schools and the government fails to function properly in its role as an upholder and provider of certain standards, tools and services. Once again, we must label this notion as a great risk to deliberative communication.

A visible role in this regard plays the non-profit sector, mainly the project *One World at Schools* in its media education initiative. Their activities cover preparation of educational materials, seminars, courses and conferences, they organize weeks of media education and conduct research into the state of media literacy in Czechia (JSNS, 2018). Most of their materials are free of charge.

## 5.4. Actors and agents of media related competencies: risks and opportunities

The main agents enforcing media competencies and media literacy should be the government, mainly the *Ministry of Education, Youth and Sports*. The Ministry should provide tools and strategies for schools for a quality media education. Unfortunately, even though elementary and high schools must provide some sort of media education, the state and shape of it is entirely voluntarily to them. The Ministry fails to provide strict leadership and the quality of media education in our country is rather being procured by NGOs (repeatedly mentioned *One World at Schools*) than the Ministry itself.

The primarily targets of media literacy programs are students of elementary schools and high schools. Attention is paid also to elderly generation, once again mainly in supplemental care provided by NGOs or volunteer activities (e.g., *Organization Elpida* focused on education sen-

<sup>50</sup> More about the Framework educational program at <https://www.msmt.cz/vzdelavani/skolstvi-v-cr/skolskareforma/ramcove-vzdelavaci-programy?lang=1>.

iors). While the non-profit sector offering a supplementary care in the regard of media education embodies an opportunity of progressive, in-time and quality education, the accompanying risk to the government failure in this regard is the inequity between different social groups or age groups in their access to such education.

## 5.5. Assessment of media related competencies among citizens

There is no standardized approach to assessment of media related competencies, a result of the named risk of non-cooperation of different agents (academia, NGOs etc.). Each agent approaches the task differently. As we addressed in the Case Study 1, the academic research highlights digital literacy a pressing topic, while the interdisciplinary research of media studies and psychology can offer us assessments of for example health impact of digital media usage and employment of digital literacy in that context. Longitudinal research in Czech youth and their digital and media literacy is provided only by NGO One World at Schools (e.g., JSNS, 2018).

The research in general is very fragmented and definitely not saturated, we are missing an interdisciplinary and internationally connected research team that would conduct longitudinal research into this topic and would cooperate with the government in employing valid changes into the media education (reflecting on the actual state of media literacy in the country).

## 5.6. Conclusions: the main ROs concerning media-related competencies among citizens

An obvious risk that can be identified while looking through the two decades worth of development regarding media-related competencies is *the weak cooperation between different actors* – academics, industry representatives, and NGO representatives. This is exacerbated when NGOs have to often fill “blank spaces” left by the other actors/sectors. The most visible examples are workshops in media literacy for schools and teachers (e.g., One World in the Schools). It is the same for publications about the state of media literacy in the Czech schools (JSNS, 2018).

## 6. Analytical conclusions

There are many potential critical junctures of media development in Czechia and the agency of different actors has propelled certain risks and opportunities.

There are several **critical junctures** that arise from the **context of the social, political, economic, and technological developments within the media** in Czechia between 2000 and 2020. We identify these seven in particular: (1) *the consequences of the social transformation after 1989*, which lasted until the beginning of the 21st century; (2) *the emergence of new media*, whose production and user development occurred mainly after the year 2000; (3) *the economic crisis* in 2008; (4) *the emergence of new political movements* after 2011; (5) *the refugee crisis* in 2015; (6) *the polarisation of society*; and (7) *the pandemic of Covid-19 as a complex phenomenon* after 2019.

In the **domain of legal and ethical regulation** we identify three critical junctures. The first is *the slow development of media ethics* between 2000 and 2020; the second is *the public service media (television) crisis* after 2000; and the third, and most significant critical juncture of the last two decades, is *the oligarchization of the media (i.e., the concentration of media ownership in the hands of Czech businessmen)* after 2008. This ownership-based development also led to the emergence of new, independent media and thus started a certain transformation of the Czech media system, the consequences of which cannot yet be fully assessed.

The biggest problem of media ethics and law in Czechia is the absence of a professional workplace that would deal with this issue and that would be able to saturate the public discussion with expertise. Although such a workplace is being established, the risk is that there is a lack of empirical research, not enough theoretical elaboration on key issues, and insufficient contact with the international environment. Ethics is mixed with law and this legalistic approach leads to the reduction of public discussion about the question of breaking the law. It is then difficult to find space for setting up effective self-regulatory mechanisms. The agenda of Czech media ethics is shaped by power actors, such as influential groups and politicians who criticize the media. This is particularly evident in the field of public service media. Another critical point, but one that also presents an opportunity for domestic journalism, is the oligarchization of the media, which has led to the emergence of new independent media and a supporting infrastructure. Also problematic is the low professionalisation of Czech journalists (i.e., their unwillingness to organise and participate in self-regulatory solutions).

In the **journalism domain** we identify four critical junctures. Firstly, *the post-socialist transition*, which influenced the development of media in the first decade of the 21st century and later was related to *searching for a type of the Czech media system*. Secondly, the following trends were crucial for the development of journalism: *the public service media crisis* after 2000; *changing media ownership* after 2008; and *the development of illiberal democracy and its implications for the functioning of the media* in recent years. Thirdly, in terms of journalists, critical junctures include their *professionalization development* after 1989, which is related to the *state of journalistic education and journalistic skills*; and *the transformation of journalistic work*, particularly because of the change of media ownership after 2008.

The biggest potential problem for media development in Czechia is the almost complete *lack of cooperation* or, at least, the *mutual participation of individual actors in the field*: academia; media; media associations; journalists union organizations; and NGOs. Specifically, one of the problems of the Czech media landscape and a potential risk for media development is the long-term *dysfunctionality of the professional journalistic union*, the Syndicate of Journalists of the Czech Republic. The other associations that have emerged in recent years are not yet able to cover the absence of a professional organisation. Moreover, the *critical reflection on the Czech media market*, 30 years after the emergence of a free media landscape, *remains primarily the responsibility of foreign organisations* (e.g., Reporters Without Borders, European Federation of Journalists, the Reuters Institute for the Study of Journalism).

In the **domain of media usage** we identify several critical junctures. The first is the *stages* (i.e., the 1990s, 2005, 2010, 2015) *of the evolution of ownership/management* and the distribution models of Czech media after the 1990s, which significantly contributed to the change in Czech audience-hood. This is the same for *several degrees of technological evolution*, another critical juncture. Simultaneous critical junctures appeared in the research of the changing media landscape itself. The first critical juncture in this regard is undoubtedly the *lack of empirical academic research of audiences* and their practices, the second is when such *primarily research will start to be conducted*. A clear dividing line is at the end of the first decade of the 2000s. The field's opportunities and risks are connected to the *(non-)cooperation of different actors* who produce and collect data and research into audiences. An obvious risk that can be identified while looking through the two decades worth of development regarding media usage and the competencies of the media-related field is *the weak cooperation between different actors* – academics, industry representatives, and NGO representatives. This is exacerbated when NGOs have to often fill “blank spaces” left by the other actors/sectors. The most visible examples are workshops in media literacy for schools and teachers (e.g., One World in the Schools). It is the same for publications about the state of media literacy in the Czech schools (JSNS, 2018).

With focus on the agency of different **actors** in propelling certain risks and opportunities at the outlined critical junctures, these are the groups with either specific knowledge of the Czech media development or with a long professional history: (1) media industry representatives (e.g., media owners, media managers, journalists, journalists' professional unions); (2) communication researchers and lecturers; (3) media analysts and analytical companies; and (4) NGOs. In this sense, we also selected our communicative partners for expert interviews.

As shown by our analysis of the Czech media system between 2000 and 2020, the critical junctures, risks, and opportunities, have not contributed to the development of **deliberative communication and democracy** in Czechia. On the contrary, we conclude that the changes just after 2000 led to an illiberal turn that stems from the social, political, economic, and technological development of both Czech society and the Czech media system.

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# ESTONIA

## Critical junctures in the media transformation process

*By Epp Lauk, Halliki Harro-Loit, Ragne Kõuts-Klemm, Mari-Liisa Parder, Urmas Loit  
University of Tartu*

### Executive summary

The structural conditions (media laws and organizations, general and professional education) provide good preconditions for deliberative communication in Estonia. Since the 1990s, Estonia has been characterized by a high degree of freedom of expression and information, rapid technological development in terms of media consumers as well as news providers, and a relatively high degree of media literacy as well as efficient education system (e.g., high results in Pisa tests; **University of Tartu has reached among the top 250 universities in the world in 2022**).

The critical junctures that have the strongest impact on the developments in journalism domain relate to Estonia's independence in 1991 and consecutive transformation of the whole media system. The next critical juncture took place in 2004 when Estonia joined the European Union. There are also other major changes concerning journalism and media, that have determined the Estonian path of development.

Estonia's small media system and journalists' job market are vulnerable as the number of employers is limited; resources are also scarce for investigative journalism and thorough data processing.

In the second half of the second decade of the 21st century, pressure on freedom of expression and transparency has increased step by step. Changes occur gradually and may go unnoticed. In particular, journalists are standing for the transparency of society.

The risks are increased by a situation where data on the situation is collected not in the public interest but in private interests. The data on media usage are collected by private companies with the purpose of selling it to advertisers and media companies. Therefore, the existing data consist of the statistics about the consumption of various programmes and channels. There is no knowledge about the other aspects of media usage, for example, the composition of media repertoires of diverse groups of media users, which is vitally important from the perspective of deliberative communication.

At the same time, since the second half of the second decade of the 21st century, the press has overcome the economic crisis, the number of digital orders has risen, and many agents are involved in supporting the development of children's and young people's media literacy.

# 1. Introduction

Estonia regained its independence after the collapse of the Soviet regime in 1991, as did the other former Soviet occupied countries. This historical juncture created a completely new geopolitical situation in whole Europe, and started a political, economic and social-cultural transition in the post-socialist (also named ‘post-communist’) countries towards democratic political order and market economy. During the last decade of the 20th century, these countries lived through all-embracing changes in every field of life. The speed and depth of the changes differed depending on peculiarities of the countries. The ten countries<sup>51</sup> that joined the EU during the first decade of the 21st century have been regarded as successful in their economic, political and societal transition. Within less than two decades they acquired the status of fully fledged consolidated democracies. The second decade of the 21st century, however, has demonstrated a growing popularity of ultra-right and populist political forces in several of these countries (Poland, Hungary, Czech Republic, Slovakia), as well as in Europe at large. Within this context, Estonia has been regarded as a transition prodigy of democratic reforms, succeeding relatively well in societal democratisation and economic transformation. Estonia is the smallest among post-socialist countries by its territory (45 340 km<sup>2</sup>) and population (1.33 million), as well as by the media system. After the economic crisis of 2008-2010, the economy and financial sector have recovered relatively well, the GDP being 84% of the average of the European Union in 2020. The unemployment rate has stabilised to 6–7% in 2020-2021. In 2021, the Estonian general government deficit was 2.4%, and the debt level was 18% of the gross domestic product.

Estonian social scientists Marju Lauristin and Peeter Vihalemm (2020) describe Estonia’s post-socialist transformation in four cycles: 1) The first cycle in 1988–1991 began with Singing Revolution and ended with the restoration of Estonian Republic; 2) 1992–2003 was the period of reconstruction of the nation state; 3) The third cycle in 2004–2017 embraced EU integration and structural and cultural adaptation to the transnational system; 4) The critical re-evaluation of the transition and rise of the populist countermovement started in 2018, clearly reflecting the same trend in elsewhere in Europe.

In the 1990s flourishing number of media channels provided unprecedented diversity of content. In 1995 media companies launched their online news platforms and because of strong competition for the attention of audiences the biggest news providers started to offer a lot of free news. In 1997 the Estonian government launched the ‘computerisation’ programme for schools “Tiger Leap” that pushed forward digital education in Estonia. Digitalization in the media sphere reached its highest level during the period of 2004-2017. The usage of traditional media channels decreased while the usage of digital channels increased, and fragmentation of audiences speeded up (Kõuts-Klemm & Lauristin, 2020, 81). Simultaneously, a widespread and quick launch of e-banking, e-voting and state e-services took place. Today, Wi-fi covers practically all populated areas. According to July 2020 data of Statistics Estonia (the state statistics agency), 89.1 percent of households have internet connections, while 98 percent of people aged 16 to 44 use the internet daily or almost daily (Estonia: Freedom on the Net 2021 Country Report, 2021). Public wi-fi access is non-limited. There are no significant digital divides in the country. The 2019 Inclusive Internet Index report ranks Estonia as the 20th out of 100 countries in terms of the affordability of prices for connections. In 2022, Estonia holds the second position in the world after Iceland in terms of internet freedom. (Estonia: Freedom on the Net 2019 Country Report, 2019; 2022). The government does not exercise technical or legal control over the domestic internet. The exception is to prevent the spread of hostile propaganda and false information in connection with sanctions against Russian media. Since the beginning of

<sup>51</sup> Bulgaria, Czechia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovenia, Slovakia.

Russian aggression in Ukraine, the Estonian Consumer Protection and Technical Regulatory Authority (TTJA) has ordered communications companies to block media and web channels related to the Russian state in order to prevent the spread of war propaganda. Together with the EU sanctions implemented, more than 40 TV channels and more than 50 websites have received bans (Estonia: Freedom on the Net 2019 Country Report, 2022).

Although the reconstruction of the nation state also included an ‘integration programme’ (for the Russophone minority who made up about one third of the Estonian population at that time), the integration practically failed in two different aspects. The governments of the first two decades of the independence did not make much effort to support local Russian language media, and the Russophone population continued to consume Russia’s media channels. In addition, during the economic crisis of 2008–2010, the local Russian language media completely shrunk. Gradually, two different information spaces were developing, divided along the linguistic lines: a locally produced one for Estonian speakers and another, produced abroad, for Russian speakers. This division has begun slowly levelling along with the appearance of the younger Russophone generations who are able to consume media in Estonian, and also the launch of a Russian language TV channel ETV+ on Estonian public broadcasting in 2015. The transmission of television channels from Russia was stopped in the beginning of the Ukrainian war in 2022.

In 2001 social scientists launched public debate about the cost of the transition. They claimed that the country was divided into “two Estonias”. The “first Estonia” was enjoying the fruits of reforms which provided them with a better living standard. The “second Estonia” felt deprived of opportunities to fulfil their basic needs and felt estranged from “success story”. The existence of the “second Estonia” is a source of risks for deliberative communication, and not only in terms of the media.

The Mediadelcom Estonian case study on monitoring capabilities demonstrates that Estonian data sources and published studies unevenly cover the four defined domains (legal and ethical regulation, journalism, media usage patterns, media related competences). Some information on media regulation can be found in the studies on media policy (e.g., Loit, 2018) and Estonian National Broadcasting (e.g., studies of Andres Jõesaar 2017, 2021, 2022 and Hagi Šein 2005, 2021). However, there is only one research report on the implementation of the legal framework of the media and transparency culture. On the other hand, the existing research covers relatively well media accountability mechanism and related issues.

The issues of economic and social sustainability of journalism domain are best covered because journalism has been a research discipline at the University of Tartu since 1954 and in Tallinn University for the past decade. The acquired knowledge clearly reflects the interests of different researchers and journalism students. As journalism research has not received any state grants since 2014, the PhD and MA theses (as well as some excellent BA theses) make an important source of empirical data on the various issues of journalism in Estonia. Fortunately, Estonia has been engaged in several EU funded research projects during the past two decades (MediaAct, Mediadem, Media Pluralism Monitor and Worlds of Journalism Study;). Due to these projects, media accountability and democratisation issues, diversity and pluralism, as well as aspects of journalism culture have been studied in historical and comparative perspectives.

Academic audience research was systematic and rich of data until 2014. After that the media usage data is produced and used only by private companies. University can afford qualitative studies on media usage practices with the help of students. Qualitative research (e.g., diaries of media usage) can reveal some significant changes especially concerning risks and opportunities for deliberative communication. The Covid-19 experience revealed that there is lack of knowledge on what kind of networks people trust, how media messages are received by different social groups etc. In the context of the increasing diversity of available media (incl. social media) it is important to study media usage ‘repertoires’ of different audience groups.

Media related competences have been covered by the projects that either focus on defining the media related competences, or support teaching specific skills. During the second decade of the 21<sup>st</sup> century the focus has been on digital literacy (EU Kids Online; CORE; REMEDIS etc.). There is no evidence that any project (except the EU funded ones that include children and teenagers) focuses on measuring media-related competences of adult population.

The research on professional competencies of Estonian journalists has been sporadic. So far, one PhD thesis and some other students' works contain empirical data on journalists' competences. Some information of what competences are taught in the Universities, can be found in journalism curricula.

The current (second) Estonian case study will provide an analysis of critical junctures, trends and evolutions in the four defined domains in order to identify risks and opportunities for deliberative communication in Estonia in the 21st century. For analysing changes in media system, in addition to the conceptual and operational variables of the four domains, we use a theoretical approach developed in Margaret Archer's works (1995, 2003). Archers' model contains three stages of change. First, the existing structure has been established as a result of the actions and interactions of different *agents*. Second, within a certain period the action and interaction of the agents changes the structure. Third, the outcome of these changes either reproduces or transforms the structure (morphogenesis). Archer defines two types of agents: primary agents (which do not have structural forming) and corporate agents (organized interest groups in society). In the current study, journalists, citizens/media users, and editors are the primary agents. Corporate agents are for example, Data Protection Inspectorates, courts, media organizations and corporations, etc. This approach is useful because the paths of risks and opportunities of deliberative communication become visible only if the actions and interactions between different agents are revealed.

In cases of insufficiency of analytical studies and empirical data we use our expert knowledge to find key instances that represent interaction/struggle between agents, as well as examples of public discourse related to ROs for deliberative communication. On some occasions, for assessing ROs, we fill gaps in research with information from non-academic sources, such as court cases and explanations of the Data Protection Inspectorate. Sometimes, the only available information can be found in the media coverage, as for example, in the news on scandals related to freedom of expression and access to information. The analysis of these sources clearly demonstrates how important it is to focus on the roles and (inter)actions of primary and corporate agents for discovering the actual ROs for deliberative communication.

## 2. Risks and opportunities in the legal and ethical domain

### 2.1 Development and agency of change

Freedom of expression and the right to information are constitutionally endorsed in Estonia since the independence in 1991. The Eurobarometer survey (2020) exposes the high importance of the guaranteed freedom of expression for Estonians: 54% of respondents prioritized this freedom to the other values.

Freedom of expression as well as freedom of information should support **transparency** in society – an important precondition for anti-corruption behaviour and informed citizens. In Estonia, from 2018 onwards, we can detect a tendency of diminishing transparency due to the attempts by politicians and state officials to curb journalistic investigations of corruption.

The legislation, including media regulation and media policy, rests on state authorities and state officials as the main agents within the legal framework. After joining the EU, Estonia has accommodated the general EU laws and regulations and established respective framework for their implementation. The courts are important corporate agents in interpreting the cases of violations of freedom of expression and access to information. In the 21<sup>st</sup> century (starting from *Tammer vs Estonia* 1997 /2003 ECHR) the Supreme Court cases are well balanced between protecting press freedom and rights of individuals (privacy and honour). After that case, since 2002, defamation has been decriminalized.<sup>52</sup> Defamation is now regulated under the Law of Obligations Act<sup>53</sup>.

According to the report on the access to public information (Pild, Turk, Kose, Lehemets 2022), "Since 2001, there have been numerous restrictions on public information, including an increase in the number of information containing personal data."

The Data Protection Inspectorate (DPI) has become an essential agent responsible for the implementation of the GDPR and privacy protection. However, the role of DPI is controversial: the organization must guard the protection of personal data while also protecting public access to information. Media companies as employers are responsible for job security and working conditions of journalists, and they are representing their employees in the courts and in the Press Council. Currently, their role in protecting journalists in cases of SLAPP is noticeably growing.

In a small country like Estonia, the actions and public discourse of every single stakeholder who is involved in implementation of freedom of expression and freedom of information laws, is visible and has noticeable effect. The main agents are the leaders and members of political parties, journalists and editors-in-chief and media owners, lawyers working for Data Protection Inspectorate, Supreme Court as well as District Court, attorneys and data officers.

The Ombudsman of the National Broadcasting ERR has a potentially influential position of an agent able to shape editorial culture and the quality of journalistic performance. However, there has not been rotation for 15 years since the establishment of this post in 2007, and it has become almost a lifelong job for one person, The duties of the Ombudsman have been limited to cases of ERR and the Ombudsman's duties do not include the network building and cooperation with various actors that shape the journalistic culture.

<sup>52</sup> This matter has been erroneously presented in the *Monitoring Media Pluralism In The Digital Era* report on Estonia for several years. E.g., see the edition of 2021 (section 3.1) at <https://cmpf.eui.eu/mpm2021-results/>.

<sup>53</sup> RT I 2001, 81, 487.

## 2.2. Freedom of expression

It is important to distinguish the freedom of expression as an individual right and the press freedom as a corporate right. In the 1990s, Estonian courts afforded a remarkably high level of protection to press freedom. In the beginning of the 21<sup>st</sup> century, Estonia was among the 10 top countries in the world in the World Press Freedom Index of the Reporters Without Borders. In 2020, the country was on the 14<sup>th</sup> place.<sup>54</sup> The regulations on **defamation and moral damage** have not been restrictive for the press freedom until the growing number of SLAPP cases within last 3-4 years.

There is no analytical research on changes in legal environment concerning freedom of expression. Hence, the following analysis relies on cases published in the Estonian media, on single court cases and a few reports that illustrate the main changes and trends during the 21<sup>st</sup> century.

During the past three to four years there has been an increasing pressure against press freedom and freedom of expression from politicians, especially from the populist party EKRE. For example, in March 2019, the vice-chair of EKRE, Martin Helme who sits on the Board of the public broadcaster ERR, called his fellow Board members to castigate some employees of the ERR for criticizing his party (ERR, 2019). Also, there have been cases of the owners' interference in the editorial work and personnel policy of some news organizations (Beltadze, 2019). Under the conditions of an extremely limited job market in Estonia with a low job security such interventions are a serious threat to journalistic autonomy and press freedom.

A largely discussed case of this kind concerns former Minister of education and science Ms. Mailis Reps. On October 17, 2020, Estonian daily *Õhtuleht* published an investigation revealing her misuse of taxpayers' money. She used the Ministry's car and the driver for daily driving her children to school and kindergarten. She also admitted having used the Ministry's car for a family trip to Croatia (Kuznetsov et al., 2020; Mihelson et al., 2020). Even more details of corrupt behavior were discovered later (e.g., paying for her birthday party from the Ministry's budget, and taking an expensive coffee machine from the Ministry for private use at home) (Berendson, 2021). The court is adjudicating the possible corruptive behavior of Ms. Reps, scheduling the end of court hearings to March 2023 (Mihelson, 2022).

A striking aspect in this story is that then Minister of Justice, Mr. Raivo Aeg, requested the Prosecutor's Office to assess the work of the authors of the article based on a suspicion of secret private surveillance over Ms. Reps. This kind of activity is a criminal offense under the Penal Code in Estonia (§ 137), and if found guilty, the punishment could be up to three years of prison (Riik, 2020a). The Estonian Journalists' Union (EAL) condemned the actions of the Minister of justice for attacking press freedom (Paju, 2020a). The Estonian Association of Media Enterprises in an open letter condemned Prime Minister Jüri Ratas for not reacting to the action of the Minister of justice. Mr. Ratas stated that Mr. Aeg did not attack the press in his request to the Prosecutor's Office, and Mr. Aeg argued the same (Riik, 2020b; Riik & Voog, 2020). When journalists of *Õhtuleht* asked the Prosecutor's Office to show the document of Mr. Aeg's request, they were answered that this request was not documented (Riik, 2020c).

The described case demonstrates how the agents with power make attempts to influence judiciary in their interests, and simultaneously emphasizes the importance of the watchdog role of journalists in the present-day Estonia. Also, in comparison with the situation in the first decade of the 21<sup>st</sup> century, the courts have started paying more attention to the protection of individuals than to press freedom.

<sup>54</sup> Fourth in 2022.

In Estonia the threat of **SLAPP** has remarkably increased within recent years.<sup>55</sup> The targets of SLAPP are most often investigative journalists, but also freelancers and even people who have written comments on the internet or social media. SLAPP has become an economic means of harassment of journalists as well as bloggers and people who express critical view as the legal proceedings are expensive and time consuming. Even when a journalist wins in court her normal life and work become disturbed for a long time, let alone the stress to cope with.

Both investigative journalists At *Eesti Espress* Holger Roonemaa and Martin Laine pointed out that SLAPP cases are often focused on juridical nuances more than discussions on truthfulness of journalistic content. The economic aspect of SLAPP cases is very important. The initiators are usually people of money and power who, for some reason, are interested in silencing a journalist. Media companies have lawyers to deal with the allegations and lawsuits against journalists, but freelancers must cope independently, and pay the costs. According to an Estonian investigative journalist (Interview with H. Roonemaa, July 2022), the cost of a lawsuit can be about 10 000 Euros.

In addition, in the case of some persons with economic power, journalists already know in advance that a legal action will be brought against the journalist and media organization. Therefore, journalists and editorials consider carefully whether it is worth reporting on the corrupt activities of this person. Hence, this person has gained some kind of “protection” from the coverage of his or her own actions (Laine, 2022).

On the personal vulnerability of journalists in SLAPP cases, Laine gives an example on a lawsuit that was filed 3 years afterwards (one can file a lawsuit 5 years after the publication) when the journalist had already gone to work for another media organization. Luckily, the employer at the time came to the journalist's aid but this aid is not guaranteed. In addition, each SLAPP case means that journalist must learn all the material “Well, a month of my work time has definitely been robbed” (Laine 2022).

Most frequent claims against Estonian journalists include demands of removing some illustrations, especially if they are taken from social media; removing certain information or facts, or to remove the whole article/interview, etc. These claims are often produced by lawyers or lobbyists, who most frequently argue that the topic or issue of the story is not of public interest.

Journalists are worried about the tendency that instead of journalists the courts and Prosecutor's Office are beginning to define what is of public interest and what is not as well as who is the public person and who is not (Laine, Roonemaa, 2022). In the Estonian political establishment, no agency exists to protect journalists and their freedom of expression. (Roonemaa 2022). When journalists are sued to court as revenge for their work, how can they stand for transparency?

According to two journalists interviewed (Roonemaa and Laine), the increase in SLAPP cases over the past few years is related to both GDPR and copyright. Laine: "If you follow the defamation lawsuits over the last couple of years, the tendency is that people are suing other people. ... We are still in a good position as journalists because we have economic support behind us."

In sum, Estonia is developing a risk where freedom of expression is reduced by various legal mechanisms. Such shifts in Estonia have taken place in the form of small incremental changes. Only an extensive analysis of the cases relating to freedom of expression will allow for a shift towards increasing pressure on freedom of expression. As Holger Roonemaa points out:

*“I think this fourth place concerning the press freedom in 2022 is a disservice to the Estonian press. This creates such a fake sense of our freedom while you actually see all the processes working in the background.” (Roonemaa 2022)*

<sup>55</sup> See Estonian cases: <https://et.wikipedia.org/wiki/>

## 2.3. Freedom of information

Freedom of information was turned from passive right (declared by the Constitution) into active right in 2001 when the Public Information Act (PIA; AvTIA in Estonian language) was passed. While GDPR is implemented via Data Protection Law, information transparency is regulated via PIA and the Restriction of Unfair Competition and Protection of Business Secrets Act, adopted in 2018.

In their yearbook, the Data Protection Inspectorate highlights some problems related to **access to public information**. For example, although Estonian PIA states there are no reasoning needed for accessing public information, there are cases where access has been denied because a person making the request has not provided a justification or because the holder of the information has found the person making the request does not need the requested information (*Andmekaitse Inspektsiooni Aastaraamat 2020, 2021: 37*). Concerning trade secrets as a basis for classifying information PIA allows to classify only these parts of documents that meet the criteria of trade secrets.

Access to the information is gradually decreasing. If upon the adoption of PIA, subsection 35 (1) of the PIA contained eight clauses, when the holder of information is required to declare information intended for internal use, then subsection 35 (1) of the PIA currently in force sets out 25 instances (Pild, Turk, Kose, Lehemets 2022, 10). There is a growing practice in the offices of public institutions and local governments to label their **documents “for internal use only”** (“**AK**” in Estonian). Often AK-labelled documents do not contain any sensitive information or only part of them is not publicly accessible, but they have been made inaccessible just because it is more convenient for the officials. In addition, another self-contained definition has begun to frequently appear on government documents: “passively public”. This indicates that the information can be provided when requested, but by default the content of the document is not visible in the register (Pärli, 2021). The qualitative study (legal analysis and 14 interviews with experts regarding implementation practices) carried out in 2022 (Pild, Turk, Kose, Lehemets), commissioned by the Foresight Centre of Estonia (an independent think-tank at the Parliament of Estonia) indicated three key problems related to the public information. Firstly, the controversial role of the Estonian Data Protection Inspectorate in carrying out supervision of State information holders, and at the same time monitoring compliance with personal data protection.

Secondly, the wording of PIA encourages the frivolous imposition of restrictions on access, since the wording of the law emphasises only the balancing of the rights and freedoms of the data subject and not of those requesting access to the documents. The risk is that the consideration ends only with an assessment concerning the privacy of a person and the right to freedom of information is excluded.

Thirdly, the balance of safeguards implemented by the State to protect personal data as too restricting to the right of access to information. ... It emerged from the interviews that not all holders of public information have a set of rules in place to give access to public information, therefore officials fear responsibility for the unlawful processing of personal data (Pild, Turk, Kose, Lehemets, 2022, pp. 68-69).

Both the holders of information and the persons requesting information noted that there are major difficulties in **defining trade secrets**. The holders of information do not wish to take responsibility for accidentally disclosing a trade secret, and thus everything is declared a trade secret lightly (op. cit 52). GDPR has increased the role and responsibility of data officers. Concurrently the rules and practices for the release of public information vary widely in organisations or the concrete rules are missing at all (Pild, Turk, Kose Lehtmetts 2022).

In Estonia the implementation on the protection of journalistic sources have not been an issue. However, **whistleblowing** cases (published in media) reveal certain risks concerning the application of the EU whistle-blower regulations to a small society. While whistleblowing is often viewed as archetypical form of organizational loyalty (Kleinig, 2014, 190), in Estonian organizational culture there is a tendency to prioritize loyalty to the organization to the public's right to know (see e.g., the draft of the Code of Good Conduct of State Officials). In other words, the value of workplace loyalty overrides freedom of critical speech, and it becomes difficult to protect whistle-blowers.

A recent case of the communication manager of the Health Authority illustrates the risks related to whistleblowing despite of respective protective regulations in force. In December 2020, the manager gave an anonymous interview to a journalistic TV magazine where he revealed that the state still did not have a plan for vaccination against Corona virus, although it should have been implemented already in January 2020. Two days after the program was aired the communication manager was fired. He had been quickly identified as the whistle-blower and requested to resign (Mõttus-Leppik, 2020). The Estonian Journalists' Union condemned the breach of the freedom of speech by the Ministry of Social Affairs and the Health Authority and criticized them for pressuring the whistle-blower to resign. The whistle-blower himself stated that he did not regret blowing-the-whistle and believed there should be more such courage amongst citizens (Hussar, 2020b). Some journalists tried to find out how the whistle-blower was identified, but all the parties involved refused to talk to them (Pau, 2020).

This case gave a message to the civil servants not to express their concerns or criticism in public media channels, even if something very important for society is at stake. Two other similar cases have been recorded from pre-Corona period, where state-employed experts lost their jobs because of whistleblowing (Arumäe, 2015).

Only in 2021 the Estonian Supreme Court clearly defined (**in the context of press freedom**) that there is a public interest in **administrative and civil court proceedings** (RKHKm 14.06.2021, 3-17-62).

Priit Pärnapuu one of the leading data journalists in Estonia, who has wide experience in asking data form different public data holders in Estonia. He represents journalists who do not accept refusals regarding disclosure of the data. For Pärnapuu, the Estonian Data Protection Inspectorate has been more supportive in fighting for transparency. Pärnapuu describes a problem that often public servants do not rely on law but create rejection argumentation from their "common mind":

*"I wanted to get statistical forest inventory data from the Environmental Board - which working group has measured which plot. I was not interested in the names of the working groups, but only what pieces were measured by the same working group. The Environmental Board replied: if such data were to be released, then these working groups made public. would start to set their measurements accordingly. The official assumed that I, as a journalist, will make a critical story about how some working group is measuring incorrectly." (2022)*

Pärnapuu provides also an illustration on how organizations create hiding practices:

*"All letters and documents moving between authorities must be registered in the public register of documents. But in addition, the authorities have internal document management systems. I know some of these document management systems where there are separate boxes where an official can tick "do not show in public view." In such a case, no notation concerning the existence of the document shall remain in the public document register. And if I or anyone goes to the public document register, it is not possible to know that such a document has ever been created. And if*

*there are several documents in the public document register with a restriction on access, which does not actually have to be a restriction on access, then this double document management is likely to do the same. So, there's a lot of things that might be of great public interest, but you don't even know what to ask. For example, we have a permanent representation of Estonia to the European Union in Brussels. It is a sub-office of the Ministry of Foreign Affairs, which does not have separate document management, they use the Ministry of Foreign Affairs. If you now go to the Foreign Ministry's public document register, then the Estonian Permanent Representation in the European Union has prepared exactly a comp document in the last decade." (Pärnapuu 2022)*

These examples illustrate the importance of the role of data and legally competent journalists in Estonia. The recent tendency is that Estonian reporter also report about the refusals from public organizations. Now-and then this helps, and the documents are made public.

Pärnapuu also points out that that disputes with the Data Protection Inspectorate are free of charge, just the time of work of the journalist costs, but if you file an action in court, you should already think about the costs. Environmental organisations are also wondering whether it is (economically) worth suing Eesti Energia, for example. The problem is that the authority of the Data Protection Inspectorate will cease from a certain limit.

#### *Regulation of Audiovisual Media Service (will be passed in 2022)*

The upgraded Media Services Act will regulate video sharing platforms and social media channels (e.g. YouTube, Vimeo, Dailymotion) in addition to the traditional audiovisual media, affecting a few dozen companies in Estonia. The Act adapts the regulation of the law, including the licensing system, to new audiovisual media services, such as online television on major news portals. The providers of the respective services must apply for an activity license, submit reports on the structure of the program, and disclose the ownership.

The Act harmonizes the rules applicable to television services, on-demand audiovisual media services (Netflix, Amazon Prime Video, iTunes, etc.) and to domestic video rental, for the protection of minors and for ensuring morality and legality. In order to improve access to audiovisual media services for people with disabilities, service providers are required to produce accessibility action plans. The deadline for objecting to allegations made on television or radio will be extended to 30 days instead of 20 days.

## **2.4. Accountability system**

### *2.4.1. Development and agency of change*

Estonia was the first among the former Soviet bloc countries to establish a self-regulation mechanism for the media in 1991. On the initiative of then Estonian Newspaper Association (now the Estonian Association of Media Enterprises), a Press Council was established as the opposing force against the attempts at special legal regulation by the state. Four different media law drafts were worked out and debated during the independence movement in 1988-1991, but finally, none of them was passed. The other motive for establishing a self-regulatory mechanism was the vacuum of moral and professional values, in which journalists found themselves after Soviet censorship was removed (Lauk, 2014: 182-183).

After 50 years of Soviet censorship, any proposals to establish conventional regulation for publishing or broadcasting were seen as attempts to reinstate censorship. Therefore, the example of the Nordic countries was followed instead, and Nordic expertise used. The Press Council was founded with the participation of Finnish colleagues and even the name of it (Avaliku Sõna Nõukogu – ASN/ Council of Public Word) was a word-by-word translation from Finnish.

Self-regulation has ever since served as a tool to keep media specific statutory regulation away. Politicians have abided to this principle despite some heavy criticism towards journalism every now and then. It has provided an opposite effect in cases media managers have applied for the state's assistance in protecting their interests. E.g., the newspaper association considered publishing gazettes with advertising published by municipalities unfair competition and turned to the parliamentary committees to initiate banning such advertising. The committees did not uphold the request leaving the issue with self-regulation (Loit 2017, 48-49). In that case, the media was hit by its own tool. It also revealed that democracy gains only from *autonomous* news media and the state might have a policy to foster this (Loit 2018, 33).

The Code of Ethics of the Estonian Press was formulated and adopted in 1997, on the basis of about 100 cases ASN had dealt with during the first six years of its existence. By the end of the 1990s, along with the increasing competition in the media market, the number of the complaints increased, and the owners and editors-in-chief began viewing ASN's adjudications as a threat to the commercial success of their outlets. The dissatisfaction grew into a conflict between the ASN and the newspaper association, and the latter established a separate Press Council (Pressinõukogu – PN) in 2002 for dealing with the complaints concerning its member publications (Lauk, 2008: 62). In fact, the reason for establishing their “own” press council was the ambition of the media elite to control the self-regulation process and monopolize the right to set professional standards and interpret the principles of good journalism. The ASN defines itself today as an independent centre for media analysis, which also adjudicates the complaints from the people, but it has no procedural measures to oblige the media outlets to publish its decisions.

#### 2.4.2. Existing media accountability instruments and an evaluation of their effectiveness

The code of ethics has not been revised since 1997 although amendments are needed. The reason is that both press councils should amend it in cooperation, but there is no communication between the two councils. PN has declared that it was established to replace ASN, and therefore, does not recognize ASN as an equal party of negotiation and cooperation.

The Estonian Code of Ethics combines organizations' accountability and the individual accountability of a journalist. Article 1.4. of the Code declares: “A journalist shall be responsible for his or her own statements and work. Media organizations shall undertake to prevent the publication of inaccurate, distorted, or misleading information”. However, the responses to the complaints are usually written by editors-in-chief, therefore one risk that is related to the media accountability system is the marginalization of individual accountability of journalists. This, in turn, undermines the public's trust in the news media and in the accountability mechanism.

The Estonian media accountability system includes only one ombudsperson – the ethical advisor/ombudsman of the ERR (since 2007). The tasks of the ethical advisor are dealing with complaints from the listeners and viewers, monitoring the programs, and making appropriate proposals to resolve problems. The ombudsman is directly accountable to the Broadcasting Council and should act independently from the broadcasting management. The analyses and decisions made by ombudsman about the complaints are not public and not easily accessible, which makes the process opaque. The business paper *Äripäev* regulates accountability by using the in-house editorial guidelines. It is not known, however, how these rules are implemented in daily practice.

The media accountability situation in Estonia well demonstrates how a critical juncture – democratic transition – opened a pathway for the transformation of the whole media system and created conditions for journalistic professionalisation. Self-regulation is regarded as an element of professionalisation as it is based on professional ethics and values. In Estonia, introduction of a self-regulation mechanism offered an opportunity for higher quality journalism and improve-

ment of journalistic culture. On the other hand, a risk has realised: the media managers and owners do not support enough the authority of the accountability mechanism, especially what concerns publicly deliberating accountability issues in their outlets.

### 2.4.3 Market accountability

In February 2022, communication expert Raul Rebane raised the issue that the composition of the basic packages of Estonian cable television providers did, by default, include channels with clearly anti-Estonian content. The subscribers did not even have the freedom to opt out of these Russian hate-speech channels. This situation raised the question of the accountability of telecommunication companies. On 28 February 2022, Estonian largest telecommunication companies Elisa and Telia suspended the show of Russian-language channels PBK Eesti, Dom Kino Baltic, Karusul, Muzyka Pervogo, Vremja, Telekafe, Bobjor, Dom Kino Premium, O!, Pojehali!, REN TV. Telia also suspended the transmission of CTC Media (STS).

Estonia does not have public accountability and political accountability instruments.

**Risks:** The pressure on freedom of expression has gradually increased over the last five years. Attempts by lawyers to define what is of public interest have put especially the investigative press under pressure. Widespread implementation of GDPR has given officials and public authorities an opportunity to classify rather than disclose documents. Estonian whistle-blowers and sources are not protected, and planned legislation may not improve protection either.

Estonia's self-regulation system is outdated. The code of ethics for journalism is from 1997 and has not been updated. The voice of journalists is not represented in matters relating to complaints that are discussed by the two councils. Media scandals that include public debates on media and communication ethics reveal that there is a wide gap between the moral awareness and moral reasoning capability between professional journalists, politicians and lay members of society. This risk could be turned into opportunity if the professional community would be more open to discuss public communication ethics in 21<sup>st</sup> century.

**Opportunities:** There is a strong community of journalists in Estonia who are responding openly to attempts to restrict freedom of expression by lawyers, politicians, and economic figures. Estonia has legislation supporting freedom of expression and information, there is no overregulation.

## 3. Risks and opportunities of journalism domain

### 3.1. Development and agency of change

In the following, the basic conditions for sustainability of journalism will be discussed from the perspective of economic and social sustainability. We see these two broad conceptual variables subsuming a diversity of factors that enable or disable public deliberation, and consequently, deliberative democracy. The economic sustainability comprises: the size of the market for journalism, resources for journalism, and public service media conditions. The social sustainability is reflected via conditions for producing original journalism, organizational working conditions and working atmosphere, and diversity of organizational/human resource (gender, age, class and cultural background, education).

### 3.2. Market conditions and resources

#### *Economic sustainability*

Estonia's small population in combination with a small economy only allows a limited number of players in the market (oligopoly), as well as restricts the options of choice in the journalistic job market.

Advertising is the main source of income for the commercial media. The Public Service Media (PSM) are mainly funded from the state budget and do not sell advertising. The lion share of the total advertising turnover comes from television (ca 25%). The price of the TV advertising in Estonia is too low according to experts, and this hampers the possible growth of advertising revenues in other fields of advertising. A big economic risk for the Estonian news media emanates from the competition with foreign advertising giants, esp. Facebook and Google. There is no exact data available for Estonia, but in Latvia, foreign advertising sellers make €250 million per annum, compared to €80 for domestic advertisers. Even if Estonian figures make a half of Latvian ones, the loss of advertising money to the global competitors is substantial. The scarcity of financial resources makes a serious risk for sustainability of journalism, especially quality/news journalism, and the news media's ability to support public deliberation.

A media policy report by a team of authors (Kõuts-Klemm et al., 2019) summarizes the main aspects of economic sustainability:

- The Estonian media system is institutionally diverse and consists of private enterprises, publications/channels of the state or local government, and public media of different purposes, sizes, and channels. As a result of a significant concentration among private enterprises two large companies of domestic capital compete in the widest segment of media consumers, the Ekspress Grupp and the Postimees Grupp. Their activities are complemented by the Estonian Public Broadcasting, the third largest organization. Risk: these enterprises employ the best journalists as they can pay higher salaries than the small media organizations. Consequently, the best expertise and knowledge in a limited journalistic job market concentrates in the largest companies. These two largest domestic private media groups occupy a dominant position in the media market of the Baltic states and earn a significant proportion of their income outside Estonia.
- Excluding the investments in the Latvian and Lithuanian market, export of TV-programs is no source of income for the Estonian media industry.
- The Estonian advertising market as a main source of income for the private media is slowly recovering since the crisis in 2008-2010 and is beginning to reach the pre-crisis level. An intense competition in the field of television advertising and an internationally low price of online advertising are hampering the recovery of the advertising market. A gradual increase of digital subscriptions in 2020-2021 has not yet compensated the shortage of advertising income. The print media that mainly exists on the subscriptions

and advertising is losing their readership (by 20% during 2020) and this trend continues. During 2020, circulation numbers of the dailies and weeklies declined by 18%.

- Since 2019 there are 20 local or regional news outlets in Estonia. Local media and community media are experiencing the most substantial hardship. Local governments also publish news sheets at least once a month (in 2019 there were 83 outlets). The Media Services Act and the procedure for issuing broadcasting licences do not favour the development of communal radio channels or their position as a communal enhancer. The number of local radio stations has been decreasing during the past two decades.
- The regional, and especially local press cannot fulfil their potential of critical observation of the execution of economic and political power, because they are funded by local governments. Thus, we can observe a high risk emanating from the scarcity of economic resources: the local and community news production and critical debate are severely hampered.
- A decrease of overall income has forced media enterprises to diversify their sources of income. The expansion of media enterprises to other sectors and their economic interests may reduce public trust in journalistic content because the formation of content and the principles of financing are not transparent or publicly declared. Decreasing transparency, related to the scarcity of resources results in the decrease of journalistic content and the more frequent bias of news.
- In addition to the traditional content providers, there are now many new ones, including those who are not subject to Estonian law. This has allowed hostile foreign forces to influence the Estonian public, and such information operations (foreign propaganda, creation of a social divide) may become dangerous to the Estonian statehood and culture.

### 3.3. Public Service media conditions and investigative resources

The percentage of funding for PSM from the national budget compared to the budget growth has been nearly halved during the past few decades. Although the financing is stagnating, the production offered by ERR (Eesti Rahvusringhääling/ Estonian National Broadcasting) is expanding (Jõesaar and Kõuts-Klemm 2020), which signals certain risks. The disproportion between resources and expansion of programming raises a question about the quality of the broadcasts and the proportions of diverse types of broadcasts in the programming. According to Jõesaar and Kõuts-Klemm (2020), there is a remarkable decrease of educational and cultural programs since 1997 on the public service radio, and “currently, music comprises a half of the programming aired on the public radio stations” (Jõesaar and Kõuts-Klemm, 2020, 102).

Since ERR is financed from the state budget, there is a certain risk of political influence on the programming and personnel policy. The Board of the ERR consists of 9 members, five of whom are appointed by the Parliament (*Riigikogu*). Four members are nominated from among the recognized experts of the broadcasting field. It has been, however, difficult to maintain political balance, because of continuous attempts by politicians to amend the Broadcasting Act to suit better to the interests of political parties.

So far, there is no research on **investigative journalism** in Estonia. Two investigative teams of journalists are working today in the Estonian media. The best staffed team with a good potential seems to be the team of Estonian Television’s *Pealtnägija* [Eyewitness] of the ERR. However, a lack of special journalistic education and knowledge is palpable, as well as certain orientation to entertainment, especially in the style and form of their broadcasts.

The other team consists of five press journalists and works at Ekspress Meedia corporation as the Investigative and Fact-Checking Department, which was established in 2020/2021.

Strengthening the investigative teams would be an important opportunity for keeping authorities on account and watch the use of power and public money. The risk is the lack of finances, and the resistance of public officials to cooperate with journalists. Another clear obstacle that investigative journalists in Estonia are facing is the ambiguous interpretation of the privacy protection regulation. State officials and other bureaucrats tend to refuse to deliver requested documents using protection of privacy as the pretext, even if the document is regarded to be accessible by law.

### *Social sustainability of news production*

In Estonia, journalistic human resources are an important source of risks and opportunities emanating for the deliberative communication from the media. Social sustainability of journalism depends on human capital (journalists and journalism profession) and professional values shared by the majority of the professional community. Strong, well educated, autonomous and dialogue-oriented professional community is an opportunity for enhancement of deliberative communication. On the contrary, the worsening working conditions and decline in professional standards, limited career options and decreasing autonomy create risks for social sustainability of professional journalism.

## **3.4. Production conditions**

One of the important production conditions is the structure of the media organization, which undoubtedly influences working culture and journalists' job satisfaction. Each structural change for whatever reason affects journalists' working conditions and routines, sometimes the whole working atmosphere. According to a recent study on the structural changes of the four largest Estonian newspapers during 2010-2020 (Puustaja, 2022), there is a clear growth of the units of advertising and subscription sales, while the size of content production units remains nearly the same throughout the decade. All these newspapers established online news units in the early 2000s, which have all disappeared by 2020. This refers to the change in the division of labour in the newsrooms: journalists are producing content simultaneously for both paper and online versions of the newspapers. At the same time, the newspapers have established various units producing specific web-based content (e.g., lifestyle site, pet-portal, traveling portal, Tallinn-city.ee, and others).

Along with the rapid development of digital media, journalists must adapt to the requirements of technology-centered newsroom practices and routines. This adaptation has been different for the older and younger generations of journalists. Estonian journalists experienced a generation shift in the beginning of the 1990s along with the transformation of the entire media system. Another generation shift is connected to the rapid technological transformation and appearance of social media as a source and platform for journalists. Older journalists feel that although the managers encourage continuous renewal of skills, the organization of work does not give them time to apply these new skills (Ivask, 2019). The young digital media privy generation feels more comfortable in the newsrooms, although their basic journalistic knowledge and skills are not necessarily very good. Young people, again, often tend to leave editorial offices in search of better working conditions and higher salaries without considering becoming life-long journalists. In Estonia, according to a qualitative study (Olgo, 2017), journalists who had left their profession revealed mostly non-material reasons for their exit: conflicts with the bosses, insufficient time for going deep into the issues and diminishing individual autonomy of journalists in newsrooms. The salary levels in journalism were regarded as non-attractive, and poor possibilities for climbing up the career ladder were also mentioned.

In 2019, Reporters Without Borders wrote that despite the favourable conditions related to freedom of the press and access to information, **pressure on journalists** in Estonia is increas-

ing, especially considering that selling advertising and advertising space is playing an ever-greater role in the business. The organization also criticises Postimees Grupp's owner, Margus Linnamäe for using the newspaper Postimees to promote his political views: "He had personally appointed leading staff and promoted a conservative worldview in a new newspaper section he opened before the parliamentary elections" (ERR 18.04.2019. 13:29).

According to the WJS data (2012-2013) journalists in Estonia believe they have a high degree of professional **autonomy**. 83.7% of respondents said they had complete or a great deal of freedom in their selection of stories, and 93.1% had complete or a great deal of freedom in deciding what aspects to emphasize in a news story. However, the fact that Estonia has dropped from the 9<sup>th</sup> position in 2010 to the 15<sup>th</sup> position by 2021 in the press freedom index indicates that there may be problems with journalists' individual autonomy. As the Union of Journalists in Estonia has little authority, the autonomy of Estonian journalists mostly depends on their individual values and position. A qualitative study (Niinepuu 2012) demonstrates that although journalists claim of having enough autonomy, they describe several restrictions if asked to describe their decision-making freedom in different news processing situations. Therefore, the actual performance of autonomy should be assessed by using different sub-variables. It is also important to take into consideration the type of the media, channel, and ownership. Based on the existing research, we can point to the risk that journalists' individual autonomy is insecure, as the supporting mechanisms are for the most part missing.

Another risk related to individual autonomy emanates from the ethics practice. As explained above, Estonian journalists are not entitled to respond to the requests of the press councils in case of complaints. Consequently, we cannot view them as agents of professional ethics. To reduce the risks concerning moral sensitivity and obeying the rules, the journalists should be motivated by the employers and the public.

### 3.5. Agency of journalists

In a small country, like Estonia, the number of news media companies is limited, which also limits the number of jobs for journalists. The change of the number of journalists reflects quite directly the changing situation in the media market. The enormous expansion of the media market accompanying the political and economic transition in the first half of the 1990s increased the number of journalists in two ways. First, hundreds of new magazines and newspapers, and tens of new radio channels (in 1995, according to Jõesaar et al.2013:128 there was 47 of them) needed journalists. Second, the editorial offices of well-off outlets remarkably increased their staffs. By 1995, the media outlets employed about 1500 journalists (Lauk 1996, 93), which is the highest number of journalists in Estonia ever. Majority of these new journalists had no journalistic education and were professionally socialized and trained only in the process of work. The general number of journalists had, nevertheless, noticeably declined, reaching about 900 by 2014. The number of employees in the entire media field (including journalists) today is about 4 500 (Estonian Statistics Bureau). The exact number of journalists at the end of 2021, according to Statistics Estonia, was 929.

A peculiarity of Estonia's small job market is that majority of jobs are in the capital Tallinn. Only 21 regional and local newspapers are located elsewhere. All-in-all 123 journalists and 93 other staff members worked in these newspapers in 2019 (Kõuts-Klemm et al., 2019). About 90% of journalists in regional and local media have no journalism or communication education (Michelson, 2018: 101). An obvious risk factor appears here for the further decline of journalistic quality of the peripheral press and radios, since the news organizations in the capital offer better salaries and more prestigious jobs and can hire better qualified journalists. Also, when losing job in a peripheral outlet, it is practically impossible to find a new job as journalist in the same location. This, in turn, may also become a reason for self-censorship.

Several structural changes are gradually occurring. Although the overall turnover of journalistic staff is relatively low, the number of temporary jobs is gradually growing. Some newspapers have reduced their editorial staffs by terminating some of their editorial departments. For example, one of the two main dailies *Eesti Päevaleht*/Estonian Daily closed its cultural department in 2020. Because of the conflicts between the management and journalists, the whole investigative team left *Postimees*/Postman, the largest daily, in 2019. In addition, during 2018–2019, altogether 30 journalists left *Postimees Grupp*, including most of the culture and opinion staff, and several unit heads (Kõuts-Klemm et al., 2019). Most of these journalists found new jobs in the other news media, some left for communication business. Investigative journalists joined *Eesti Ekspress* (a quality weekly) and today, they work in the Investigative and Fact-Checking Department that is common for the whole Ekspress Meedia corporation. Main reasons for these movements from one newspaper to another are related to the increasing pressure by the commercial goals and marketing, and the attempts of the management to control the work of journalists to the extent that they prescribe which topics to cover and which to ignore. Both tendencies are not unusual in many news organizations, and journalists experience the danger to their professional autonomy. This situation involves a risk of generating more tensions inside the editorial offices and force journalists to opt for self-censorship.

Salaries in the media field are comparable with the Estonian average (between 892 and 2 405 after taxes) and the average salary levels in similar sectors. The average monthly salary in 2022 after taxes for editors-in-chief was between 847 and 2 631 Euros, for journalists between 876 and 1761 Euros, for copywriters between 924 and 1958 (palgad.ee). Real salary numbers depend on regions, bonuses, position in the organization's hierarchy, gender, and many other factors.

The Estonian Journalists' Union, the only journalists' trade organization in Estonia, has not been able to identify as a proper trade union even after 30 years of independence and press freedom. Journalists need collective agreements that can better safeguard their rights and salaries, but the Union is unable to function as their advocate because journalist themselves are not interested in protecting their employment conditions with the help of the union. A big part of the members belong to the older generations, and many of them have made their entire career in the Soviet media. Paradoxically, unlike in several other post-Soviet countries, Estonian journalists have not established any new professional or trade organizations during the 30 years of independence.

However, as it was pointed out before in this report, the role of Estonian journalism community watching over the transparency of Estonian society is outstanding. This is the community of (investigative) journalists who fight against decreasing transparency in Estonian society. It is also important to point out that Estonian journalists actively and publicly discuss journalism ethics in the context of controversial media scandals (e.g. 2022 a scandal concerning Estonian politician who allegedly took ethically inappropriate photos of children). In these discussions, journalists open the discourse of moral consideration at newsrooms but also provide critical opinion on unethical communication practice in Estonian social media.

### 3.6. Journalists' organizational working conditions

The employment and working conditions are influenced the most by the market forces: the economic situation in the country at large, concentration of media ownership and changes of owners, and the commercial interests of the owners (to a smaller extent also political interests). Accumulation of risk factors in these fields have negative impact on journalists' employment and working conditions, which, in turn, creates risks for their ability to contribute and keep up deliberative communication in society. Various studies show that the stress and distress of Estonian journalists is high.

**Employment conditions** are mostly researched from the perspective of job security and employment status (permanent or short-term employment and unpaid work). Journalists are legally and economically best secured if collective agreements exist between employers and journalists' organizations. Such a collective agreement indicates a high degree of journalists' individual professional autonomy and of an influential role of trade unions (e.g., Finland, Norway and other Nordic countries).

According to the WJS country report (2016), vast majority of journalists interviewed in Estonia held a full-time position (93%) whereas 5% of the respondents indicated that they had part-time employments. Of those with full or part-time employment, 87% held permanent positions.

Most of the journalists have individual employment contracts. The conditions of the employment contracts are unknown, so it is not possible to find out what is the proportion of the fixed payments and what is the proportion of performance payment in a monthly salary. Estonian news media organizations, except the public broadcaster ERR, do not have collective agreements. So, most of the journalists negotiate the employment and salary conditions individually. Less experienced journalists struggle with time-management and are in danger of becoming stressed out (Ivask, 2017), and so would be more likely to consider changing career paths, fields or newsrooms. The concept of a job-for-life is losing popularity, and one reason might be the precarious nature of newsrooms, which eliminates long-term work commitments. (Ivask 2017b).

There are not many **freelance journalists** in Estonia. However, it is not known how much the newspapers buy content from the people who do not identify themselves as freelancers. Only in the past decade, when freelancers started establishing their own companies to sell their production, did they get fixed term trading contracts. Freelancers who have a contract have revealed that the outlets that are buying their stories do not take into consideration the actual expenses a journalist has to produce a story.

*“With hard work, I was able to earn quite satisfactory sums to my bank account, but I still could not pay myself the minimum salary. As the tax office started to take interest in my business in 2014, I began to pay myself 200 Euros per month. To be able to pay that sum, I had to earn an additional €103 for taxes. At the same time, I had no means to negotiate the price of my stories. The absurdity of the situation was that although I paid my salary and taxes, I still did not have any social guarantees – they start only from the minimum salary, which at that time was €350 (Nuttov, 2019, 19).*

So far, there is no directly focused research on **job security** of journalists in Estonia. As mentioned above, journalists (except those working for the ERR) negotiate their job contracts, which are confidential, individually. As these employment contracts obviously do not offer equal conditions to journalists in the same position, journalists feel insecure and are more easily forced to leave when the employer needs to cut the staff. Alternatively, they must sometimes accept the employer lowering their salaries. For example, in April 2020, Estonian business paper *Äripäev* changed its print version's publication frequency from five days to once a week, and 40 journalists faced the loss of their jobs. All the employees were suggested to accept the decrease of their salaries (*Õhtuleht*, 8.4.2020).

The impact of the Covid crisis on journalists' job security is a topical issue that has not yet been studied.

There is no recent research on journalists' **job satisfaction** in Estonia. The only study on job satisfaction was carried out in 2010 by Merili Nikkolo (71 journalists answered to the standardised questionnaire). The three most important factors that decreased job satisfaction were: performance of the management, dissatisfaction with work results and unfair negative feedback

followed by dissatisfaction with acknowledgements. Regarding management, the respondents named the manager's personality, the concealed appointing of assignments and unclear line of command. (Nikkolo, 2010: 98-99). All these factors appear in the interviews with journalists frequently also today, as a recent PhD study (Ivask, 2019) confirms. Ivask (2019) explains: "In the current converged newsrooms, the managers do not know how to give the journalists clear tasks and thus no routines are created. This raises the risk of burnout.

Journalists must often work for multiple platforms simultaneously. For example, journalists frequently produce stories for online and the print newspaper in parallel, but the workflow often lacks strategic and efficient management." Poor management of the newsrooms seems to be one risk factor concerning the working conditions and job satisfaction in Estonia (Ivask 2019).

Estonian journalists have medium risks concerning the intensity of the work, as appears from the WJS analysis on time pressure (WJS Estonian Report, 2016). This applies to the staff journalists, but we do not know the situation of the freelancers.

To detect changes in job security and job satisfaction, a new study is necessary, as the working environment for journalists has much changed within the past 10 years.

### 3.7. Intra-organizational diversity of human resources

The average Estonian journalist is a woman in her forties. Estonia is among the countries where majority of journalists are women (according to Statistics Estonia, 58.6% at the end of 2021). This proportion has been relatively stable at least for the past 17 years – according to the WJS survey in 2014, 58.4% of journalists were women. Gender policies in the media organizations have not been of interest of Estonian policy makers. The public service media's strategy paper for 2021 to 2024 does not have any reference to gender equality. The same applies to the collective agreement of the ERR. Although there is no information or research on gender equality issues in the media sector, the fact that the difference in men's and women's average salaries in Estonia is 21.1% (according to Eurostat 2021) indicates that the gender gap most probably exists in the media field, too. Missing gender equality strategies in media organizations is a clear risk for fair employment conditions and for a balanced democratic gender policy.

The WJS country report informs that over 80% of journalists held a university degree, and 44.8% had specialized in journalism. As the university level education in journalism has suffered financial difficulties during the past 15 years, it is possible that the proportion of journalists with journalism degree from a university is gradually decreasing.

### 3.8. Journalistic competence, education and training

While journalism curricula in universities describe the knowledge and skills that the students obtain during their studies, there is scarcity of wisdom about Estonian journalists' perception of their competence and practical skills, the employers' requirements on journalistic competence, and how the competence is assessed.

A study by Örnebring and Mellado (2016) (based on data gathered in 2009), indicates that Estonian journalists place little value on editing skills, and valuing the highest the networking skills. A PhD thesis (Marju Himma-Kadakas 2018) deals with the realization of skills in online settings. Himma-Kadakas points out one risk that is related to wisdom and attention concerning journalistic competencies in 21<sup>st</sup> century: "In 2012, editors did not associate technological skills with storytelling at all; in 201... newsrooms are investing in hardware and software, but not in human resources and the development of technical and storytelling skills depends on the initiative of the reporter. Editors and reporters were unable to differentiate skills from competences

or distinguish journalism specific skills” from general transferable competences.” (ibid., 48) Himma-Kadakas also points out expectations of competences that online journalists should have are inclined towards media multi-skilling and technical multi-skilling as well as the ability to work independently.

There is no generally agreed criteria for assessing journalistic competence. For example, Loit and Siibak (2013, 8) explain in their study that journalistic articles are valued by the number of visitors it attracts, which often leads to flawed editorial decisions, generates misleading headlines, and publishing second-hand stories and copy-pasting PR material. Some journalists have expressed opinion that this situation has changed, but there is no systematic study about the evaluation standards in contemporary newsrooms. It is also not known how much emphasis is put on competence in job interviews and employment conditions.

According to Ivask (2017) journalists also feel insecure about the journalism career path as the work in the newsroom is changing and management does not seem to offer a secure environment to work and develop in.

The results of different qualitative studies point out the problems of feedback and feedforward in Estonian journalism (Olgo, 2017; Ivask, 2019; Pluum, 2019): newsrooms have no regular feedback tradition, the feedback expressed in the staff meetings is by nature, more an evaluation of the work done. Predominantly, the feedback comes sporadically from colleagues. Sports journalists do sometimes get feedback from their sources – sportsmen. Some of them also admitted following the click statistics and accordingly, changing their work and stories (Pluum, 2019). It is worth asking what message gives to the journalists the feedback in the format of annual and other prizes and awards. Among several journalistic awards the most prestigious is the annual Bonnier prize. The aim of this prize is to value investigative journalism. However, first and foremost, the evaluation committee values the impact and appreciation of the story. The award also mostly acknowledges the quality of reporting, but leaves the editor’s input unnoticed (Salamäe, 2016).

Some journalists who have obtained bachelor’s level journalism or communication education, have chosen to continue MA level at the University of Tartu. In addition to Tartu University, Tallinn University opened a journalism and communication degree program in 2011. Eesti Meedia’s Postimees Group established its own journalism school (*Postimehe Ajakirjanduskool*) in 2018. The course lasts about a year and gives basic knowledge and skills for working as a reporter. The school had first 27 graduates in 2020 and recruited 35 to the second flow. The school admits not only journalists, but anybody interested in journalism (Aavik 2021).

The degree level education in journalism, media and communication is available in Tartu University and Tallinn University. Tartu University is the main center of journalism and communication education in Estonia, where journalism program was established in 1954, and the independent department of journalism in 1975. Further structural reforms in the University have placed journalism program into the Institute of Social Studies among many other degree programs. Curricula and requirements for internships are being continuously redefined and updated to meet the challenges of rapidly changing ways of content production and presentation. Currently, journalism and communication are taught at both BA and MA levels, whereas journalism is a stream within the communication program. Some courses are common to both streams. The curriculum contains courses on media and communication ethics, history of Estonian journalism and communication, basics of information law, practical courses on reporting and editing, audio-visual and online production, and interviewing skills on bachelor’s level. Journalism students also undertake obligatory and voluntary internships, which often pave the way to the job market. News media organizations also employ summer reporters, and for many, this is another chance to get a job. The graduates often begin their careers as journalists, but after a few years become communication experts (with higher salaries and lower stress). This confirms

that other sectors value journalistic experience and competencies. There is no lack of jobs in the media industry for university graduates with journalism degrees, which in most cases is a BA degree. Tallinn University puts more effort on teaching multimedia production skills.

During the first decade of the 21<sup>st</sup> century Estonian universities have promoted the idea that they should focus on training skills that the industry views as necessary. The universities thus were stepping into the position of service provider for the industry while the journalism teachers pointed out the needs of individual learners. The media industry in Estonia does not support or sponsor university education in any ways but tries to prove that their own (mostly hands-on) training is more effective and more valuable. Establishing *Postimees* journalism school was one of the steps to demonstrate this. The tension between academic journalism education and the industry's practice-oriented mentality is a historically continuous phenomenon in Estonian journalism, although the tension is rather discursive and most of the graduates of journalism programs find a job at media organizations.

In the universities, financing of teaching social sciences has been drastically decreasing. Journalism education lost its income from fee paying students as a result of the 2010 reform. The current financing model of the University of Tartu has put journalism curriculum under strong financial pressure. By 2016, journalism education had become the cheapest at the University of Tartu considering the expenses on teaching and infrastructure. At the same time, according to the [„QS World University Rankings by Subject 2016“](#) media education at the University of Tartu was positioned between 101-150 in the world's scale. This was achieved due to the additional resources coming from the tuition fees until 2010 and from the research projects until 2014. The teachers involved in the research projects, were often partly or fully paid from the research budget.

Scarcity and instability of funding of journalism education increases the risk of lowering professional competence among journalistic staff in the media outlets, which finally leads to lower quality of journalism overall. Also, it is becoming more and more difficult to persuade journalism graduates to choose academic career and become university teachers. The salaries are far too low considering the qualification requirements of the university and compared to the salaries in the media and communication industry.

It is estimated that about a quarter of Estonian journalists have special journalistic education. However, it can be said that journalistic education plays an important, although not directly perceived, role in perception of the professional roles and professional values of journalists. On the one hand, different “generations” of journalists have grown together in the academic community, where professional self-reflection is constantly acquired. On the other hand, journalism education also provides an opportunity to carry out research on Estonian journalism - it also supports professional self-reflection of journalism profession.

In sum, one main risk concerning professional competencies is lack of co-operation between academia, media industry and journalistic community that takes into consideration the future challenges concerning professional competencies.

### 3.9. Professional culture and role perception

The data about role performance of journalists is available due to the Worlds of Journalism Study second wave survey (2012-2013). To make any conclusions about the development tendencies, we need to wait until the results of the third wave (2022-2024) will be available.

We re-interpret the results of the last survey (WJS Estonian Report, 2016) from the point of view of ROs for deliberative communication.

Estonian journalists distance themselves from the political power: very few of them would support government policy or are ready to convey a positive image of political leadership. Estonian journalists tend to perceive their role as a critical but neutral observer who tries to serve as many people as possible, accepting also the right of people to express their views. Traditionally they see themselves as educators of the public. They have different views on the activist type of roles. Concerning controversial reporting techniques, Estonian respondents are most loyal to private individuals and to the value of privacy. For example, paying for information is acceptable for only 7.9% of respondents. In Estonian journalism, paying for information has never been a widespread practice. Truth is another value that is important for Estonian journalists: very few journalists accept that fabricating stories or publishing stories with unverified content is acceptable.

A slight risk is related to the result that Estonian journalists are biased towards the accommodative role (orientation towards audience members as consumers). The monitorial role, perceived as very important by the journalists of Nordic countries, is less important. This finding should be put in a wider context, and it is important to ask whether the “click counting” has influenced journalists’ role perceptions in Estonia?

The autonomy and quality of **local media** is very uneven. The study carried out by researchers at Tallinn University (Rohn et al, 2021) pointed out that the role of local and regional autonomous newspapers for local community is very important. The report focused on two regions with strong regional newspapers (*Pärnu Postimees* and *Põhjarannik*), while in some regions there are no independent publications where professional standards are practiced. At times, the lack of high-quality news is caused by the pressure of the owners on the newsmakers, and at times by ignorance.

Kadri Ugur (who has been a journalist, an editor-in-chief and a journalism teacher since 1984) worked for South Estonian regional newspaper *Võrumaa Teataja* (VT) in 2022 for three months. She described several risks concerning the local communication culture that is related to the lack of professional competencies. Ugur described some practices that illustrate how the basic functions of journalism are not even considered to be important:

*“I took the position of temporary editor-in-chief with the best intentions to do as good paper as I can. As it turned out, it wasn’t easy in the newspaper where I was the only person with professional education. I was told by the main editor-in-chief that paper’s policy is not edit anything that is already written for VT. In hyperlocal newspaper the public interest or news value was often less important than personal relations. For example, the opening of another cheap, low-end baby clothes store in the local mall was front-page news, because mall’s owner had business relations with the owner of VT. The dominant source of information was Baltic News Service. Freely available press releases were edited as follows: the main source was presented as author and his/her direct quotes were edited into opinion pieces. If the news or press release was not “editable” into opinion piece or was too short, the author was mentioned as “BNS”. If editor added or deleted a part of text, the author was “VT”. I did my best, to balance the content of newspaper to the expectations of audience. I used my own contacts that were different than the sources of basic writers and brought up new themes. This was noticed. I personally got the same feedback for several times: people confessed, that reading of VT takes more and more time, and that paper is becoming more interesting. I left the position with very short notice without any back up plan in order to maintain some mental health and professional integrity. (Ugur 2022).*

**Risks:** The oligopolistic situation in the media market today is not so much a risk for media consumers as it is for journalists. As the *Postimees* case has shown, the intervention of a large employer in the autonomy of journalists has a significant impact: the capacity of investigative

journalism increased in media organizations where journalists with the relevant expertise of *Postimees* went. Quality of local journalism varies from county to county.

**Opportunities:** The tradition of journalism culture in Estonia is long and has been supported for decades by academic journalism education. Estonian editorials have overcome click-journalism and other "children's diseases" of the early days of online journalism.

## 4. Risks and opportunities of media usage patterns domain

### 4.1. Development and agency of change

Domain of media usage transforms rather slowly, since the media use habits of single user are rather stable, habitual. Critical junctures in media use patterns are most probably generated by the changes in technology and its implementation. In the Mediadelcom project the technological-institutional environment will be analysed as an operational variable "access to media". Other operational variables in the media usage domain are "relevance of news media", "trust in media" and "media related competencies" and in these we cannot see rapid changes definable as critical junctures. As the following, we explain the Estonian case in accordance with four operational variables and indicate to the critical junctures if they are present.

### 4.2. Access to media

Digitalisation can be seen as a critical juncture in the media usage domain (even when the digitalisation is an ongoing process and not the breaking point with clear beginning and end like the understanding of a critical juncture would suggest). A critical juncture in media usage domain falls in the period when the digital media became the dominant media. Marju Lauristin presented in her article "New Media and Changes in the Forms of Cultural Transmission" (2013) the periods of implementation of different information and communication technologies in Estonia, and she shows that it happened in the beginning of the 2000s. According to Lauristin, this has caused significant changes in cultural transmission and in other social processes. More precisely, we have dated the exact change with the year 2014, where for the first time more people regularly followed news online than offline (Vihalemm, Kõuts-Klemm, 2017). The period started already from 2004 and it has been labelled as the third cycle of morphogenetic transformation (Lauristin, Vihalemm 2020: 53ff) that was characterised by the rapid digitalisation not only in the media sphere (Kõuts-Klemm, Lauristin 2020: 81) but also in the society. Nevertheless, in the media sphere the affordances of digital media are supporting the diversity of media repertoires among Estonian population (Kõuts-Klemm 2017) and weaken the integrative function of mass media (Kõuts-Klemm 2013).

The other indicator about the critical juncture related to media technologies is the generational change in the media use patterns. This has been analysed mainly by Kalmus and Opermann in several publications (Kalmus 2016, Kalmus et al 2018). Patterns of political and civic participation of media generations ground on the vertical digital stratification and different modes of participation. The patterns indicate to significant differences between those who have been born in years 1968-96 and older cohorts (Kalmus et al 2017: 644). Longitudinal data have shown that among the youngest generation the same distinctions exist that among other generations – e.g., differences are in their consumption patterns of culture (Lauristin 2013), social stratification (Lauristin 2020) and flexibility and resilience (Kalmus et al 2017). Although the youngest generation is labelled as a "digital generation" (Kalmus 2020), their composition is not so monolithic we could expect. Kalmus (2020) has found that the "digital generation" has potential to develop into the truly 'active' or even 'strategic' generation, agentive and powerful enough to begin a completely new chapter in the book of societal morphogenesis" (Kalmus,

2020: 321). There is not much information about the older generations – their preparedness for and ability to adapt with the digital turn. A survey study concludes that about one fifth of the population is not adapted well with the digital context and they are mainly the older Estonians (Kõuts-Klemm et al 2017). The number of ‘non-digitals’ can be seen as problematic – many services, including public services are provided almost exclusively as digital and it restricts access for the services and thus creates new inequalities.

One specific juncture is related to the concrete audience group – the Russian-speakers in Estonia. The changes in the media usage patterns of Russian-language audiences in Estonia have been caused partly by the development of digital technology, but not only. We need to consider the situation in the beginning of social transition in Estonia in 1990s, where Russian-speaking inhabitants lived in the Soviet information sphere that was orchestrated by the central Russian-language media from Moscow. At the same time Estonians had their distinct, Estonian-language information sphere as a supplement and for majority of them even as a replacement of the Soviet one. After the collapse of the Soviet Union the smooth changes for the Russians-speakers who remained in the territory of Estonian Republic started. Still in the end of the 1990s their media space was separate (Jakobson 2004). Survey data from 2011 showed that digitalisation reached the Russian-speaking audience too, but the distinction revealed sharply in the functionalities of the digital media use. Since the Estonian language skills among Russian-speakers have been low (28% reported to be fluent and 23% to understand and use moderately, 2011 data), this restricted their usage of digital channels for communicating with Estonian state and authorities and to participate politically equally with Estonians (Trültzsch, Kõuts-Klemm, Aroldi 2014: 200). Leppik and Vihalemm (2017) show that with the digitalisation Russians’ “media space has been broadened” with better opportunities to follow international media and new channels launched in Estonia. The opportunities broadened even more after the launch of a public service media TV-programme ETV+ in Russian in year 2015. It opened the opportunities for the diversity of their media repertoires. On the other hand, diversified media use enables development of media literacy, because it enables to compare received information and to analyse it more exhaustively (Leppik, Vihalemm 2017: 594). Still, the media usage of Russian-speakers, compared to Estonians, is more sporadic and less routine (Leppik, Vihalemm, 2017: 594). Among Russian-speaking audiences a generational turn in media usage habits is taking place as well (Jakobson 2007; Leppik, Vihalemm 2017).

Since the media environment is highly diverse in Estonia (Media Pluralism Monitoring), there are no significant barriers to access media even if one is limiting their news consumption only to the digital channels. The number of users of the online news by the public service media is in increase, and more and more Estonians are ready to pay for digital subscriptions of online newspapers (Kõuts-Klemm, Rožukalne, Jastramskis 2022). There is media offer for minorities (e.g., news of PSM and papers in local dialects) and for vulnerable groups (e.g., translation of PSM programmes into sign language).

**Opportunities:** Diversity of channels as a basis for higher media competencies. Diversifying the media repertoires among Estonians and among Russian-speaking audiences. Readiness of audiences to pay for the quality journalism.

**Risks:** Due of the low resources the programmes and journalistic content have low quality and thus do not attract local audiences. Information overload as a basis for news avoidance and need for the restricted media menus.

### 4.3. Relevance of news media

Considering the diversity of news media repertoires of Estonian population – we have found nine different repertoires (Kõuts-Klemm 2017), we see differences of news preferences and

relevance of news for users. They attribute relevance to different types of news. There are users who are more interested in professional journalism news from different locations, and there are users who define private sphere information in social media as news. One can be concerned about those population groups who do not attribute relevance to news media, since their connection with general matters and willingness to participate remain low (Kõuts-Klemm 2017: 377).

There are no recent quantitative estimations how big the number of “news-avoiders” in Estonia could be. In our earlier studies we have labelled this type of users as a non-active audience segment with low news interest. We have shown that low interest in news and a limited media usage has been characteristic to about one fifth of the Estonian adult population for several decades (Kõuts-Klemm, Lauristin 2020: 91). According to the last findings, the number of followers of alternative (i.e., partisan, opinionated, esoteric etc.) media channels is almost the same – at least we know it about the youngsters and students. Rämmer (2018) has shown that one fifth of youngsters are followers of alternative media and they are less interested in news generally and are less trusting as well (Rämmer, 2018).

Specifically, the relevance of news for the youngest generation has been researched by Signe Opermann. She finds that “young people’s engagement with news is still quite strong, though highly individualized, selective and interest-driven, both technically and in terms of content” (Opermann 2018: 91). Young people prefer unconventional channels “to get their news” – 89% of the 13-30 age group tell that social media is the first most common and convenient way to get news and information, 81% of the group get news from friends and family members and as the third – almost half of the group follow online news and TV daily basis (Opermann 2018: 97). On the other hand – the consumed content is not restricted to the national news only. Some young Estonians combine the foreign channels in their news media repertoires with domestic ones (Vihalemm, Kõuts-Klemm 2017); concerning entertaining content the orientation to global media is even more visible.

The interest in news among audiences has been analysed in latest years in relation to the social media usage – the question has been, whether the social media can be seen as a gate to the news. The picture is diverse again, but it seems that the entertaining and sociability dimensions are central for social media usage, whereas at least for the younger generations there are other channels for news information. Findings of some BA and MA theses show that many young people prefer social media because they can follow the content that doesn’t consist of news (Velsker 2014 and Härma 2015 about Facebook; Kask 2020 about YouTube, Tamm 2016 about apps and smart devices).

Studies about the needs of local or regional audiences are rare in Estonia. It could be more studied, since the landscape of local news providers is diverse – there are more than 15 local newspapers. The local newspapers have also online issues. They compete as information providers with information letters by local municipalities and by the hyperlocal social media groups. Relevance of the local newspapers and their online appearance has been studied recently as a part of a MA-thesis project (Parksepp 2021) and by the researchers of Tallinn University (Rohn et al 2020). Parksepp (2021) found that the readers of the local county newspapers expect that the newspapers would offer “the articles with more in-depth research, analytical pieces and exclusive content” (p 73). The local entrepreneurs were also critical about the ability of local newspapers to provide the content with high quality that would support the regional developments and local life (Rohn et al 2021).

Studies about the perceived quality of the news media have not been regular to be able to conclude, are there any critical junctures or processes towards worsening or improvement as perceived by the audiences. The demanding voice by audiences towards the news media content is not a topic of the audience research. The latent assumption seems to be that the users are

solely responsible for their media usage preferences, without asking how media literate they are to make informed choices.

**Opportunities:** The diversified provision of media content enables to find news in proper forms and in preferred platforms for audiences, the agency of users is developing. News interest is still high in the quality content.

**Risks:** The information savvy environment presupposes higher ability to select and distinguish news from fake news. Disappointment of audiences and thus the number of news-avoiders will increase if the low-quality content is dominating.

#### 4.4 Trust in media

There is no critical juncture in the trust in media in Estonia. Trust patterns have been developing smoothly, in direction of downwards – like in other democratic countries. More trusted are traditional media channels TV, radio and newspapers and less trusted internet and social media (according to Eurobarometer). There is a correlation between institutional trust and trust in media in Estonia (Kõuts, Vihalemm, Lauristin 2013). Compared to European countries, media in Estonia is still enjoying higher trust than EU average (Kõuts-Klemm, Rožukalne, Jastramskis, 2022).

Among the traditional/ legacy media channels the public service media has the highest trust in Estonia, and it has been continuous (Jõesaar, Kõuts-Klemm, 2019; Jõesaar, Jastramskis, Rožukalne, 2022).

Trust in media can be interpreted as an assessment of the role performance and quality of media. In year 2011 the criticism towards media was quite moderate, but in some questions the audience evaluations have been polarized – e.g., different groups had opposite opinions how well Estonian media fulfils their watchdog function or are the audience members safe against the mishandling and mistakes by media (Vihalemm, Lauristin, Kõuts, 2012: 35).

The only clear change in trust patterns we can see among Russian-speakers in Estonia. A well-researched fact is the distinction between Estonians and Russian-speakers living in different media spheres in Estonia from the transitions in the 1990s; and this gap has been gradually closing (Lauristin et al. 2011, Leppik, Vihalemm, 2007). In the beginning of the 2000s Russian-speakers mainly followed Russia's mass media and were not well informed about the events in Estonian society (Jakobson 2004). The trust scores among Russian-speakers have been lower than among Estonians for all media channels in Estonian media system (Kõuts, Vihalemm, Lauristin 2013: 91). The situation was the most critical in 2007 and appeared as a “Bronze Soldier Crisis” (Juurvee, Mattiisen 2020) – where the group of Russians in Estonia, influenced by the Russia's media expressed their hostility and distrust towards the state institutions. The event was the starting point for the acknowledging the need for changes, including in media provision. As a result, the public service television channel ETV+ in Russian language was launched. Jõesaar (2017) shows that since then trust in media is slowly increasing among Russian-speaking population.

Young people in Estonia do not trust media highly (Opermann 2018). They see that the credibility of the news content can be given by the verifiability – 76% agree that all facts need to be presented in news and facts could be checked from the original or other sources; additionally, all sources had to be clearly identified and referenced” (Opermann 2018: 100). Young people do not perceive that it is always the case in news media. When we ask about their definition of news, we get criticism towards journalism: news have explicit bias in sources and one-sided news reporting, they refer to stereotypes, present inaccurate facts and present frightening information (Brites, Kõuts-Klemm 2018). We do not have quantitative studies about the percep-

tion of news performance among younger generations, but the qualitative insights enable to see that the younger generations understand the meaning of news quality and are able to distinguish news from false information. It brings us to the media related competencies of different groups.

**Opportunities:** Estonian audiences still trust highly traditional news providers.

**Risks:** The lowering of quality of journalism can undermine trust in media. The growing competition of channels for the attention of audiences can cause information overload for single user.

## 5. Risks and opportunities in the media related competencies domain

### 5.1. Development and agency of change

Media literacy as a civic competence and media education as part of national curricula emerged in Estonian in the end of 1990s. The first national curriculum of an independent Estonia (1996) mentioned media literacy explicitly in three places: as a vocabulary theme in foreign languages, as a learning outcome in high school history classes (in which students analyse information from the media), and in social studies. (e.g journalism was mentioned as the fourth power of democratic society).

The next version of the curriculum (2002) brought about change: media related competences were defined as field competences, but the curriculum only provided some possibilities for motivated schools and teachers to improve this competency area (Ugur & Harro-Loit 2010, 138)

In 2005-2006 an interdisciplinary group of researchers at the University of Tartu proposed the idea of developing and communicating the concept of cross-curriculum, as an opportunity for training key competences. The concept of media literacy and communication competences were integrated and contextualized as a substantive part of citizen education. Due to national level political upheaval, the new curriculum was not implemented. The biggest barrier to the implementation of the advanced media literacy and communications skills' concept was the lack of political decisions concerning citizen education in the information society (Ugur & Harro-Loit 2010, 134)

By 2010 the issue of media literacy and digital literacy was actively debated in Estonia. The Internet usage was high among young people, reaching 99.9 % of 11–18-year-old pupils. It is partly due to the activity of the Estonian government that brought computers and internet connection to Estonian schools since 1997 (The Tiger Leap project). National curriculum includes several topics that could support media education and communicative skills, but the teacher education is still lagging behind.

### 5.2. Overview of media related competencies in policy documents

The Estonian Lifelong Learning Strategy 2020 focuses on improving digital skills and literacies of the total population through the efficient and effective use of digital technologies in learning and teaching. In order to implement this goal a Digital Focus program was launched (started 2015).

### 5.3. Information about the media literacy programs in formal and/ or in non-formal education.

In 2011-2022, there have been 6 research projects in Estonia that study the digital and media competences of children and young people. In addition, there are a number of support programmes that enable people of different ages to develop their digital competences.

The EU funded report Mapping of media literacy practices and actions in EU-28 (Siibak, 2016) reported 20 about featured projects in 2010-2016 (p. 148) that promoted media literacy. According to the data of this report, 16 out of 20 projects promoted Participation and interaction; 15 - critical thinking; 14 - creativity; 14 - media use.

Majority of the projects were related to the digital literacy. "Smartly on the Web" (2010- 2013) targeted children and their parents. "Advancing digital literacy 2014-2020" - the main target groups of the initiative include: adult population of Estonia; working specialists and practitioners; students and lecturers studying on non-ICT related subject areas; and activists promoting ICT related skills "Advancing the digital literacy 2014-2020" financed partly by the European Social Fund.

In formal education, the curricula of media education were better positioned in the early 21st century, as the functioning of the Information and Media Centre was a so-called end-to-end topic. Later, media education has been reduced to one topic of Estonian language, where the main topic of media is handled from the point of view of journalistic genres.

### 5.4. Actors and agents of media related competencies: risks and opportunities

The main agents are researchers and teachers. In addition, many other organizations contribute to the development of media competences and the creation of educational resources.

The Young People's Media Club NGO (Noorte Meediaklubi – NMK) is a network that consists of young professionals (mostly journalists and students of journalism and communication) The activity of NMK is designed to enhance practical journalistic skills of students and develop their media literacies as well as raising their interest in media-related matters.

Estonian Union of Media Educators brings together researchers and teachers of formal education. In 2010, the Estonian Association of Media Educators was revived. (Loit and Harro, *Mediadem*, 132), but currently the association has no activities.

In 2020 the National Library created a new card game for young people to detect fake news. The National Library also offers free media classes for young people in basic schools and upper secondary schools: "Flipping on fake news".

The Estonian Public Broadcasting (ERR) in cooperation with the Ministry of Education and Research has created educational videos for learning media competences. ERR has implemented the Media Competence Project "Meediataip" to raise young people's knowledge of the functioning of the media (e.g., How are news stories born and how is false information spread? What is fact and what is opinion? How important are the sources and why are professional journalists needed?)

### 5.5. Assessment of media related competencies among citizens

According to the comparative studies of media literacy or digital skills, comparisons indicate that the media literacy level of Estonian population is rather good. Estonians are among the most media literate nations, with Finns, Danes, Swedes, and Irish people amongst European

countries (Open Society Institute Sofia 2021). A significant part of the population has well developed digital skills. According to DESI data, at least 62% of the adult population possess basic digital skills – above the average in EU (DESI 2019). The data show that there have been no significant changes during the past five years in digital skills (DESI 2019). Still, the people with higher income are more skilled than people with lower income. On one hand, digital skills are related to access to technologies – e.g., slower internet connections in rural areas hinder the usage of online services and development of digital skills. On the other hand, our research has shown that skills depend on motivation, i.e., the motivational barrier hinders the skill development (Pruulmann-Vengerfeldt, Kalvet 2008). Researchers relate high level of digital skills to the strength of the educational system, free media, and high trust in the media among people. Cultural and social contexts have been supportive to developing the skills, and the public discourse can even be labelled coercive (Siibak, Kõuts-Klemm 2017: 282).

The measurements of digital competences (tests for schools) were developed by the scientists of two Estonian universities in 2018. The new pilot digital competency test took place for the students of the 9<sup>th</sup>, and 12<sup>th</sup> grades in April 2019. Students of the 3<sup>rd</sup> year of the vocational educational institutions were also included in the test.

**Opportunities:** Digital competency that includes several aspects of media literacy is in political agenda concerning children and young people. There are several support programmes, well financed research programmes and lots of learning/teaching materials. The number and variety of agents who offer learning opportunities is high.

**Risks:** Media education policy in Estonia is biased towards young generation. The concept is wide and does not include moral dimension of media and communication ethics and accountability.

## 6. Conclusions

Opportunities for deliberative communication (that are related to transparency) include journalistic autonomy and journalists' critical- analytical abilities to fulfil the watchdog role. The latter is vital for safeguarding **freedom of expression and freedom of information**. The successful investigative cases of disclosing corruption demonstrate the potential of Estonian journalists to fight for the transparency of the society. Press freedom is under pressure, but journalists are still sensitive about the pressure and ready to react and fight. In addition, in comparison with several other CEE countries, Estonia is still a country where the culture of freedom of speech is valued. However, the risk factor is that in the second decade of the 21<sup>st</sup> century, the trend towards secrecy has gradually increased. The legal environment as well as implementation practices favor confidentiality rather than transparency.

The self-regulatory instruments of the Estonian media are associated with risks rather than opportunities. The "frozen" system of self-regulation is an indication that ethical debate has not become part of the Estonian journalism culture.

Main risks and opportunities for **journalism** in such a small society like Estonia are related to resources. The outflow of advertising money into global media corporations has reduced the resources for news production. Since a society's communicative capacity is related to human capital, qualifications, efficiency, and sustainability of human resources is crucial. In the context of the current project journalists and other media content creators, media experts, researchers, teachers and politicians form the core of the agents influencing the news media's ability to offer forum for deliberative communication.

The economic crisis of 2008-2010 severely hit Estonian press. However, to an extent, the press recovered in the subsequent years due to a gradual increase of online subscriptions. A decade of

the economic struggle of the press in the search of new business model, the decay of the decades-long flagship of the Estonian media, the daily *Postimees*, the hardship of the local media and insufficiency of the funding of the public service media, pose a chain of cross-risks.

A way to strengthen analytical capacity and credibility of professional media, could be an improvement of the qualifications and career model of journalists in public service media. Like in the public universities, journalists' recruitment could be based on the evaluation of their portfolios, experience, and qualifications. The qualifications requirements for different positions may differ. The career model should provide job security and clear qualification requirements for promotion. The current "liberal" career model may be suitable for the private media, but the rapidly evolving information society needs top-level journalists-analysts.

The biggest problem with previous and current **research on media usage** is that the demanding voice by audiences towards the news media content has not been a topic of the audience research. The latent assumption seems to be that the users are solely responsible for their media usage preferences, without asking how media literate they are to make informed choices or how the structural conditions (e.g., journalism quality) support their choices. In an increasingly fragmented environment, in the context of a plurality of media content offerings, the challenge for media research is to move on to explaining specific content preferences. So far, the research has successfully covered the dynamics of people's use of various channels, programs, and preferences according to their lifestyle, civic and political activities, and worldviews.

Research on **media competencies** in Estonia is biased towards children and young people. Studies on media and communication competencies of people with various other social characteristics (e.g., Russian speaking population, old and middle-aged people living in the peripheral regions etc.) are missing. Another entirely missing segment of research concerns media and communication related values and general communication ethics.

Evaluating the risks and opportunities associated with Estonian media from the perspective of the development of **deliberative communication**, the media system, legislation and journalism culture create opportunities for public debate. The risks mainly relate to the roles of various agents, power struggle and lack of competence. Concerning the values supporting deliberative communication, the biggest risk is a gradual decrease of transparency.

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# GERMANY

## Critical Junctures in the media transformation process

*By Marcus Kreutler and Susanne Fengler*

*Erich Brost Institute for International Journalism at TU Dortmund University*

### Executive Summary

Case Study 2 combines an analysis of key political and social changes with an overview of evolutions and possible junctures connected to risks and opportunities in the four domains of interest to the MEDIAdelcom project: Legal and ethical regulation, journalism, media usage and media-related competencies. Overarching trends in the German case include various long-lasting effects of the historical juncture of German reunification as well as internationally widespread issues associated to digitalization, changing patterns of media usage, challenging market conditions particularly for print publishers and decreasing trust in the media. While many of these changes can be interpreted as threats to a relatively well-established and balanced media system, there are also hints of opportunities to be seen. Towards the end of the 20-year time frame, the Covid pandemic and its effects leave a number of open questions, as it is still too early to evaluate the longevity of the risks imposed by the economic and social effects of the disease.

### 1. Introduction

The Federal Republic of Germany is the European Union's largest member state with just above 83 million inhabitants. While some minority languages such as Danish in the very North or Sorbian in some areas of Eastern Germany have official status, German is the only official language in most of the territory. According to census data, other languages than German are predominantly used in 3.9 million of Germany's 40.5 million households, mostly Turkish, Russian, Arabic, and English (Statistisches Bundesamt, 2021). At 3.3 billion Euros in 2020, Germany has the largest GDP in the EU, although per capita GDP is higher in a number of member states such as Ireland, the Nordic countries, and neighboring Luxembourg, the Netherlands, Belgium, and Austria. The media system, discussed in more detail in the following chapters, can be characterized by a strong position of the public broadcasters with about equal shares of public and private broadcasters in the tv user market, and by a traditionally very relevant regional press. The shift towards online media has confronted private publishers with steep declines in revenues and the complicated task to monetarize online activities, although there are signals that online revenues are increasingly able to replace the losses in the print market. The country has constantly been ranked among the top 25 and mostly the top 20 of the World Press Freedom Index of Reporters without Borders, but while it retained rank 13 in the 2021 edition, it was downgraded from a "good" to just "satisfactory" situation due to increasing violence against journalists – particularly in the context of demonstrations, mostly against Covid-related measures. In terms of pluralism, Germany is in an overall favorable position, at least compared to other European countries: In the general ranking of the Media Pluralism Report, newly introduced in the 2022 edition, Germany ranks first overall with a total risk rating of 20 per cent, and is the only country associated with a very low risk for media pluralism, with the same rating for each

of the four areas of that analysis: Fundamental protection, market plurality, political independence, and social inclusiveness (CMPF, 2022).

Relevant change in German society in the time frame 2000 through 2020 will be divided into six subcategories for the purpose of this overview: Structural, strategic/diplomatic, political, social, economic and technological.

The main critical juncture relevant to most of these fields and in particular **social and political structures** is still German reunification. Albeit formal reunification – legally correct the accession of Eastern German federal states (*Länder*) to the Federal Republic of Germany – dates back to 1990, ongoing processes of restructuring and adaptation have shaped the early 2000s and are still socially and politically relevant today. A key change to the political system of the Federal Republic resulting from reunification only occurred in 1999, when most federal political institutions including parliament, chancellor and most ministries moved from Bonn to Berlin. This change has been widely perceived as more than a physical change of the seat of governmental institutions, but rather a change in political culture: The move from the small, almost provincial city of Bonn to Germany's largest city has introduced a faster pace into the political system and also into political media coverage, but is also often associated with a problematic proximity of political and journalistic elites (Hachmeister, 2007; Kramp & Weichert, 2010). To take the media situation as an example, only one regional newspaper had its main office in Bonn, while Berlin hosts a multitude of media companies, including the headquarters of the Springer publishing house and the central editorial offices of its titles *Bild* and *Welt*. The latter were actively moved to Berlin after reunification, as was the central office of the German Press Agency *dpa*.

Despite this new interest in the re-united capital of the re-united republic, Germany's administration is still much less centralized than that of other European countries: Key top-level institutions have always been spread throughout the Federal Republic, such as the constitutional court and the federal court of justice in Karlsruhe, the central bank in Frankfurt/Main and a number of institutions including the federal audit authority still situated in Bonn. Several federal institutions have been newly founded in or relocated to the "new" German *Länder* in the East, but there is still a misrepresentation of Eastern Germans in top-level positions in these institutions (Bluhm & Jacobs, 2016; Lengfeld, 2019) – a deficit that may receive even more interest after Eastern-born Angela Merkel's chancellorship came to an end in 2021. Economically and financially, much of Eastern Germany has still not achieved Helmut Kohl's promising vision of creating "landscapes in bloom": Collective wage agreements as well as pensions still officially differentiate a higher Western from a lower Eastern level; cost of life is also still lower, a consequence at least partly from the exodus of (mainly young and skilled) citizens from East to West. A specific financial aid program for the Eastern *Länder* expired in 2019. Finally, election results differ considerably between citizens in old and new federal states: While more Eastern Germans abstain from general elections, those who do vote have increasingly moved from the conservative and social-democrat parties to left- and, more recently, right-wing options (Völkl, 2020).

Only fully sovereign in international matters after the Two Plus Four Agreement of 1990, the time after reunification has also brought a reconfiguration of the German **role in international politics**. When the social democratic government of Gerhard Schröder with his Green party foreign minister Joschka Fischer agreed to a German military participation in the NATO-led intervention in the Kosovo war, it sent German soldiers into combat missions for the first time since World War II. The German military was restructured in order to be able to participate in international missions far outside German or NATO territory, and the large-scale participation in the international presence in Afghanistan with a number of casualties led to intensive debates about the international role of Germany in the 21<sup>st</sup> century, as well as the role of the German military – conscription was suspended in 2011 – within German society. In 2004, reflecting the

country's growing influence in international diplomacy, Germany declared its goal to receive a permanent seat in the UN Security Council.

**Politically**, the past 20 years have brought about a lot more change than Angela Merkel's 16 years as head of government might suggest to a casual observer. The "Bonn republic" had been characterised by two major parties (one conservative and one social democratic) and one (the liberal party) or two (the Green party entered parliament in the 1980s) small parties that were sometimes struggling to reach the five per cent electoral threshold. Consequently, the "old" Federal Republic had been governed by two-party coalitions through most of its history, most frequently either conservative-liberal or social democratic-liberal. Reunification brought about a party to the left of the social democrats, first as a successor to the socialist party of the German Democratic Republic with a strong focus in the East. The first governing coalition including the Green party in 1998 under Gerhard Schröder's social democrats further marked the end of the old party system. More recently, the right-wing AfD has secured significant votership and presence in both the federal and many *Länder* parliaments. So far, it was unable to transfer this to a participation in any of the governments, because none of the other parliamentary parties accept cooperation.<sup>56</sup>

These trends in the party system also brought about the end of the traditional division between major and minor parties: The "grand coalition" of conservatives and social democrats backing Angela Merkel's last government after the elections of 2017 only combined 53.4 per cent of votes. Olaf Scholz's new federal government is the first based on a three-party parliamentary majority in more than 60 years, and his Green and liberal partners together have more seats in parliament than Scholz's SPD. Polls during part of the electoral campaign even suggested a realistic chance for the Green party of naming the new chancellor, clearly marking the end of the two-party dominance of social democrats and conservatives in federal politics. These changes are even more visible – and often interpreted as pretexts for the federal level – in *Länder* parliaments, where the left party has been part of various governments in the Eastern German *Länder* as well as in Bremen, and even leads the government of Thuringia since 2014. South-Western Baden-Württemberg is the first to have a prime minister belonging to the Green party, governing since 2011 and re-elected in 2016 and 2021.

**Socially**, reforms to the social security system introduced by the Schröder government may have helped German economic competitiveness on a global market, but at the cost of growing polarization through cuts to unemployment benefits and pensions – especially for the younger generations. When the hosting of the football world cup in 2006 inspired short-lived hopes for an informed and inclusive "new patriotism", questions of identity, belonging, and acceptance of different social, religious, and ethnic groups have been discussed more aggressively in later years (Bala, 2021). At the same time and throughout different social groups, trust in political and social institutions and agreements – sometimes scientific reasoning and facts themselves – has vanished in different, sometimes numerically significant groups of the population. The word "Wutbürger" (literally: citizen of anger) was coined in 2010, describing an older, established citizen who lost trust in political decision-making and resorted to loud protest (Rucht, 2021). Since then, radical groups and citizens who identify themselves as members of the "middle of society" have made contact in different protest movements and are sometimes difficult to differentiate. Examples are the xenophobic Pegida protests beginning in 2014 or the more recent "Querdenker" movement that combines protest against Covid measures (or even accepting the

<sup>56</sup> The only short-lived exception was the election of liberal-party politician Thomas Kemmerich as prime minister of the state of Thuringia based on conservative, liberal and AfD votes in 2020, partly as a result of AfD parliamentarians' strategic voting in the secret ballot. However, his acceptance of the result was perceived as a major scandal even in Kemmerich's own party, leading to his resignation two days after his election. In any case, the election was not based on a formal coalition with the AfD and would not have brought AfD politicians into government. Finally, government was formed under left party politician Bodo Ramelow.

existence of the virus) with a general distrust in institutions, elites, and sometimes democracy itself (Koos, 2021).

Germany was also haunted by new terrorist threats and attacks such as the series of xenophobic murders conducted by the so-called NSU after 2000, a group that murdered nine migrants and a police officer and committed many more assaults. The series of attacks could only be explained after two of the main terrorists had committed suicide; the xenophobic motivation came as a shock to German society since the attacks and murders had been interpreted as violent conflict within migrant communities and presented as such by most media. Other deadly terrorist attacks with a xenophobic, antisemitic or racist motivation occurred in Munich in 2016, Halle (Saale) in 2019 and Hanau in 2020. Furthermore, conservative politician and district president Walter Lübcke was murdered by a far-right extremist in 2019, a political murder motivated by Lübcke's defense of German migration policy in 2015; the attack was interpreted as a result of an increasingly violent rhetoric in right-wing, xenophobic and anti-migration networks. Terrorist attacks with an Islamist background have also occurred, the most serious one being the attack on a Christmas market in Berlin in 2016, when an attacker used a stolen truck to run into visitors.

**Economically**, and beyond the already mentioned social security reforms of the early 2000s, Germany has profited from the economic upturn before the Covid-19 pandemic more clearly than many of its neighbors, resulting in growing tax income. A political preference for austerity has resulted in the addition of a "debt brake" to the constitution that further limits governmental competencies to take out loans, both on the federal and lower administrative levels. At the same time, aging infrastructure and needs for ecological restructuring in areas such as energy production, industry or traffic require huge investments. Hard coal mining, together with steel production a cornerstone of German industry for more than a century and particularly important in the Ruhr and Saar areas in Western Germany, has terminated with the last mine being closed in 2018; brown coal with huge open-cast mines in the Rhineland and Eastern German Lausitz is scheduled to be phased out until 2038; both dates mark a critical juncture for affected regions, with huge needs of economic, social, and even cultural restructuring. Particularly brown coal production has also seen huge protests against both the continued use of that resource and ongoing destruction of nature and villages in the process of enlarging open-cast mines. Nuclear energy use is being phased out after decades of fierce political conflict about risks of the technology and options for permanent disposal of nuclear waste; originally a left-wing and particularly Green demand, the end of nuclear power had been agreed upon under the social democrat and green government of Gerhard Schröder, partially overruled by Angela Merkel's second conservative-liberal government in 2010 and renegotiated by the same government after the nuclear disaster in Fukushima in 2011. The last German nuclear power plants were scheduled to cease production in 2022, but after prolonged discussion on energy security after Russia's invasion of Ukraine and shortened supplies of energy sources, this date was postponed by several months. Following a decision by chancellor Olaf Scholz, the three remaining reactors are now scheduled to function until mid-April 2023. Beyond energy production, broadband internet is another huge infrastructure-related debate with a clear impact on distribution of information and chances for a digital economy. With its past preference for the use of existing copper cables into homes, with optical fiber only being used to link distribution stations (fiber to the curb/FTTC), formerly state-owned German Telecom has allegedly slowed the proliferation of fast connections in an attempt to secure its market against new competitors, especially in rural areas. Also, mobile networks have been criticized for being fragmentary and slow in many areas outside the larger cities, again hindering the development of online services and platforms.

In terms of sources and data, the first German case study has shown a relatively favorable situation, with some limitations mostly with regards not to the four domains of interest, but rather

the mapping of the academic field and its financial situation. Also, there are risks concerning the future continuity particularly of print concentration monitoring that may or may not realize. Nevertheless, the case study has also shown the complexity added by the size of the market and especially the federal and decentralized system. The dilemma to be solved in this case study is between covering all major changes and critical junctures on the one hand and the desirable depth of information in all four domains on the other hand: Much more could often be said about the different aspects of the domains, but at the expense of a good overview of the situation. The focus on “what’s new” also explains a certain difference between the regulation and journalism domain on the one hand and the competencies and media usage domain on the other hand. While the first two are marked by sometimes very visible junctures (e.g., new laws, groundbreaking court rulings, changes in major media outlets, or trends in journalism), the latter are, at least in the German case, more prone to long-term developments less marked by identifiable junctures and sometimes developing over even more than the 20 years this study is focused on. To both validate the selections and evaluations made and add specialists’ insights into certain fields, three expert interviews were conducted: With Klaus Meier, professor of journalism at KU Eichstätt-Ingolstadt and chair of the German Communication Association DGPK; Tobias Gostomzyk, professor of media law at TU Dortmund University; and Thomas Rathgeb, head of Baden-Württemberg’s media authority’s section of media competency, youth protection and research, who is also one of the two directors of the mpfs (media-pedagogical research network of South-Western Germany, [www.mpfs.de](http://www.mpfs.de)). Looking at change in the media system from these specialist perspectives, all three experts identified digitalization not only as a general trend affecting the media, but also as a driving force for very specific risks and opportunities in legal regulation, the media market and journalists’ work reality, and media usage and competencies. Details can be found in the respective sub-chapters of this study.

As could be expected for a federal state that is also closely associated to the democratic-corporatist model, a common theme of the following chapters is the strong influence of a large number of political, but also corporate and social agents. There is a complex system of interests and interest groups shaping today’s media system, consisting of different political, economic, institutional and societal agents, often cross-related and also influenced by each other (Jarren & Donges, 2004; Kamps, 2016). For example, the protestant and catholic churches are represented in public broadcasters’ control bodies, but also run their own media activities with news agencies or journalism training offers; the Social Democrat Party is not only an important actor in media politics and, again, broadcasters’ control bodies, but it also owns a media holding that mostly holds minority shares in regional newspaper publishers (Reffken, 2007). Private publishers and their associations try to influence political decision-making on market and advertisement regulation and have repeatedly tried to limit public broadcasters’ online activities through both political and legal action. Nevertheless, organized interest-groups not only exert influence in their particular interest, but also through institutional and topical alliances. For example, the Press Council is not only a cooperation of journalists’ and publishers’ associations – obvious opponents in wage and salary negotiations –, it is also looking back at a number of political alliances with other media organizations to influence political decision-making, particularly with regards to surveillance regulation affecting media and journalists (Deutscher Presserat, 2021a).

## 2. Risks and opportunities of legal and ethical regulation

### 2.1. Development and agency of change

The legal situation with regards to the media has still to be seen in light of the negative experience during the Nazi regime and shortcomings in previous German states, although guarantees for fundamental rights and principles such as limited direct state influence while upholding market concentration regulations had to be developed and in fact fought for during the early years of the Federal Republic. In post-war Western Germany, the allies exerted considerable influence on the formation of the legal framework for the media, effectively exporting regulation principles from established democracies: While allied press regulation differed in the American, French and British zones (Pürer, 2015, pp. 50-53), the British model of public service broadcasting was adopted, though in a variant based on several regional broadcasters (Pürer, 2015, pp. 109-113). In contrast to the Western Allies' push for autonomous media and limited state influence, the media in Eastern Germany were restructured under Soviet influence, mainly aimed at defending socialism under strict political and party control (Beck, 2018, pp. 381-383; Holzweißig, 1997), leading to a period of dramatic change in Eastern German journalism after reunification (Haller & Mükke, 2010; Machill et al., 2010b).

In retrospective, the Constitutional Court of the Federal Republic of Germany had a key role not only in safeguarding fundamental rights, but also in protecting and guaranteeing the development of the public broadcasters and the modern system of public and private broadcasting. Since the public broadcasters are organized as independent bodies, yet controlled and influenced by interest groups often oriented to political parties or representatives of parties themselves, this area has seen numerous attempts of political stakeholders to either exert influence on content or shape the legal framework and particularly the financing mechanisms according to political interests, leading to a number of relevant rulings by the constitutional courts. Apart from attempts of political influence, a key legal conflict of the past decades can be identified between public broadcasting and private publishers – interestingly print and online publishers more notably than private broadcasting companies –, over the scope of the publicly funded offer of journalistic, cultural and entertainment products. The broadcasting fee, a monthly amount of more than 17 Euros per household since a 2013 reform that abolished the previous per-device system, is controversial with parts of the population, several political stakeholders and some private media companies alike. Nevertheless, it has been confirmed as legal both by the Constitutional Court and – with regards to EU competition legislation – by the European Court of Justice.

Overall, Germany is widely perceived as an example of functioning rule of law: In the World Justice Project's 2021 rule of law index, the country ranks 5<sup>th</sup> globally and in the global top ten in seven of the eight factors analyzed (WPJ, 2021).

### 2.2. Freedom of expression

Freedom of expression is guaranteed to anyone in article 5 of the *Grundgesetz* (Basic Law for the Federal Republic of Germany, the German constitution), which also explicitly rules out state measures of censorship, and calls for guaranteeing media freedom. The article states that these guarantees can be restricted by general laws, provisions for protecting the young and protecting personal honor, and the aforementioned laws do exist and function to limit freedom of expression. Nevertheless, the constitutional court has developed a strong position for freedom of expression already early in its existence: It has established that freedom of expression was not only relevant as an individual freedom, but “plainly constitutive” for a democratic society – a ruling from 1958 (the “Lüth”-case) has since been the foundation of this perspective; any legal limitation has to abide to the idea behind the fundamental right, and the provision is not only

valid in relations between citizen and state, but even in private law (Stamm, 2001) – the Lüth case was about a call to boycott a film by a director who had produced antisemitic material during the Nazi rule; his company’s civil case against this call to boycott voiced by Erich Lüth was first accepted by courts, but finally dismissed by the constitutional court on the grounds of Lüth’s freedom of expression. While the guarantee to freedom of expression affects all thematic areas, it has received special appreciation when politically or socially relevant topics are concerned: It will more regularly be regarded higher than other legal objectives when questions of public interest are discussed (Hong, 2020). While limitations to freedom of expression need to be non-discriminatory towards specific opinions, the constitutional court did accept one exception to be made: In the so-called *Wunsiedel*-decision of 2009, a legal provision against incitement of hatred based on “approval or glamorizing” of national socialist rule was accepted as a legitimate exception in the light of German history and the genesis of the *Grundgesetz* (Hong, 2010). A major case involving the ECtHR was its ruling in 2004 on the publication of photos of Caroline of Monaco/Hannover in her private life, overthrowing longstanding jurisdiction of the German constitutional court that had allowed greater freedom of (photo) coverage even of private situations when personalities of contemporary history were involved. This ruling had a huge impact especially on tabloid journalism (Gersdorf, 2005; Stürner, 2005).

Guaranteed under the same article as freedom of expression, the constitutional protection of freedom of the press and broadcasting serves society’s need for information and debate, and the constitutional court has defined safeguards for both areas with varying degrees of detail. The court has described the role and importance of an independent and pluralistic press already in the so-called *Spiegel* case of 1966, which also led to legal safeguards against concentration in press ownership. In broadcasting, the court sees a stronger state responsibility to provide the public with a functioning and pluralistic offering, reflected in a series of court rulings (“Rundfunk-Entscheidungen”, literally “broadcast rulings”) on competencies, provisions and developments in the broadcasting sector. Some of these rulings have become cornerstones of the German broadcasting system, including a “guarantee for development” for public broadcasters that allows them to extend their activities beyond traditional broadcasting technologies (Beck, 2018, pp. 233-289). While online media have not explicitly been mentioned here, journalistic online services are often included in a more general “media freedom” even in court rulings, resulting in the same level of protection at least for online mass media (Fechner, 2021, pp. 48-49). The legal framework on broadcasting has to be agreed on by the *Länder* in an agreement labeled “Rundfunkstaatsvertrag” (interstate agreement on broadcasting) that was updated several times and officially included “telemedia” after 2007. In 2020, it was replaced by a new “Medienstaatsvertrag” (interstate agreement on media) to reflect changes in media technology and to include regulations for “media intermediaries” like news aggregators, online networks or search providers (Liesem, 2020).

Regarding the discussion on strategic lawsuits against public participation (SLAPPs), in an interview for this project, Tobias Gostomzyk pointed out that a clear definition of what needs to be considered a SLAPP versus legitimately defending one’s legal interests is missing, but that settling disbalances between the two parties involved has to be seen as a more promising strategy compared to relying only on specific procedural rules. Analyzing media lawyer’s and publisher’s strategies based on interviews with both sides, Gostomzyk and Moßbrucker (2019) also describe a relevant phenomenon besides the question of SLAPPs: They see a widespread use of communicative strategies by lawyers to pre-emptively influence future media coverage, without resorting to actual lawsuits. At the same time, the authors identify a tendency of most publishers to avoid lawsuits and the associated risks where possible, a trend that may impede further evolution of press legislation through cases decided by high courts. Among 53 rulings of the Federal Court of Justice relevant for press freedom (excluding those regarding questions of media market concentration) between 2008 and 2018, 31 were taken with the involvement –

and often based on appeals by – only three large publishers (Gostomzyk, 2018). While these three (Springer, Burda, and Spiegel) are associated with the relatively “risky” areas of tabloid and investigative journalism, they also have the financial means for prolonged lawsuits. For most other publishers, the financial risks seem to often outweigh a small legal clarification regarding a past publication. This reluctance of appealing to higher courts is seen as a risk for the further development of relevant case law since suing lawyers can often choose lower courts with a history of strict rulings against the media, a situation not fundamentally changed by a reform taking effect in 2021 (Jürgens, 2020). When publishers do not appeal to the Court of Justice or the Constitutional Court – even when these have a more “media-friendly” history – such strict rulings of lower courts can have lasting effects for the whole industry (Gostomzyk & Moßbrucker, 2019, pp. 13-15).

**Defamation** is punishable as a criminal offence under a set of legal regulations in the criminal code (§§185 et seqq., also §90 and until recently §103, see below) and penalties include imprisonment of up to two years.<sup>57</sup> While the scale of punishable acts and statements is comparably broad, its practical importance is limited as it is only prosecuted upon complaint and even then consideration in light of constitutional rights rarely leads to sentences; especially opinions are protected extensively. In addition to these general remarks, shorter limitation periods apply in cases where the expression was published in the press (Gaede, 2020; Tellenbach, 2010).

While **disinformation** as such is not generally punishable, regulations on incitement of hatred or against propaganda for anti-constitutional organizations could be applied in these specific cases; denial of the holocaust can also be punished. A critical juncture of the legal framework in reaction to new media structures was the introduction of a law regulating punishable content in online networks, including hate speech and – in some cases – disinformation. The Network Enforcement Act or NetzDG, first introduced in 2017 and changed in 2021 imposes new duties on social networks aimed at reporting and deleting such punishable content. The law was criticized for setting incentives to overblocking of content and thus implementing a private infrastructure to censor content, while the debate also acknowledged the need for transparent regulatory mechanisms against hate-speech (Eifert, 2018). Evaluations of practical implications point to an increase of content deletions by online platforms based on their own “community standards” as a means to avoid proceedings under the NetzDG, leading to a situation where content not targeted by the law is frequently blocked; in addition, compatibility of this legal framework with planned EU regulation is questionable (Liesching et al., 2021), so the law may turn out as a comparably short episode of national legislation.

**Protection of personal data** now follows the framework of the EU General Data Protection Regulation. The exceptions for journalistic media of article 85 GDPR have been implemented, but are harder to track in comparison to the previous situation: Formerly integrated in a single federal law on data protection, a previous change of competencies between federal level and *Länder* now required legislative action by the *Länder* on different levels, leading to a situation where the exceptions for the media can be found in joint broadcasting regulation as well as the 16 press laws, with certain differences for the different media types (stricter rules in broadcasting) as well as between press laws (Cornils, 2018). Although motivation for discussions among legal and data protection experts, the relatively wide and effective privilege for journalism has

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<sup>57</sup> §90 StGB (systematically not in the section on defamation, but subversion) describes a special norm for public slander of the president of the federal republic with a maximum penalty of five years. It is only prosecuted upon approval of the president and is of minor practical importance so far, but still a risk that makes prosecution dependent from the president’s personality (Tellenbach, 2010). §103 StGB included similar special provisions in protection of foreign heads of state and other dignitaries; it was repealed in 2018 after Recep Tayyip Erdogan had demanded prosecution of satirist Jan Böhmermann under this law, incidentally for a poem designed to showcase the limits of freedom of speech.

been mostly preserved, to the effect that the legal changes of 2018 have, from the point of view of journalistic practice, not changed much (DJV, 2018).

**Copyright law** (*Urheberrechtsgesetz, UrHG*) includes a number of exceptions, some of which explicitly in view of journalistic coverage. Some official publications are exempt from copyright (§5 UrHG), and specific regulations allow using copyrighted material for topical journalistic coverage (§50 UrHG, also §48 for use of public speeches), also newspaper and broadcasted articles and comments can be used in other journalistic media, either completely with liability to pay costs, or in smaller parts free of charge in order to produce press reviews (§49 UrHG). Copyright cannot impede a publication if the copyrighted work only represents a small detail (§57 UrHG) in the total coverage or when a work of art is permanently in a public space (e.g., buildings and sculptures in public streets, §59 UrHG). A relevant debate concerning copyright law and media freedom evolved around the so-called “Afghanistan papers”: A newspaper had published classified documents about the military situation in Afghanistan (originally meant for parliamentarians), and the ministry of defense tried to prohibit this publication based on copyright laws concerning these reports; after involving the European Court of Justice, the Federal Court of Justice denied such a claim (Hauck, 2020).

### 2.3. Freedom of information

Freedom of information is also guaranteed in article 5 of the *Grundgesetz*: Everybody has the right to receive publicly available information, an explicit provision in reaction to the situation before 1945, when listening to foreign radio was massively persecuted (Fechner, 2021, p. 42). But freedom of information as such does not imply a right to information that is not publicly available, such as information held by the government or authorities. While representatives of the media have a privileged right to information from state authorities codified in each of the press laws of the *Länder* (Fricke, 2017b), a newer development is the implementation of freedom of information acts in recent years, granting access to public authorities’ documents (Fricke, 2017a). The applicable law for federal institutions has been introduced in 2005, allowing citizens – representatives of the media included – access to information in public institutions. For journalists, this right was a welcome addition to their existing information privilege, because it allows for access to actual documents, not just oral or written answers to their questions. Brandenburg and Berlin were the first *Länder* to introduce similar laws applicable to their public bodies already in 1998 and 1999, followed by most other *Länder* during the 2000s and 2010s; as of 2021, Bavaria, Lower Saxony und Saxony still lacked such laws (Netzwerk Recherche, 2021), resulting in a more limited set of research tools for journalists.<sup>58</sup> But even where freedom of information acts are in place, particularly with regard to the federal version of the law, practitioners criticize an administrative culture of slowing and complicating requests or outright denial of information based on – real or alleged – necessities of state, security, copyright and data protection; at the same time, journalists and their media companies may not be using the tool to its full potential and with the necessary persistence to legally enforce their claims (Redelfs, 2007, 2016; Semsrott, 2016).

Based on provisions of media freedoms, journalistic information-gathering and processing as well as auxiliary activities in media companies are protected. **Journalistic sources are protected** through both legal regulations (such as a privilege of non-disclosure in court proceedings) and constitutional court rulings. Beyond the aforementioned *Spiegel* case, a more recent example is the *Cicero* case of 2007, in which the *Cicero* magazine’s editorial office and its author’s private home were searched, and material was confiscated in suspicion that the journalist had assisted a public servant in betraying state secrets. While the court ruled in favor of the

<sup>58</sup> A law for Saxony has been accepted in the state’s parliament in July 2022 and will take effect in 2023.

magazine and the journalist, it was criticized that the same legal mechanism had been exploited by the authorities in numerous cases (Prantl, 2007). A new law (discussed by Stefanopoulou, 2012) was passed in 2012 to formally decriminalize journalists for using such data.

**Protection of whistleblowers** themselves and their channels of communication is subject to political debate, the directive on whistleblower protection of the European Union being overdue to be translated into German law, although it may be combined with new protection also for whistleblowing beyond violations of EU law (Tinnefeld, 2020). One ECtHR ruling against Germany with regard to whistleblowing (Heinisch vs Germany) has been widely discussed, but was not dealing with whistleblowing to the media or the public, but rather a case of labor law where an employee of a nursing home was dismissed after whistleblowing to the authorities (Ulber, 2011).

**Trade secrets** are protected and have been regulated with a new law in 2019 that includes specific exceptions for media coverage, especially in case of publicly relevant deficits in a company's actions (Brost & Wolsing, 2019). Trade and business secrets also play a role in denied requests for information to public authorities (based on freedom of information acts or journalistic information privilege), but courts have repeatedly confirmed that public interest can justify both the disclosure of such information to the media and its publication (Branahl, 2019, pp. 19-25 and 187-189).

Beyond legal requirements to disclose **media ownership** to broadcasting authorities and to the public through imprint regulations codified in the press laws, media ownership is monitored and reported effectively by the media authorities' Commission to Evaluate Concentration in the Media (KEK – Kommission zur Ermittlung der Konzentration im Medienbereich). While the main purpose of the commission is to gather and analyze data with the aim of safeguarding pluralism in private broadcasting, it is taking other media into account in order to cover cross-media ownership. The commission publishes in-depth reports every few years and it runs an online media database containing detailed ownership data.

## 2.4. Accountability System

### 2.4.1. Development and agency of change

Media accountability in Germany has been described as comparably well-developed, both in terms of existence of media accountability instruments and in terms of efficacy of these instruments. The country ranks fourth out of 30 countries (on par with Austria) in the Media Accountability Index developed in the context of the European Handbook of Media Accountability (Eberwein et al., 2018). This situation draws from different factors in the frames of media accountability, but must be seen in the normative context of non-interference of the state in matters of the media after the pre-1945 experience: When the conservative Adenauer government planned to introduce federal legislation on press content that was interpreted as overly repressive by both the industry and foreign observers, the foundation of the Press Council as the central institutionalized body of professional accountability by publishers and journalists in 1956 was a signal to take press conduct into the profession's and the industry's own hands – and a successful one, since the planned legislation was never introduced (Baum, 2010). While the council had a predominantly political role in the first years of its existence – trying to influence legislation in the interest of the media –, it has since shifted its focus to work on complaints on press conduct, a role shaped by an increase in complaints as well as reluctance of some publishers to follow council decisions in recent years. The comparably strong role of journalistic meta-coverage – journalistic content on journalism and the media industry itself –, even though sometimes criticized for being not critical enough towards colleagues, can be seen in a similar tradition of processing journalistic topics publicly and without state interference. A more recent

trend towards media accountability activities of specific media organizations is related to increased demands for transparency in journalistic work and waning trust in the media in parts of the population: Ombudspersons, organizational codes of conduct, and blogs on the details of journalistic work are an attempt to explain the internal proceedings and get into contact with the audience in order to (re)gain trust.

#### 2.4.2. Existing media accountability instruments and evaluation of their effectiveness

The Global Handbook of Media Accountability places Germany in the professional model of media accountability, with diverse accountability instruments on both professional and organizational levels (Fengler, 2022). In spite of this diversity and some trends towards new forms of media accountability on the organizational level, there is also frequent criticism regarding everyday relevance: „[...] the potency of most MAIs has been stagnating in the past decade at a comparatively high level“ (Eberwein & Brinkmann, 2022, p. 127).

The aforementioned *Medienstaatsvertrag* of 2020 has also brought a relevant change in the area of institutionalized complaints bodies: Conventionally, the system was comprised of the non-statutory Press Council on the one hand, relevant for printed news media as well as – since 2009 – online activities of their publishers (Beck, 2018, pp. 148-152), and statutory bodies for public service (*Rundfunkrat* for regionally organized public broadcasters cooperating in ARD, *Fernsehrat* for nationwide public television ZDF, *Hörfunkrat* for nationwide public radio Deutschlandradio) and private broadcasting (*Landesmedienanstalten*, media authorities) on the other hand. The perceived gap for purely online news media was closed with the introduction of the *Medienstaatsvertrag* by tasking the media authorities with control of such media outlets, but allowing them to opt into admission to the procedures of the Press Council instead (Deutscher Presserat, 2022). While this option can be interpreted as a way towards more distance from otherwise statutory control (Lent, 2020), it may also reinforce longstanding criticism of the press council’s “lack of teeth” or lack of robustness in its decisions and the implementation of its rulings (Niggemeier, 2020, 2021a). At the same time, the beginning of media authorities’ activities in the field has seen criticism for a lack of transparency in what kinds of websites are being monitored, and which criteria are being applied (Niggemeier, 2021b; Sterz, 2021). In any case, the new regulation forces online-only media to decide between legally binding statutory control or – in this case allegedly – voluntary professional self-regulation. At least for these outlets, this new situation blurs the otherwise clear differentiation between professional and political accountability.

In the realm of **professional accountability**, the Press Council and its Code of Ethics play a central role. The council has seen a strong trend towards higher numbers of complaints between 2000 and 2020: It rose beyond 500 in 2000, beyond 1000 in 2009 (when online publications of print publishers were added), beyond 2000 for the first time in 2014 and almost doubled in 2020 to 4058 cases – the latter development being mainly due to many complaints about few specific articles, reporting about Covid-19 and also a high share of complaints about media not regulated by the Press Council. Relative to the population, the high number of complaints from 2020 corresponds to 4.9 complaints per 100.000 inhabitants. However, the number of cases reported to have been analyzed in the complaints commission rose from 185 in 2000 to a peak of 1139 in 2015 and has since stabilized (530 in 2020) on a lower level – 0.6 cases per 100.000. The most frequent ground for appeal has repeatedly been a perceived lack of journalistic diligence. Also, articles that appeared online are brought to the press council’s attention more frequently than printed ones in recent years (Deutscher Presserat, 2001, 2007, 2015, 2021b). In line with the aforementioned criticism concerning the impact of the council’s decisions, the most recent report also shows that among 224 public reprovals – the most severe sanction at the council’s disposal – voiced between 2014 and 2020, more than one fourth (62) has not been published by the offending publication; admittedly, a more optimistic position

would stress that almost three quarters were in fact brought to the attention of the affected publications' readers.

Beyond the numbers, major professional and public discourse about the normative content of the code of conduct occurred about the question of disclosing the nationality of suspects and criminals in crime reporting – incited mainly by the attacks on women on New Year's Eve 2015/16. The press council finally decided to keep the rule of non-discrimination unchanged, but changed a corresponding guideline to the effect that nationality can already be reported in case of a public interest (Arendt et al., 2017; Deutscher Presserat, 2017; Haarhoff, 2020). Research indicates that both possible strategies have opposing effects on trust in different parts of the audience: Journalists can improve trust in xenophobic individuals by naming nationality, but will simultaneously jeopardize trust by non-xenophobic users (Kunst, 2021). The codex was originally adopted in 1973 as a collection of preceding decisions of the press council (Pöttker, 2013) and consist of 16 sections amended with more specific guidelines, one of which stipulating the obligation to publish reprovals voiced by the Press Council. While a large share of the rules can be found in other European codes of ethics (Kreutler, 2010), a rather unusual section prohibits unnecessarily sensationalist coverage of medical topics when it could incite unjustified hopes or fears in patients. There are no special provisions for online publications except for a guideline that corrections in online publications shall be linked to the original piece.

Support for the provisions of the code of ethics among German journalists has been shown to be strong, with a certain openness for situational adaptations (Ramaprasad et al., 2019; Wyss & Dingerkus, 2019) – which may in fact reflect the weighting between conflicting interests that is also described in the code. The actual rules are mostly well-known by the journalists (Liesem & Singer, 2017), but a study into curricula of German-language journalism and communication courses (in Germany as well as in Austria in Switzerland) has shown that less than half of them integrate a more profound discussion of journalism and communication ethics (Krainer et al., 2020).

On an **organizational level**, instruments of external and internal editorial transparency have seen a rise in interest (Meier & Reimer, 2011), fueled by new online forms of interaction but also as a means to counter declining trust in journalism (Bastian & Fengler, 2016; Funck, 2016; Meier, 2017; Uth, 2021). This trend is also seen and discussed by practitioners: Annette Milz (2017) of the trade journal *medium magazine* has described the rise of “postfactual” perceptions of reality as a major disruption for journalism in her annual column looking back at 2016. She identifies transparency in journalistic work as one of the major measures against this trend. Major newsrooms like *Süddeutsche Zeitung* (“transparency blog: how we work”) or public broadcaster ARD's news brand *Tagesschau* have established editorial blogs specifically to explain and discuss editorial decisions and react to criticism about decisions of news selection and presentation. Obviously, accountability instruments on a company or newsroom-level require additional commitment and cannot be found with all companies active in the field, and they are sometimes a reaction to specific incidents or developments. A notable example is the specific set of guidelines (“Standards”) by news magazine *Der Spiegel*<sup>59</sup>, developed in 2020 explicitly as a reaction to the scandal around its former famous reporter Claas Relotius having forged a large number of reportages. In addition to this set of rules, *Der Spiegel* has also introduced an ombudscouncil, a variety of the ombudsperson (also often called reader advocate or reader ambassador) that has seen a certain rise in popularity with media companies in recent years. Anton Sahlender of regional daily Main-Post is one of the most visible ombudspersons; he has repeatedly explained the concepts' advantages from a practical perspective, but also discusses reasons why media companies are slow to adopt this instrument (e.g., Sahlender, 2019). An association of ombudspersons (<https://vdmoclubdesk.com>), founded in 2012, presently lists 16 member

<sup>59</sup> <https://gruppe.spiegel.de/journalismus/die-spiegel-standards>

companies. The overall trend towards additional accountability instruments installed by single publishers could mean that media companies, faced with new channels of criticism and requests for transparent work, conclude that measures on the professional level of a joint, institutionalized council and code of conduct do not suffice.

Ongoing discourse on journalistic conduct and performance also take place in specific sections on media journalism – “journalism journalism” about news and developments in the profession and the industry (Malik, 2004) – which can be found in quality newspapers such as *Süddeutsche Zeitung*, *Frankfurter Allgemeine Zeitung* or *taz* as well as specific radio and tv magazines by the public broadcasters. Despite bringing developments in the field to the attention of a general public, these activities have seen criticism for self-referentiality, cautious reporting in order not to harm other members of the profession or economic interests, or even focusing more on questions of entertainment programs than journalism (Beuthner & Weichert, 2005; Pointner, 2010). This criticism applies less to specific trade journals that do not discuss questions of journalistic conduct for a general audience (e.g., the two journalist associations/unions distribute their magazines to their members).

In addition, a wide range of formats is now available online, ranging from specialized blogs such as *Übermedien* or watchblog *Bildblog*, both co-founded by media journalist Stefan Niggemeier, to scientific initiatives that try to bridge research and journalism practice (such as the *European Journalism Observatory EJO*). While such forms are clearly more detached from the large media companies than “media journalism”, they still rely strongly on actors with some professional and/or academic interest in the field. If **public accountability** is understood to include and activate members of the audience (Fengler, 2012), the field is still missing institutionalization (e.g., through audience associations) and is mostly confined to spontaneous topical discourse on social media platforms, notably twitter, but has recently gained relevance particularly regarding questions of diversity, minorities, and gender in the media.

**Political accountability** is most relevant in the established structures of co-regulation in the broadcasting sector already mentioned above, where statutory monitoring and complaints bodies represent different social groups based on legally – and thus politically – defined rules of which groups are to be included. This basic construct applies to both the broadcasting (in the regional ARD broadcasters), television (ZDF) and radio (Deutschlandradio) councils of public broadcasting and the *Landesmedienanstalten* competent in the area of private broadcasting. The number of institutions in this area – 25 in total –, but also differences in internal procedures (a practical insight can be found in *Übermedien*, 2017) and reporting complicate the presentation of quantitative trends. Generally, the number of complaints received and processed by these bodies appears to be significantly lower than in the case of the press council, arguably also because the procedure is less known to the general public. For example, the television council competent for nationwide tv channel ZDF has received 86 complaints in 2020 (0.1 per 100.000 inhabitants) and discussed 27 in the council, an unusually high number comparable to the peak in the Press Council’s work in the same year. In 2019, 44 complaints were received and 12 discussed (ZDF Fernsehrat, 2020). In contrast to some other European countries, a statutory ombudsperson for the media sector does not exist.

**International accountability** does not play a significant role in the relatively well-developed German system, but Germany invests in accountability abroad via international media development activities (DW Akademie, 2018; Erich Brost Institute for International Journalism, 2017). What may however be interpreted as a case of importing principles and instruments of media accountability is the situation in the former GDR after reunification. While the press council simply notes that it has extended its responsibility to the „new“ federal states after October 3, 1990 (Deutscher Presserat, 2021a), available research is limited to changes in role

perceptions of Eastern German journalists, obviously brought about by the end of strict party control (Adesiyani, 2010; Jeschke et al., 2010; Mayer, 2010).

### 3. Risks and opportunities of journalism domain

#### 3.1. Development and agency of change

The overarching juncture of German reunification also plays a role for the media system, where the division is still visible today. After 1990, the largest newspapers were quickly sold by the *Treuhandanstalt*, a trust agency tasked with privatization of formerly state-owned companies, to publishers from Western Germany, rendering newly founded papers without a chance of economic success and leading to a situation of high press concentration. This process has been criticized for not obeying to the same rules as established press concentration regulation in the West of the country (Machill et al., 2010a; Pürer, 2015, pp. 64-67). The nationwide press – newspapers like *Süddeutsche Zeitung* or *Frankfurter Allgemeine Zeitung* or weekly news magazine *Der Spiegel* – have only reached minimal circulation in the new federal states. Public broadcasters in the East were established with expertise and executive managers from Western Germany. Eastern-born Germans are still minorities as media executives, journalists and even journalism trainees (Mükke, 2021). A look at major trends on the national level will often need further analysis that takes this specific background into account.

Two major developments with several junctures each have shaped the environment for journalistic production in Germany during the past 20 years: The discussion on future and financing of the public broadcasting system, and the ongoing crisis of the print market.

While public broadcasting is legally guaranteed by decisions of the constitutional court (see 0) and the basis for the dual system of public and private broadcasters, the future of the system, its financing and its online activities have been heavily debated. Although an independent commission evaluates financial needs of the public broadcasters to recommend changes to the monthly broadcasting fees, the final decision on such changes has to be taken unanimously by the 16 federal states. This procedure has seen constitutional court rulings twice in the past 20 years: In 2007, the court ruled that a political decision to increase the fee by less than the commission's recommendation in 2004 was unconstitutional (Jungheim, 2008), and in 2021 it decided that a single federal state cannot veto a change to the fee by simply denying consent as Saxonia had done in 2020 (Cornils & Dietrich, 2021). In 2013, the system was changed from being a device-based license fee to a household-based fee in a move to adapt it to new media usage patterns such as video and audio streaming, but also to simplify fee calculation and avoid fraud with non-licensed devices. Private publishers have fiercely criticized increased online activities of public broadcasters as well as the amount of fees itself, voicing their refusal both through publishers' associations and their newspapers' editorial output (Löblich, 2011; Maier & Dogruel, 2016). To protect private media from public competition online, public broadcasters have to concentrate their online activities on audiovisual instead of purely text content as to not offer an "online newspaper" (Hölig & Hasebrink, 2018). With a similar intention, the public broadcasters have to perform 3-step public value tests for their offers. Also, they had to delete ("depublish") most content from their online media centers after seven days, a regulation that became less strict in 2019 (Thieme, 2021, pp. 62-65). Taking these more recent legal adaptations and court decisions into account, the "dual system" of coexisting public and private broadcasters seems stable for the foreseeable future. Still, the decline of traditional linear broadcasting as such represents the biggest uncertainty for this part of the media market.

The second field of dramatic market change is the ongoing crisis of print publishers. While peak circulation of newspapers in Western Germany occurred already in the first half of the 1980s,

the crisis has intensified after the end of the dot-com boom at the beginning of our century. Between 2000 and 2020, daily newspapers have lost about half of their circulation; moreover, they have also lost two thirds of their income from advertisement (Röper, 2020). In 2003, daily newspapers still received the lion's share of all advertisement revenues, but in 2020 they have fallen behind television and even magazines (ZAW, 2021b). In 2010, debates on strategies of combining print and online, staying in touch with younger user groups and monetarization of online content were ubiquitous, with a special focus on the structurally important regional newspapers (Friedrichsen, 2010). Market concentration grew considerably, although starting from a relatively low level in a market traditionally shaped by many small and medium-sized publishers. While cuts in editorial budgets were already common in the late 2000s, 2012 became a symbolic year when the nationally relevant *Financial Times Germany* was discontinued while *Frankfurter Rundschau* was saved as a title, but lost its editorial independence; in the same year, one of the two major national players on the market for news agencies, *dpa*, also went bankrupt (Leder, 2013). Recently, the crisis of local newspapers reached a new level: Consolidations of editorial capacities had been common for years, but affected mainly smaller players in areas with more than one regional newspaper. In 2020, the first regional monopoly holder decided to close down its local offices to work with a centralized structure, making the affected municipalities and counties the first without the editorial structure of a local newspaper (Röper, 2020). When a county with only one regional newspaper was still seen as somewhat of an exception labeled "Einzeitungskreis" or "one newspaper county" (Beck, 2018, pp. 160-168; Meyn, 2001, pp. 81-84) twenty years ago, the "no newspaper county" is quickly becoming a possibility in 2020. In an interview for this study, Klaus Meier identifies a lack of professional local reporting in many regions as one of the main risks that developed during the 2000–2020 time frame. In contrast to a still very lively national media landscape, he sees a possible need for alternative forms of financing local and regional coverage.

Print publishers have reacted to the crisis in different ways: Beyond cost cuts, online activities were strengthened, but have so far been unable to make up for the losses in the print market, also because a relatively low share of users is prepared to pay for online news (Newman, 2021). This may be seen as surprising since most of the printed circulation is still sold through subscriptions, a model that was still viable even for young adults at the beginning of our 20-year time frame (Rinsdorf, 2003), but that is increasingly depending on older generations of readers still true to their printed newspaper. Today, the age structure for editorial "newspaper" content outside print is at least three-fold, with e-papers being most popular with middle-aged readers, podcasts with young adults and online news with an age group in between the two. Overall, this variety of products means that publishers do in fact reach all age groups with their content through different channels – a situation that many publishers' executives perceive as an opportunity in 2022, despite the risk of further decline in printed circulation (BDZV, 2022).

As a symbol of the shift from printed paper to content distribution in different forms, the (former) newspaper publishers' association BDZV decided to keep the abbreviation in 2019, but changed its meaning to become the "association of digital and newspaper publishers" (BDZV, 2019). But the print crisis and risks associated with a shift to new markets have had a marked influence on the debate on subsidies for private media companies: When publishers have long concentrated their lobbying on favorable market conditions such as soft antitrust laws, indirect financial subsidies through reduced VAT rates on their products, protection from competition by publicly funded broadcasters or favorable copyright laws<sup>60</sup> (Brinkmann, 2018), direct state subsidies have appeared on the agenda in the context of the Covid pandemic. However, plans for federal subsidies for newspaper delivery or digital innovation were finally cancelled by the old

<sup>60</sup> The biggest discussion revolved especially around Google's use of "snippets" from newspaper articles, bringing with it a dilemma between remuneration for the use of these snippets and the economic value of site visits they can generate.

federal government after criticism from different actors (Buschow, 2021). Beyond such measures, others have long argued for developing models of financing journalistic output from alternative sources such as foundations (Weichert, 2013).

### 3.2. Market conditions

The print market in 2021 consists of 338 daily and weekly newspapers (BDZV, 2021), a decline from 369 in 2010 and 388 in 2000. Due to content cooperation, the number of editorial units is markedly lower: For 2015, data shows 126 editorial units producing a total of 352 newspapers for 329 publishers (KEK, 2018, pp. 110-117), corresponding to 0.4 newspaper titles and publishers per 100.000 inhabitants. The number of magazine titles for a general public is constantly rising due to increased specialization for smaller, fragmented target groups: It has reached 1596 in 2017, up from 1449 in 2010 and 1178 in 2001. At the same time, the total sold circulation went down from a peak in 2002 at 126 million per issue to 88.8 million in 2017 (KEK, 2018, pp. 152-160). In television, the number of (mostly special interest) channels is also rising. In 2018, it reached 223 nationwide channels<sup>61</sup>, including 21 public service channels (incl. foreign broadcaster Deutsche Welle) and 159 private special-interest channels, 88 of which in pay-tv, which has seen rising acceptance (KEK, 2018, pp. 63-65). 71 public and 288 private radio stations were broadcasting in 2017, most of the latter in the form of private local or regional radio stations – there are only 20 private nationwide stations (KEK, 2018, pp. 81-85).

The net advertisement income of the media was 23.76 billion Euros in 2020, down from 25.02 billion in 2019 (ZAW, 2021a).<sup>62</sup> Differentiating between journalistic and non-journalistic media is difficult, but following the categories used for the statistics, 7.3 billion Euros were received in print (including newspapers, magazines, journals, and online publications of print products), 4.9 billion in video (4 billion in linear tv and 0.9 billion in streaming), and 778 million Euros in radio. Online accounted for 9.95 billion Euros, but this number includes revenues of international platforms (Möbus & Heffler, 2021b).

The television market is described as a “double duopoly” in terms of viewership (Beck, 2018, pp. 274-280; KEK, 2018, pp. 63-77): Public and private broadcasters each reach about half of the market (46.7 per cent for public television), and inside the two realms of public and private broadcasting, there are two major groups each with ARD and ZDF in public and RTL and ProSiebenSat1 in private broadcasting. Only 12.3 per cent of the viewers’ market go to private broadcasters other than the major groups. In print, the ten largest publishing companies occupied 55.9 per cent of the newspaper market in 2000 (Röper, 2000), 58.1 per cent in 2010 (Röper, 2010), and 61.6 per cent in 2018.<sup>63</sup> Nevertheless, only the two biggest players (publishing group Stuttgarter Zeitung, Rheinpfalz, Südwest Presse at 11.5 per cent and Axel Springer at 11.1 per cent, data from 2020) slightly exceed ten per cent of market share (Röper, 2020).<sup>64</sup> In magazines, the five biggest publishing houses constantly combine more than 60 per cent of the market, with market leader Bauer now covering more than 20 per cent (Vogel, 2020). In private radio, the legal situation is different depending on *Bundesländer* regulation, but overall major

<sup>61</sup> The number excludes private regional TV channels, but includes the programs of the nine regional public broadcasters. The latter can be received nationwide through most forms of distribution.

<sup>62</sup> The methodology for net income has changed in 2018, making comparisons with previous data invalid. Data on gross spending based on advertisement list prices shows an all-time peak of 32.6 billion Euros in 2019 before declining due to Covid effects in 2020 (Möbus & Heffler, 2020, 2021a). For the methodological differences and implications especially for cross-country comparisons, see Seufert (2012).

<sup>63</sup> After a long time of growing concentration, 2020 brought a decline to 57.5 per cent after publishing house DuMont sold several newspapers to investors from outside the publishing business (Röper, 2020).

<sup>64</sup> Springer has divested considerably especially from regional newspapers in the past years, concentrating on national titles *Die Welt* and *Bild* as well as online and tv activities. In 2012, Springer was still the clear newspaper market leader with a share of 18.8 per cent.

private television RTL and a number of print publishers such as Springer, Burda, Bauer, and Madsack, occupy a strong position in this market. Since public radio stations serve 55.5 per cent of the total listeners' market, even the biggest private player RTL only covers 6.8 per cent of that market (KEK, 2018, pp. 79-99).

A number of companies combine activities in different markets, some of the most notable being Bertelsmann (RTL group and Gruner+Jahr publishing house<sup>65</sup>), Springer (radio and online assets, as well as their own magazine and TV activities under the print brands *Welt* and *Bild*), Bauer, Burda (both with print and radio and some TV activities), and *Der Spiegel* with its print, online, and TV productions (KEK, 2022a).

Foreign investors play a rather minor role on the German market and are mostly relevant as shareholders in otherwise German-dominated companies, such as KKR's share in the Springer publishing house (KEK, 2022b). The same investor's control of Munich-based television group Leonine (KEK, 2022d), active also in licensing and production, is rather unusual. RTL Group, while originally Luxembourgish in name and still registered in Luxembourg, is controlled by German Bertelsmann Group (KEK, 2022c). The second big player in private broadcasting, Pro7Sat1, has seen foreign investment in the past (including KKR), but is now mostly owned by diverse small shareholders (KEK, 2022e). In the print sector, an attempt by Norwegian publisher Schibstedt to establish a free daily in Cologne resulted in the so-called "newspaper war of Cologne" from 1999 to 2001: The two German publishing houses that had previously dominated the local market launched their own free newspapers only to prevent the foreign investor to succeed with their free model; two days after Schibstedt's decision to close their newspaper down, the German publishers' free papers also ceased to exist (Haller, 2009; Prinzing, 2008).

While negligible as economic players, Russian media such as Sputnik or a German-language edition of RT have increased their activities since the Russian invasion of Crimea. Mostly through online channels, they offer content that resonates with citizens who distrust the perceived mainstream of German media, focusing on right-wing political views, representing Europe as in decay, and obviously presenting Russian activities as justified (Stratievski, 2016). In February 2022, the media authorities' joint commission tasked with admission and control decided that RT was lacking the necessary license for its German program, prohibiting its further distribution (Die Medienanstalten, 2022).

### 3.3. Public service media

Besides the broadcasting fees as public broadcasters' main funding mechanism, other sources of income include advertisement – limited both in extent and time of day, and only in some public programs –, and licensing of self-produced material. The broadcasting fees resulted in 8.11 billion Euros in 2020, up from 7.55 billion in 2010 and 7.12 billion in 2005 (ARD ZDF Deutschlandradio Beitragsservice & GEZ, 2021). Out of this sum, 5.7 billion Euros were received by the regionally organized public broadcasters that cooperate in ARD (regional radio and television plus common nationwide tv channels), 2 billion Euros by nationwide television ZDF, and 232 million Euros by nationwide public radio *Deutschlandradio*. The media authorities regulating and monitoring private broadcasting are also funded from the fee, and received a total of 153 million Euros (ARD ZDF Deutschlandradio Beitragsservice, 2020). Public broadcasters' mission is not limited to information, but includes entertainment and cultural programs as well, including niche interests that would be hard to finance privately. The fee-based system itself and the relatively high amount have been criticized from different perspectives, including private publishers that have an interest in limiting the scope of publicly funded content. On the other hand,

<sup>65</sup> While both were already owned by Bertelsmann before, Bertelsmann decided to merge the two companies in 2021.

there have also been heated discussions about an extension of the public financing system to economically challenging areas of private publishing, most notably local journalism (Brinkmann, 2018, pp. 513-522; Frühbrod, 2019).

### 3.4. Production conditions

Online and multiplatform journalism has hugely changed journalistic production routines and also the required skillsets over the past 20 years, from online storytelling to new forms of user interaction and the impact of intermediary platforms such as social networks or search providers (for a retrospect see Nuernbergk & Neuberger, 2018).

Foreign correspondence has been in decline for several years; a recent study describes replacing of fixed-contract traditional correspondents by freelancers, cuts in wages and travel cost budgets, and a retreat from countries not deemed in the centre of interest (Engelhardt, 2022, pp. 28-44). The trend towards freelance correspondents can also be seen in the formation of weltreporter.net, a network of more than 40 freelancers reporting from more than 160 countries.<sup>66</sup> While definite numbers are missing, a 2007 estimate of about 875 German correspondents worldwide (Lönnendonker, 2008) cannot be upheld after cuts in editorial budgets as well as editorial space for foreign correspondence. Nevertheless, some private national publishers and tv networks as well as the German press agency dpa still have networks of foreign correspondents, although their information on scope of the network and type of employment is sometimes inconclusive (Engelhardt, 2022, p. 30). While public broadcasters are also cutting costs and prestigious special programs, they are continuing to maintain relatively large networks: For 2018, ARD alone reported a total of 44 television and 56 radio correspondents in 32 foreign studios, while ZDF had 18 foreign studios (KEK, 2018, p. 286).

Despite or even as a reaction to financial pressure on journalistic work, several initiatives and projects focusing on investigative journalism have been founded: *Initiative Nachrichtenaufklärung*, started in 1997, is presenting an annual shortlist of neglected news that were verified in university seminars on journalistic research (Haarkötter & Nieland, 2018). *Netzwerk Recherche* was founded in 2001, it is a professional association for journalistic investigation focusing on networking and training on research techniques (Netzwerk Recherche, 2016). Non-profit research newsroom *Correctiv* started in 2014 (Lilienthal, 2017). Furthermore, traditional news organizations have started to join forces for investigative projects, most notably a long-term cooperation of public broadcasters *WDR* and *NDR* with daily newspaper *Süddeutsche Zeitung*. The group has published many key investigative stories since 2014 and was involved in the international Panama Papers and Paradise Papers investigations, but it has also seen criticism for the competitive advantage a private paper may enjoy from cooperating with publicly funded broadcasters (Hanfeld, 2015).

### 3.5. Agency of journalists

The labor market for journalists has shrunk considerably, from an estimated 54 000 full-time journalists in 1993 to 48 000 in 2005 and 41 250 in 2015 (Steindl et al., 2017; Weischenberg et al., 2006). Contrary to audience usage and revenues, newspapers still employ (on fixed contracts or as free-lancers) the largest number of journalists in Germany, mainly due to their presence in regional and local markets. An estimated 11 150 journalists in newspapers, 8350 in magazines and 3000 in free weeklies (financed exclusively through advertising) make up 54 per cent of the journalistic labor market. 4850 (12 per cent) work in television, compared to 5800 (14 per cent) in radio – again due to an important component of regional and local coverage. 16

<sup>66</sup> For freelancers in particular, the target market is German-language media, not necessarily German media.

per cent of journalists work as online journalists, mostly for online editions of established print or broadcast media (4750 journalists; 1700 work for exclusively online media), and the remaining 1650 (4 per cent) work in news agencies (Steindl et al., 2017). While newspapers are still the most relevant employer for journalists, the number of jobs in this field has declined; by contrast, online journalism now guarantees employment for more journalists than radio or television broadcasting. The difficulties of the print market also show in payment: A journalist association's study into the professional situation of freelancers has shown that those mostly working for print newspapers earn the least, less than half of those mostly working for public broadcasters (DJV, 2014).

### 3.6. Working conditions

Unemployment figures for journalists have frequently been above 4000 in recent years (Werner, 2018), but are difficult to interpret since many previously employed journalists will resort to freelance work instead of registering unemployed. Nevertheless, based on survey data, a majority of 82.4 per cent of journalists are employed full-time (74.5 per cent) or part-time (7.9 per cent), mostly in open-ended contracts with 7.3 per cent of contracts being temporary (Lauerer et al., 2019).

Studies into job satisfaction have repeatedly found high satisfaction, although a more detailed analysis shows that this is mostly based on professional activities as such while journalists are often unsatisfied with workload, training, and career opportunities (Steffan, 2015).

Journalists and the media have been a major target of some of the new populist and sometimes radical groups described in chapter 1. Although the profession enjoyed limited prestige and a low level of trust even around 2010, the skepticism or outright hostility voiced under the "Lügenpresse" claim<sup>67</sup> have developed into a specific risk for journalism (Beiler & Kiesler, 2018). Not only is it difficult to enter into an argumentative discourse with people openly rejecting the use of journalistic media; the hate against these media and its representatives has also generated an unseen wave of serious threats or physical attacks on journalists (Papendick et al., 2020) – a development so severe that Germany's rating was downgraded from 'good' to 'fairly good' in the latest press freedom index by Reporters without Borders (RSF, 2021).

### 3.7. Intra-organizational diversity of human resources

Based on most recent survey data, 40 per cent of German journalists are women (Dietrich-Gsenger & Seethaler, 2019), a slight increase in comparison to 37 per cent in an earlier study from 2005 (Weischenberg et al., 2006). Women are underrepresented in editorial management positions and generally in newspapers and news agencies (Dietrich-Gsenger & Seethaler, 2019). Looking at academic education in journalism and communication, there is a clear trend towards more women in the field: 57.8 per cent of journalism and communication students were female in the winter term 2000/2001, 66.5 per cent in 2010/11, and already 71.1 per cent in the 2020/21 term, with shares for degrees earned following suit (Statistisches Bundesamt, 2022a, 2022b).

German journalists are, on average, 46 years old, with the largest age group of 40 per cent being 50 years and older, while journalists younger than 29 years only make up 7 per cent of professionals. In terms of educational status, 75 per cent have finished studies on BA or MA level (or comparable) or even hold a PhD, while only three per cent do not possess a university-entrance diploma. Politically, the average journalist declares him- or herself moderately left of center (Dietrich-Gsenger & Seethaler, 2019).

<sup>67</sup> Literally the „lying press”, an old propaganda term also heavily used by the National Socialists.

Representative data on cultural background of journalists is still missing, but estimates for different regions and media types see shares of only one to three per cent of all journalistic employees to have a migration background (Horz & Boytchev, 2020; Pöttker et al., 2016), compared to 25 per cent in the general population. While the newer investigation found 6.4 per cent of editors-in-chief to have a migration background, most of these were from neighboring and all from EU countries. Following statistics on journalism and communication students, non-German nationals made up 7.8 per cent in 2000, 10.1 per cent in 2010, and 8.4 per cent in 2020, with the share in degrees being below 10 per cent in each of these years (Statistisches Bundesamt, 2022a, 2022b). It has to be noted that these statistics analyze only nationality, not cultural background in a broader sense.

### 3.8. Journalistic competencies, education and training

Since access to the journalistic profession is free and unregulated, there is no obligatory education and training program to be followed in order to work in the field. Studies into journalists' educational background do show a trend towards academic education (66 per cent of journalists in 2005, 75 per cent in 2014/15). Also, more journalists (44 per cent compared to 31 per cent in the earlier survey) had studied university programs in the area of communication and journalism (Dietrich-Gsenger & Seethaler, 2019; Weischenberg et al., 2006). This trend seems to counter the older notion of widespread underrating of journalism-specific education within the profession (Kopper, 2003). As Klaus Meier explains in the interview for this project, training programs have adopted a focus on digital journalism and cross-media approaches as an accepted standard since at least 2010, including data-driven techniques in journalistic research. For the future, he mainly expects new developments and both potentials and risks in AI-assisted journalism.

While a focus on digital research and production skills in training programs shapes future journalists' skills, the recent generation does not always feel well-prepared: A study into habits of journalistic research in an online environment found that working journalists do not feel well-trained for online research and do not tend to believe that online research possibilities improve their journalistic output (Sievert & Preppner, 2020). Surveying journalism students and young journalists in the first ten years of their career, Gossel (2019) found that respondents wished for a more intensive training mostly in technical, management, and entrepreneurial skills, although a majority also saw normative risks when journalists act as entrepreneurs with their own business interests, especially with regards to the journalistic role of controlling political, economic and societal actors.

### 3.9. Professional culture and role perception

According to studies into role perceptions, journalists in Germany mostly adhere to the three roles of "reporting things as they are", being an impartial observer, and analysing current affairs, all of which received more than 80 per cent approval in the Worlds of Journalism study (Hanitzsch & Lauerer, 2019). This combination of roles has only gotten stronger compared to earlier studies (Hanitzsch & Lauerer, 2019; Weischenberg et al., 2006). From a global perspective, German journalists are also the only Western respondents with considerable appreciation of an educator role (27 per cent), while an accommodative role of providing advice, orientation, and also entertaining and interesting content is widespread among several central European and Nordic countries (Hanitzsch et al., 2019). The role of controlling and criticising politics and power is significantly less accepted by German journalists (36 per cent) compared to their colleagues from Austria and Switzerland (Hanitzsch & Lauerer, 2019). All in all, the famous quote of the late news anchor Hanns Joachim Friedrichs mentioned by Hanitzsch and Lauerer still characterizes a journalistic identity many modern German journalists approve: "Keeping

the distance, not making oneself common with a cause, even a good one, staying cool when dealing with catastrophes without being cold.”

As mentioned in the introduction, the move of the German capital from Bonn to Berlin is often associated with a change in relations between political power and journalistic observers, possibly initiating a shift towards greater proximity between the two at least in coverage of federal politics and possibly also major companies. Forums of professional exchange have already been mentioned in chapter 2.4.2 since discourse on professional roles and accountability is often interconnected. It can be found in diverse settings from meta-journalism and trade journals to journalists’ associations and trade unions, and also includes physical congresses such as the Munich Media Days or numerous journalism awards ceremonies.

## 4. Risks and opportunities of media usage patterns domain

### 4.1. Development and agency of change

The main change in the structure of media usage during the past 20 years was obviously initialized by the advent of internet use by large proportions of the population. While the availability of fast broadband internet through landline or mobile connections in rural areas is still subject to criticism (Spellerberg, 2021), the number of broadband landline connections for Germany’s 40.6 million households has reached 36.1 million in 2020, almost 19 times more than in 2001 (Bundesnetzagentur, 2021a). The infrastructure has transported 76 billion gigabytes of data in 2020 – this was 3800 times more data than in 2001 (0.01 million gigabytes) and more than twice the amount of 2017 (VATM, 2021).

Beyond internet access as such, mobile phones have become ubiquitous since the beginning of the 2000s, when the number of active sim cards more than doubled from 23.5 million in 1999 to 48.25 million in 2000. In 2006, there were more active sim cards than inhabitants, and growth has slowed down significantly due to market saturation at about 110 million active contracts between 2008 and 2015. In the past few years, the number of active sim cards was on the rise again, this time due to “machine to machine” communication, not personally used telephone services. It has reached 150 million in 2020 (Bundesnetzagentur, 2021b).

Beyond the technical aspects, these developments result in a dramatic change of resources and skills required from citizens who want to participate in public reasoning, with an obvious risk of increasing the gap between those familiar with digital techniques and those who are not. As Thomas Rathgeb points out in an interview for this study, access and knowledge on how to use digital media is not only required for relevant forms of communication or news consumption, but also for participation in public proceedings – consequently, he describes qualification opportunities for different social groups to enable such media use not as an optional, but a necessary field of action for the different actors in the field.

### 4.2. Agency of media-users and analysts

Data from longitudinal analysis shows that the daily time budget for media use has stopped to rise in 2005 at 9:15 hours of daily usage and even decreased since then to 8:08 hours in the last edition of the survey in 2020. While this seems to imply that new media offers need to displace other media, there is still an opportunity of being used simultaneously with others – concurrent use of several media at once has increased considerably in recent years, especially with the young, with the effect that the average German dedicates 9:27 hours per day to separate media in only 8:08 hours of time (Breunig et al., 2020b). Longitudinal research has also shown differences based on both age and generation: While television and radio are the most relevant media

types to users born before 1980, with television generally growing in relevance later in life, those born after 1980 are much more oriented towards online media and also mobile internet use – about 40 per cent of their daily media time is used for online media, compared to less than 25 per cent for the older generations (Best & Engel, 2016). Gender-based differences play a minor role in publications on media usage and seem to decline over time: While men still report more interest in political topics, the difference to women is shrinking and other factors such as educational background and age have stronger effects (Breunig et al., 2020b). Already in 1999, relatively slight differences in tv and radio preferences were interpreted as results of differences in daily routines of men and women that were widespread in older generations – and expected to diminish with more comparable daily routines among younger men and women (van Eimeren & Oehmichen, 1999).

The overarching juncture of German reunification is also still visible in media usage 30 years later. On average, Germans in the East spend 24 additional minutes per day on media use, but online media use and smartphones as devices play a smaller role than among Germans in the West. And while less Eastern Germans evaluate public television positively (trustworthy, independent, entertaining), a higher share is using YouTube clips for information (Frey-Vor et al., 2021).

As described in case study 1, data on media usage is generated by and involving the different interests of media companies, advertisers, regulators, and researchers, including a methodological discourse of academic and industry analysts.

### 4.3. Access to news and other media content

During the first two decades of the century, internet use has increased from 37 per cent of the population aged 14 and above in 2001 to 88 per cent in 2020, with nearly 100 per cent in all age groups younger than 49 (Initiative D21, 2021). Access to linear television is also still very common: 95 per cent of all households receive television, a share that has seen some decline since its peak of 97.1 per cent in 2015. More than 40 per cent of tv households have more than one device, and the most common ways of distribution are satellite and cable with more than 43 per cent each; IPTV (10.1 per cent) is already more relevant than terrestrial antenna at 6.7 per cent. At the same time, traditional tv sets are becoming less relevant for most age groups' video use as other devices such as smartphones and tablets gain importance (Die Medienanstalten, 2021b).

The interstate agreement on media (*Medienstaatsvertrag*) includes a number of provisions for barrier-free access of broadcast and online content. While private broadcasters' activities in this area are monitored by the media authorities since 2013 (in addition to a mandatory reporting every three years), it is public broadcasters in particular that invest heavily in special broadcast and online services such as subtitles, in-screen sign language translations, audio descriptions for movies and, increasingly, special offers in simple German (Puffer, 2021). The two largest private broadcasting groups achieved 17 per cent (RTL, about 4 daily hours per channel) and 27 per cent (ProSiebenSat1, about 6.5 daily hours per channel) of subtitled program during the last monitoring period in 2020, and the latter group has also started its first program with sign language translation (Die Medienanstalten, 2021a). Survey data on media users with different types of impairments show that linear television is the most important media type for all groups but the visually impaired (who still use it only little less than radio), not only regarding usage time, but also social participation. A majority of respondents was content with barrier-free access options, with the lowest scores for hearing-impaired respondents: 56 per cent of them were content – more so with public service offers (77 per cent) than private ones (36 per cent, Adrian et al., 2017).

#### 4.4. Relevance of news media

On the actor-level of personal media usage, different types of media are competing for generally interested users: Almost every German (99 per cent) consumes at least some media content on a daily basis (Kupferschmitt & Müller, 2020). But while television and radio broadcasters are facing new video and audio competition especially targeting the younger generations (Egger et al., 2021), the trend for newspaper and magazine publishers – both printed and in online versions of their products – is even more alarming: Video and audio are now offered by new competitors, but they have been used on a daily basis by more than 80 per cent of the adult population consistently through the first two decades of the 21<sup>st</sup> century; streaming has replaced some linear broadcasting, but not total video use.<sup>68</sup> Daily text use, on the other hand, has dropped from 69 per cent of the population in 2005 to only 47 per cent in 2020 – and this decline has not only heavily affected printed texts, but even online texts reached less users on a daily basis in 2020 than five years ago (Kupferschmitt & Müller, 2020; Breunig et al., 2020b). While there is a shift in video and audio markets, the revolution in media use is happening elsewhere: An ever-smaller proportion of the population has a habit of reading news every day. Still, in 2019-2021 there were more than 26 million Germans above 14 years of age who said that there is a subscription for a printed newspaper in their household (VuMA, 2021).<sup>69</sup> In 2019, daily newspapers had a total reach 57.9 per cent of the population – taking into account that one issue/subscription can be used by several readers –, down from 63.2 per cent in 2014 and 71.4 per cent in 2009 (KEK, 2018, p. 113).

While internet use includes more than online media use – e.g., personal communication, shopping or gaming –, online media use is actually the most relevant component for German internet users, and online news articles reach about as many users on a daily basis as video and music streaming (Beisch & Koch, 2021). As a source of news, the internet has gained relevance and caught up to television as a main news source, resulting in a tie between both media for the first time in 2021 (Hölig & Hasebrink, 2021).

#### 4.5. Trust in media

At 53 per cent of Germans mostly trusting the news, Germany is in the upper mid-tier compared to other European countries, but with significantly lower trust levels among parts of the younger generation and very clearly among supporters of the political right (Newman, 2021; Hölig & Hasebrink, 2021) – the basis of the already mentioned “lying press” debate. Despite the economic crisis and waning usage of text media, most participants in a survey (86 per cent) ascribe “socially relevant content” and “competent content production” (83 per cent, together with public radio) mostly to newspapers and magazines, and print media also rank second in “credible content” (80 per cent) after public radio (84 per cent) and before public television (78 per cent); by comparison, private television and online video portals are regarded as mostly credible by only 35 and 37 per cent (Breunig et al., 2020b). Results from the digital news report on trust in specific brands are largely comparable (Hölig & Hasebrink, 2021). A longitudinal study into trust in the media actually shows a marked increase of trust and a decrease of media-cynicism during the first year of the Covid pandemic in 2020. Comparing the earliest to the most recent available data, a stronger polarization is becoming obvious: The share of undecided participants decreased from 63 per cent in 2008 to only 28 per cent in 2020, but both the share

<sup>68</sup> As Klaus Meier points out, streaming portals like Netflix have also started a new dynamic for established broadcasters’ non-linear programming offers.

<sup>69</sup> The most recent analysis from 2021 also asked for subscriptions in digital form, which another 4.7 million claim to have in their household.

of people who rather or totally trust the media and the share of those who rather or totally distrust them has almost doubled (Jakobs et al., 2021).

Even in the light of these relatively favorable numbers, media skepticism is a relevant research topic. Focusing on citizens skeptical of the media, research has shown that the phenomenon actually covers a variety of personal views, political orientations, and life situations, and that only some of the citizens who declare themselves skeptical do not trust the media at all and, consequently, avoid using such media. Doubt, especially concerning economic and political autonomy, is far more prevalent in diverse groups of citizens (Blöbaum et al., 2020).

Citizens with a migration background generally put more trust in German media than those without. However, trust seems to decline the longer immigrants live in Germany, and migrants' children born in Germany show the lowest level of trust overall. Also, among citizens with a Turkish background – the most sizeable group –, distrust in German (as well as Turkish) media is particularly widespread: 31.8 per cent report not to trust the German media at all (Tonassi et al., 2020). In summary, a non-migrant Western German perspective – shared by many politicians, journalists and economic decision-makers – is at risk of missing more subtle trends in media usage and trust.

## 5. Risks and opportunities of media related competencies domain

### 5.1. Development and agency of change

Media competencies, while a multifaceted term in specialist discussion, has seen broader discourse from two main perspectives during the past 20 years: With regards to technical competencies in using and also producing new and particularly digital media, and as a competency to distinguish trustworthy news sources from biased content, propaganda, and fake news.

Angela Merkel has – involuntarily – coined the main catchphrase connected to individual technical user skills in using digital technology, but also use (or lack thereof) of new technologies in daily life and public administration: In a press conference in 2013, she said the internet was “uncharted territory for all of us” (“für uns alle Neuland”). Although meant in a more specific context of online surveillance, the phrase incited heated discussion (Waleczek, 2013) and *#neuland* became a symbol for frustration of the more digitally connected with the state of digitalization in Germany. While Germany is evaluated slightly above the EU average in terms of overall digitalization (European Commission, 2021) and also the population is moderately open towards the new technologies (Störk-Biber et al., 2020), progress is evaluated very negatively: In a survey among 500 decision-makers from politics, administration and economy, 89 per cent saw severe deficits and only middling chances of catching up, and this evaluation was mainly down to deficits in state administration. Moreover, 57 per cent of the population believed the federal government was not or insufficiently competent with regards to digitalization (European Center for Digital Competitiveness, 2020). Data protection considerations, commonly seen as a motivation for skepticism towards digitalization in sensitive areas such as health care, seem to be regarded more critically in light of the recent pandemic (Acatech / Körber Foundation, 2021).

### 5.2. Overview of media related competencies in policy documents

It is probably necessary to differentiate between general public discourse on media-related competencies, which is widely concentrating on technical and interpretative skills in media usage, and specialists' discourse. The latter may be as broad as Gapski's definition of eleven

elements of the topic, including technical, psychological, legal and ethical perspectives on media competencies (Gapski, 2001). Finally, for formal education, the competencies relevant to country-wide agreements and curricula defined on federal state level are in focus (see 5.3).

Perhaps in contrast to negative feelings towards the state of digitalization in Germany, the question of technical media competence training has been taken up by actors such as the media authorities of the federal states relatively early, although the technological focus has naturally shifted over time. For example, the media authority (LfM) of North Rhine-Westphalia – still called broadcast authority (LfR) until 2002 – has already named media competencies as a core field of agency in its program for the future of the media in 2001 (LfR, 2001): In this publication, the agency described a shift of its activities from a traditional focus on audiovisual media towards media convergence, back then still interpreted as a convergence of “tv, radio, internet and telephone”, and activities focused on research and training programs to be applied in preschools and schools. Twenty years later, the institution’s activities can be divided in assistance in media production (e.g., in local citizen media or student radios) and media consumption. The latter field of action is focused on digital media and risks such as cyber mobbing or extensive media use, but diversified in terms of target groups with offers for youth, parents, and teachers (LfM, 2020).

### 5.3. Information about the media literacy programs in formal and/or in non-formal education

The discourse on school education has seen a similar development from technological skills in the early 2000s (e.g., e-learning) to interpretative ones in the context of the newer participatory functions of the web 2.0 (Herzig et al., 2010). Despite a political consensus to better integrate media competencies at schools – with federal states agreeing on common educational goals, the federal level funding better equipment, and institutions like public broadcasters offering additional programs (Puffer, 2019) –, there is still criticism. Since matters of education including the actual curricula are a *Länder* competency, the country-wide agreement on school students’ media competencies is translated to 16 specific strategies. Additionally, individual schools have some freedom on how to practically integrate these frameworks into their teaching reality. Commonly, the competency goals are tackled by integrating media education across all or most school subjects. The alternative of adding a specific subject on media education to the curriculum is still an exception mostly found in pilot projects.

Using the largest federal state of North Rhine-Westphalia as an example, it has translated the agreement on standards of “competencies in a digital world” to a binding “media competence frame” that defines six areas of competencies<sup>70</sup>: usage and application (active and passive media use), information and research (finding and critically evaluating information), communication and cooperation (rules of effective and safe communication), production and presentation (knowing and using possibilities of media production), analysis and reflection (reflecting both media offers and individual usage habits), problem solving and modelling (basic programming skills, reflection of algorithms, automatization, etc.). While the framework includes definitions of skills to be achieved at specific moments in an educational career, there is no individual subject of media competencies. Instead, the curricula and also textbooks and others materials for existing school subjects (languages, science, etc.) are adapted to include the defined competencies.

While differences exist between the educational systems of the different *Länder*, Thomas Rathgeb considers the concepts set up by individual schools – and also the technical and staff resources that schools can dedicate to media education – to be the more relevant factor. In the

<sup>70</sup> [https://medienkompetenzrahmen.nrw/fileadmin/pdf/LVR\\_ZMB\\_MKR\\_Broschuere.pdf](https://medienkompetenzrahmen.nrw/fileadmin/pdf/LVR_ZMB_MKR_Broschuere.pdf)

interview for this project, he emphasized the importance of specialization and continuous training of media educators.

International comparisons rank German school students' media skills in the mid-tier, while digital infrastructure and amount of teaching in the area is comparably poor (Eickelmann et al., 2019; OECD, 2021).

#### 5.4. Actors and agents of media related competencies: risks and opportunities

While school children with their curricular obligations represent a major target group for media literacy efforts, there is a considerable number of initiatives and offers for different target groups. The media literacy database of the Federal Agency for Civic Education<sup>71</sup> includes a total of 250 entries in areas reaching from computer and online competencies or social media to film, audio, and print media production – for children and school students, but also groups like parents, disabled children and adults, or immigrants. In an attempt to promote further practically-oriented projects with a scientific background, the Federal Ministry of Education and Research has founded a research framework for projects that promise to help identifying and combating fake news (BMBF, 2022).

#### 5.5. Assessment of media related competencies among citizens

The already described shift towards risks associated with online media links the area of usage skills in education to competencies in evaluating news sources in the general population. These have come into focus in connection with the Brexit referendum or the election of Donald Trump and fears that campaigning techniques associated with these events may be adapted by populist movements in Germany. In 2016, the Society for the German Language chose “postfaktisch” (post-factual) as the word of the year, the English term *fake news* was widely adopted into German about the same time (Appel, 2019), and the „lying press” accusation is also related. This discourse has only started to inspire more research into media literacy of adults, but studies show clear deficits in considerable parts of the population: For the state of Saxonia, 21 per cent of respondents know little or very little about the media and journalism – e.g., 17 per cent believe that most media are owned by the state, and 25 per cent say that journalists may only report about a minister after the ministry's approval (Bigl & Schubert, 2021). Another much discussed study has shown that many adults in Germany have problems to tell news from opinion articles, adverts or outright disinformation, see conflicts of interest, or answer basic questions on how journalism and the media work; 46 per cent of all respondents received low or very low overall scores, and besides differences based on age or education, also supporters of the AfD achieved lower scores than supporters of other major political parties (Meßmer et al., 2021). While the risk is clearly identified here, it remains an open question how such competencies can be improved in age groups that have already left formal education.

The mixed situation of increased activities in the area and widespread criticism and discontent with the state of user competencies in Germany are also reflected in internationally comparative research. In the most recent issue of the Media Literacy Index from 2021, Germany ranks 8<sup>th</sup> out of 35 analyzed European countries, but with a negative trend: The country was relegated from the first cluster of best-performing countries to the second one (Lessenski, 2021). The Media Pluralism Monitor sees a decidedly low risk for Germany in the area of media literacy, but the evaluation is mostly based on the existence of legal provisions for projects and training

<sup>71</sup> <https://www.bpb.de/lernen/digitale-bildung/medienpaedagogik/medienkompetenz-datenbank/>

programs particularly by the media authorities, not efficacy of these measures (Holznagel & Kalbhenn, 2020).

## 6. Analytical conclusions

A decisive question for the analysis of critical junctures in the media and in society at large is simply when to label a change as such: How do we know a juncture, a critical one even, when we see one? Magnitude of change surely helps: Revolutions, changes to state borders, economic breakdowns or booms are certainly likely to turn out as junctures. Also, time helps: How decisive, how critical a juncture may have been becomes clearer after a while, when time has told if the event in question induced a sustainable change. In our case, the German reunification represents an obvious critical juncture for the country, and even if it occurred ten years before the 2000–2020 time frame, it clearly continued to show its effects well into the 21<sup>st</sup> century. But during these 20 years, a cursory look at the German case could long have resulted in a diagnosis of great stability: Political stability, on the one hand, with a single chancellor being re-elected three times to serve four full terms; and, on the other hand, economic stability and strength at least from the time the social reforms of the Schröder government took effect. However, a closer look at the time frame shows a number of significant changes: To name examples from different fields, the rise of smaller parties and a relevant right-wing populist movement, the end of nuclear energy or coal mining, the advent of digitalization in private, public and economic daily life, or the intensive debate on how to deal with migrants and refugees all mark important moments for the German case. In terms of international relations, the country seems to struggle to find a balance between international and particularly European integration and cooperation on the one hand and sole decision-making on the other hand: Examples can be found in military and security policy, the reaction to the euro crisis, or the 2015 decisions on migration. But maybe time will finally appoint the Covid pandemic as the main juncture of the first two decades of the 21<sup>st</sup> century – not only as a major crisis, but as a catalyst for social division that affected the very basic agreements of political decision-making, economic activity, and social discourse: Fact-based and socially inclusive reasoning.

From a mostly stable and well-established situation like the one described above, risks almost automatically outweigh opportunities. From a pessimist point of view, one could point out a number of risks: The established party system has changed significantly, requiring larger coalitions with potentially less long-term stability. Political representation of right-wing populism now sustainably passes electoral thresholds in federal and Länder elections. Social elites appear to be helpless upon realizing that it has become hard to reach certain groups with facts and arguments. And the media system itself is struggling with different problems in a time it would urgently be needed to reconcile diverging interests and worldviews: Public broadcasting sees itself under pressure from private media companies (asking to defund the public competition) and politicians (trying to exert political influence). Major publishers ignore decisions of established mechanisms of self-regulation. Print journalism, especially the important regional press, is under economic pressure upon massive losses in both the reader and advertisement market – and excellent journalism does not tend to emerge from worsening working conditions in shrunk and insufficiently diverse editorial offices, let alone in an atmosphere of growing hostility against journalists in parts of the population. Media users did not resort to less, but different media use, with fragmented special interest offers in online services they sometimes lack the competency and experience to fully understand and master. And these are just some of the most glaring risks.

But such a point of view is at risk by itself – the risk of overlooking the assets the system can still count on: The public broadcasting system is probably the best-funded one in the world, and

with all its problems, it still delivers services adapted for different interests, regions, and abilities, an offer that not least allows private broadcasters to enjoy more freedom in their programming. While public broadcasters in several European countries come under increasing pressures of direct government influence or substantial financial cuts (affecting even the old role model of the German system, the BBC), anyone who tried the same in Germany finally had the constitutional court to deal with. The newspaper market, although affected by market concentration and severe losses of readers and advertisement revenues, still consists of hundreds of titles and delivers local coverage to most all municipalities. Furthermore, publishers finally claim to see a path to replace print revenues gone for good by different digital offers, just now when the economic turbulences of the pandemic are still present.<sup>72</sup> And while “everything digital” is widely considered inadequate in the German public discourse, international comparisons actually show that the country is probably doing better both in terms of infrastructure and competencies. Research even suggests that trust in the media is higher than elsewhere and actually growing in parts of the population – initiatives towards more transparency and openness for dialogue may in fact show positive effects here.

German society, politics, and media system are obviously not without conflicts. What the system could count on, for a long time, is that different interest groups of agents would find ways to balance diverging interests, and that conflict between different groups in one area did not exclude cooperation in another. The decisive question for German society and the media as the central system of societal deliberation will be this: Can those who lost trust in institutions, science, even verifiable facts be re-integrated to overcome the divisions caused by different factors – Covid first and foremost, but also mistakes in moderating re-unification, in communicating social change and in the representation of different social groups in the past three decades? And, most importantly: Can it be done without giving away the very core of a liberal, open, free society that wants to solve issues through fact-based reasoning?

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<sup>72</sup> Obviously, economic uncertainty has grown again in 2022, underlining the risks associated to this already cautiously optimistic outlook.

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# GREECE

## Critical junctures in the media transformation process

*Evangelia Psychogiopoulou, Anna Kandyla*  
*Hellenic Foundation for European and Foreign Policy*

### Executive summary

The present study seeks to identify risks and opportunities for deliberative communication in Greece and to flag critical junctures in the development of the media between 2000 and 2020 across the four domains covered by the MEDIADELCOM project: a) legal and ethical regulation, b) journalism, c) media usage patterns, and d) media-related competences. Among the major forces shaping the development of the media during the period under study, the economic recession that the country experienced between 2009 and 2018, and the spread of the internet, certainly stand out. Both these factors had a profound impact on media market structures and on journalism. The effects of digitalization are also evident in changing media use and supply practices. Overall, these forces create risks and opportunities for a media system whose development has been shaped by the close connection between the media and the political system.

### 1. Introduction

Greece has a population of 10.82 million inhabitants. Its official language is Greek. After a decade of heavy recession, the Greek economy has returned to a positive albeit weak growth rate. However, the containment measures implemented to hinder the spread of COVID-19 and the ensuing health crisis impacted on the country's progress towards recovery (OECD, 2020). Greece's real GDP per capita was 17 590 Euros in 2021.<sup>73</sup> Unemployment stood at 14.7% in 2021, the lowest level recorded since 2010.<sup>74</sup> The World Press Freedom Index ranked Greece 108<sup>th</sup> out of 180 countries worldwide in 2022, from 70<sup>th</sup> place in 2021. This ranking, the lowest of any EU member state, has raised a good deal of concern. However, the spokesman of New Democracy, the ruling centre-right party, in power since 2019, has questioned the methodology employed by the index.<sup>75</sup>

The development of the Greek media system has long been intrinsically linked to the country's political system and the socio-economic interests vying for influence within it (Psychogiopoulou, Kandyla and Anagnostou, 2012). Its evolution has been profoundly marked by an essentially government-centred model of media policy-making, strong state intervention in the realm of the media, multiple interconnections established and perpetuated between media and domestic political forces, and wide use of the media for political or other ends (Psychogiopoulou, Kandyla and Anagnostou, 2014). This explains why Greece is considered to belong to the Mediterranean media system model identified by Hallin and Mancini (2004). Key features of this model include

<sup>73</sup> [https://ec.europa.eu/eurostat/databrowser/view/sdg\\_08\\_10/default/table](https://ec.europa.eu/eurostat/databrowser/view/sdg_08_10/default/table).

<sup>74</sup> <https://ec.europa.eu/eurostat/databrowser/view/tps00203/default/table>.

<sup>75</sup> <https://rsf.org/en/world-press-freedom-index-greek-government-spokesman-responds-poor-ranking-counterfactual-claims>.

media instrumentalization, low journalistic professionalism, and robust state intervention in the development of the media and media regulation.

Throughout the 20<sup>th</sup> century, the Greek press was a privileged venue for political antagonism, with newspapers tied to different political parties (Hallin and Mancini, 2004). Following the fall of the military dictatorship in 1974, democracy was restored and Greece became a Republic. While this created an enabling environment for freedom of expression, high levels of political parallelism persisted, with newspapers maintaining their partisan focus (Kalogeropoulos, Rori and Dimitrakopoulou, 2021). The deregulation of broadcasting in the late 1980s put an end to the state's monopoly over broadcasting (Papathanassopoulos, 1990), diversifying domestic structures for media supply – a key illustration of the effects of Greece's membership of the European Economic Community at the time. Commercial broadcasting fundamentally reshaped media ownership structures. It did not, however, erase the multiple dependencies between media and political elites. Existing media proprietors expanded their activities in the sector, while a new generation of media owners entered the market (Leandros, 2010; Papathanassopoulos, 1997). The latter did so not because they identified a profitable opportunity for business, but because media ownership could allow them to exert pressure on successive governments and influence domestic politics in favour of their entrepreneurial interests in other sectors of the economy. The advent of online media in the early 2000s, and the economic recession that Greece underwent from 2008, put what was essentially a distorted media market under the spotlight. The media were required to cope with the digital revolution, develop online services, and survive in an increasingly converged media environment (Psychogiopoulou, Kandyla and Anagnostou, 2012). The austerity measures implemented as part of the bailouts had a profound impact on both the media market and the resources available for journalism.

The first Greek case study report for the Mediadelcom project showed that media and communication has established itself as a field of study in Greece over the last 20 years, generating an important body of research that is relevant for the analysis of risks and opportunities for deliberative communication in the country. However, the field is characterized by substantive heterogeneity: while issues pertaining to legal regulation and journalism are relatively well researched, studies and data relating to aspects of media usage and users' media-related competences are limited.

The aim of this second case study report for the Mediadelcom project is to identify risks and opportunities for deliberative communication in Greece, and to flag critical turning points in media development. Against this background, the sections that follow discuss each of the four domains covered by the project: legal and ethical regulation; journalism; media usage patterns; and media-related competences. The analysis is based on desk research conducted into related publications, legal texts, and publicly available research and policy reports and data. Moreover, interviews with selected key experts have been conducted in order to triangulate the information gathered through these sources and provide further insights into the development of these domains over the 21<sup>st</sup> century. The final section offers some concluding remarks.

## 2. Risks and opportunities in the legal and ethical domain

### 2.1. Development and agency of change

Since the democratic transition of 1974, constitutional provisions guaranteeing freedom of expression and the right to information have provided the bedrock on which media laws and policies have developed. Naturally, following the country's accession to the EU, the Greek legal framework has also been responsive to pressures towards market liberalization, deregulation and re-regulation at the EU level. Still, in the period under study (2000-2020), no critical turning points of a nature and breadth capable of transforming and revolutionizing the legal framework for the media can be identified. Changes in laws and regulations did, of course, occur; indeed, the Greek legal order is characterised by regular and intense law-making. However, this does not necessarily indicate genuine reform or, more importantly, a chance to transform. Moreover, in the field of the media, as in other legal areas where laws and regulations flesh out and concretize fundamental rights standards, law-making is inherently complex. It is so because, in rendering safeguards for free speech and freedom of information tangible and real, it concurrently balances such protections with other rights and interests considered worthy of protection. Whatever legal changes took place, balancing exercises of this sort were recurrent during the period reviewed, without losing in complexity.

The formulation of media law and policy rests with state actors, though EU institutions also contribute to the design of domestic norms, especially in the audiovisual field and also in how media law interacts with other areas of law, such as data protection or copyright. European human right treaties such as the European Convention on Human Rights (ECHR) also assist in norm development. Entrusted with the application and enforcement of relevant provisions, domestic courts have a marked influence on the interpretation of the protections afforded to free speech and the right to information. Their decisions have at times been reviewed by the European Court of Human Rights (ECtHR), which has drawn attention to fundamental rights shortcomings in their reasoning. The media regulator and data protection authority also engage with interpreting the applicable rules.

### 2.2. Freedom of expression

Safeguards for freedom of expression are set forth in the Hellenic Constitution (Const.). Greece has also ratified the ECHR, and is bound by the free speech provisions of the Charter of Fundamental Rights (CFR) of the EU when acting within the scope of EU law. Article 14(1) Const. provides that '[e]very person may express and propagate his thoughts orally, in writing and through the press [...]' (Chrysogonos and Vlachopoulos, 2017; Dagtoglou, 2012; Karakostas, 2010; Vlachopoulos, 2017). Although it specifically refers to the press, it also applies to broadcasting and digital media (Igglezakis, 2011; Karakwstas, 2009; Mantzoufas, 2010; Papakonstantinou, 2018; Tassis, 2006). Article 14(2) Const. recognizes the freedom of the press and prohibits censorship and other preventive measures.

Article 15 Const. excludes radio and television from the constitutional provisions on press freedom, declaring that radio and television 'shall be under the direct control of the State'. Its aim is to ensure inter alia the 'objective and on equal terms transmission of information and news reports', and such control shall be exercised exclusively by the National Council for Radio and Television (NCRT) (Contiades, 2016; Dimitropoulos, 2017; Tsevas, 2009). The NCRT is constitutionally protected as an independent administrative authority, but its ability to discharge its duties has long been questioned on various grounds: legal shortcomings hampering its independence and operation, being entrusted thorny tasks, a 'policing' attitude towards the audiovisual sector, limited resources, etc. (Contiades, 2016; Kamtsidou, 2005; Mavromoustakou,

2006; Oikonomou, 2004, 2017; Psychogiopoulou, Casarosa and Kandyla, 2014; Tsevas, 2009; Oikonomou, 2017). More recently, the NCRT has sought to re-establish itself as an authoritative body charged with regulating the media in an effective manner.

Article 14(1) Const. protects freedom of expression ‘in compliance with the laws of the State’, which enables the legislator to delimit free speech (Karakostas, 2010; Vlachopoulos, 2017: 287) and reconcile it with other protected rights and interests. Domestic laws do not appear to set unnecessary or overly broad restrictions. When it comes to the implementation of relevant rules, the balancing performed by domestic courts sometimes shows mixed results. Concerning privacy, for instance, reporting on purely private activities is generally prohibited, unless consent has been obtained or the publication is in the public interest (Garoufalia, 2006). With regard to public figures, it is acknowledged that they should have a lower expectation of privacy. Thus, domestic case law which condemned the media’s intrusion into the private life of a public figure by distinguishing between the publication of a news item in the public interest and complementary audiovisual material that infringed on the essence of the right to privacy was considered to be a move in the right direction (Vrettou, 2013). In contrast, domestic case law which sanctioned the violation of the privacy of a politician who was reported to have been involved in gambling while serving as the chairman of an anti-gambling inter-party committee was met with criticism (Alivizatos, 2010) and led to the ECtHR finding that Article 10 ECHR had been violated.<sup>76</sup> The ECtHR agreed with the Council of State that a news item which is in the public interest can be lawfully published, even if the source of the news item (a recording made using a hidden camera) is illegal, but concluded that the Greek judicial authorities had failed to give consideration to the fact that one of the videos broadcast had been filmed in public space, which weakened one’s reasonable expectation of privacy (Alivizatos, 2018). The use of existing laws and regulations to silence journalists through abusive proceedings, known as SLAPPs (*strategic lawsuits against public participation*), may also undermine free speech. Recent fact-finding missions in the country refer to this type of ‘legal threats’ against journalists as an issue that raises concern (Media Freedom Rapid Response, 2021).

With respect to the right to free development of one’s personality, Greek legislation provides for criminal liability in the case of insult,<sup>77</sup> defamation<sup>78</sup> and malicious defamation,<sup>79</sup> with some legal defences set forth in the Criminal Code.<sup>80</sup> Certain failings of the domestic courts, such as disproportionate sanctions in defamation proceedings, i.e. (suspended) prison sentences, disregarding a publication’s contribution to a debate in the public interest or ignoring wilful exposure to public scrutiny, have at times been deplored by the ECtHR (Anagnostopoulos, 2009; Psychogiopoulou and Kandyla, 2020). Civil law conflicts between freedom of expression and the right to one’s honour and reputation have also raised concerns about their resolution by the courts. It has been argued, for instance, that the use by civil law judges of criminal law defences

<sup>76</sup> Alpha Doryforiki Tileorasi Anonymi Etairia v. Greece App no 72562/10 (ECtHR, 22 February 2018).

<sup>77</sup> See the Criminal Code, Art. 361(1).

<sup>78</sup> Ibid., Art. 362.

<sup>79</sup> Ibid., Art. 363.

<sup>80</sup> According to Article 366(1) of the Criminal Code, defamation is not punished if it is based on true facts, unless it exclusively concerns aspects of private or family life that do not undermine the public interest. Proof of the truth of the statement does not preclude punishment for insult, if the intent to insult is proven beyond reasonable doubt (Art. 366(3) of the Criminal Code). However, criticism of scientific, artistic or professional activity; negative expressions in public documents related to the duties of public authorities; fulfilling a lawful duty; exercising lawful authority; safeguarding a legal right or pursuing a legitimate interest do preclude punishment, unless slanderous defamation or intent to insult can be proven beyond reasonable doubt (Article 367 of the Criminal Code).

removing liability for insult and defamation<sup>81</sup> entails an undue criminalization of civil law proceedings (Akrivopoulou, 2015). There have also been instances where civil law judges have neglected or misapplied ECtHR balancing criteria, such as the contribution of the disputed expression to a debate in the public interest, the wider limits of acceptable criticism of politicians and public figures, the distinction between facts which can be proven and value judgments which are not susceptible of proof, the fact that a sufficient factual basis is also required for value judgments and contextualizing the disputed expressions (Akrivopoulou, 2015; Mitsiou, 2012; Tsakyrakis, 2011).

Regarding disinformation, the Constitution does not tolerate speech that deliberately disseminates false information, causing harm (Florou, 2020; Vlachopoulos, 2018b).<sup>82</sup> Article 191 of the Criminal Code penalizes the dissemination of ‘false news’ (Spiropoulos, 2019). The provision was amended in 2019 to target anyone who publicly or via the internet spreads or disseminates false news ‘causing fear to an indefinite number of people or to a certain group or category of persons’, with the concomitant risk of causing damage to the country’s economy, tourism and defence capacity or of disrupting the country’s international relations. The limited case law pertaining to its application does not provide evidence of an expansive interpretation to the detriment of journalistic speech (Florou, 2020; Spiropoulos, 2021). However, the provision was amended in 2021 and now targets anyone who publicly or via the internet spreads or disseminates false news that is ‘capable of causing concern or fear to the public or of shattering public confidence in the national economy, the country’s defence capacity or public health’. Committing the crime repeatedly through the press or via the internet is an aggravating factor, and the publisher or owner of the media outlet responsible also faces criminal liability. The modified provision has been criticized by legal scholars (interview with Christina Akrivopoulou, 2022), advocacy institutions and domestic journalistic associations (Article 19, 2021; ESIEA, 2021; Media Freedom Rapid Response, 2021) for its vague wording, which could support the censorship of critical journalism and could lead to self-censorship.

Concerning the protection of personal data, Law 2472/1997 enacted to transpose Directive 95/46/EC<sup>83</sup> followed a maximalist approach, favouring the protection of personal data vis-à-vis other rights and interests, including freedom of expression (Akrivopoulou, 2017; Panagopoulou-Koutnatzi, 2016; Tsevas, 2013; Vrettou, 2020). The processing of personal data was prohibited without the data subject’s consent, and any exceptions allowed were interpreted strictly.<sup>84</sup> Moreover, although Directive 95/46/EC required Member States to introduce exemptions or derogations, particularly for ‘the processing of personal data carried out solely for journalistic purposes’,<sup>85</sup> so as to reconcile, if necessary, freedom of expression and the protection of person-

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<sup>81</sup> In particular, *safeguarding a legal right*, such as the right to freedom of expression and freedom of the press, or *pursuing a legitimate interest*, which covers the interest of the media and its professionals in informing the public on matters of public interest, as well as the interest of the public in information in the public interest.

<sup>82</sup> Slanderous defamatory speech (i.e. speech disseminated with the purpose of spreading false facts that may harm one’s honour or reputation, with awareness of the falsity thereof) is akin to disinformation and, like disinformation, is not protected under the Constitution (Contiades, 2020; Vlachopoulos, 2019).

<sup>83</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1995] OJ L 281/31.

<sup>84</sup> Such as the exception detailed in Article 5(2)(e) of Law 2472/1997, which could be used for the processing of personal data for journalistic purposes. This enabled processing when the latter was necessary for the purposes of the legitimate interests pursued by the controller or by the third party or parties to whom the data was disclosed, on condition that such interests were not overridden by the interests and fundamental rights of the data subject.

<sup>85</sup> See Art. 9 of Directive 95/46/EC.

al data, the Greek legislature did so to only a limited extent (Tsevas, 2013).<sup>86</sup> Nonetheless, the Data Protection Authority (DPA) demonstrated balanced decision-making overall (Lytras, 2013; Panagopoulou-Koutnatzi, 2016; Vrettou, 2020). To avoid undermining press freedom, for instance, the DPA refrained from applying the legal provisions requiring its authorization for the journalistic processing of sensitive data relating to public figures,<sup>87</sup> arguing that this would have amounted to a preventive measure for the press (Panagopoulou-Koutnatzi, 2016; Tsevas, 2013). The DPA has also closely followed the criteria developed by the ECtHR for balancing the competing rights involved.

In the wake of the General Data Protection Regulation (GDPR, Regulation 2016/679),<sup>88</sup> Law 4624/2019 restores the balance between the protection of personal data and freedom of expression (Panagopoulou-Koutnatzi, 2019; Skondra, 2020; Vrettou, 2020; interview with Christina Akrivopoulou, 2022). In accordance with the powers afforded to the national legislator by virtue of Article 85 of the GDPR, Article 28(1) of Law 4624/2019 establishes the conditions under which the journalistic processing of personal data is permitted. This is allowed not only when the data subject has given their explicit consent, but also when the processing relates to personal data clearly made publicly available by the data subject; to satisfy free speech (and the right to information) when the processing relates to matters of general public interest or involves the personal data of public figures; and provided that processing is restricted to what is strictly necessary, especially with reference to specific categories of data (previously known as sensitive data)<sup>89</sup> and data concerning criminal prosecutions, convictions and related security measures, with account taken of the data subject's right to respect for private and family life.<sup>90</sup> In addition, Article 28(2) of Law 4624/2019 provides for certain derogations in the case of processing carried out for journalistic purposes, including derogations from most of the provisions of Chapter II of the GDPR (principles) concerning the prerequisites for the lawful processing of personal data, and Chapter III (rights of the data subject) in its entirety. However, the legislator has not specified the conditions under which the relevant derogations apply, with the DPA taking the view that their breadth could jeopardize the essence of the right to protection of personal data.<sup>91</sup> Due to the recency of Law 4624/2019, the literature has not yet discussed its implementation sufficiently. In fact, case law in the field does not appear to have developed yet (interview with Christina Akrivopoulou, 2022). It has been argued, however, that the DPA enjoys access to a broad set of tools to inform the balancing performed, in particular the standards devised by the ECtHR which it has long integrated into its analysis (Vrettou, 2020).

As for copyright legislation, some of the exceptions introduced, in accordance with Article 5 of Directive 2001/29/EC<sup>92</sup> on permitted copyright exceptions or limitations, enabling the use of protected works or other subject matter without the author's consent, could be seen as facilitating reporting. Article 25(1)(a) of Law 2121/1993 for example allows, in connection with the

<sup>86</sup> See for instance Art. 11(5) of Law 2472/1997, according to which there was no obligation to inform the data subject when the collection of personal data was exclusively carried out for journalistic purposes and concerned public figures.

<sup>87</sup> See Art. 7(2)(g) of Law 2472/1997.

<sup>88</sup> Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L 119/1.

<sup>89</sup> These are data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, or data concerning a natural person's sex life or sexual orientation.

<sup>90</sup> On this, see opinion 1/2020 of the DPA, [https://www.dpa.gr/sites/default/files/2020-01/gnomodotisi%201\\_2020.pdf](https://www.dpa.gr/sites/default/files/2020-01/gnomodotisi%201_2020.pdf).

<sup>91</sup> Ibid.

<sup>92</sup> Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [2001] OJ L 167/10.

reporting of current events, the reproduction and communication to the public of works seen or heard in the course of an event. For the purpose of providing information on current events, Article 25(1)(b) of Law 2121/1993 also permits the reproduction and communication to the public of political speeches, addresses, sermons, speeches before the court or other similar works, as well as summaries of or extracts from lectures, provided the said works are delivered in public and the source and name of the author is indicated wherever possible. Article 26 of Law 2121/1993 focuses on the occasional reproduction and communication to the public by the media of images of architectural works, visual art works, photographs or works of applied art, which are located permanently in public places. In turn, Article 19 of Law 2121/1993 allows the quotation of short extracts from a lawfully published work, provided that the quotation is in accordance with fair practice and the extent required by the specific purpose pursued, and that the source is indicated, along with the author's and publisher's names when they appear on it. Admittedly, some of these provisions have a restricted scope of application (Synodinou, 2007). The exception relating to quotations, for instance, covers quotations in support of an opinion advanced by the person making the quotation, or to engage in criticism of the author of the work; it does not cover quotations for other purposes, including informatory purposes. Moreover, since Article 25(1)(a) of Law 2121/1993 refers to the reporting of 'current events', the exception does not cover use of a work for providing information which may be in the public interest but is not linked to an event that has recently occurred. For its part, Article 25(1)(b) of Law 2121/1993 only focuses on works of oral speech, though the judiciary has favoured an expansive interpretation of the latter, bringing photographs within its scope (Synodinou, 2007; Stamatoudi, 2005).

### 2.3. Freedom of information

Article 5A Const. safeguards the right to information and provides for the right 'to participate in the Information Society' (see indicatively Kiki, 2013; Papachristou *et al.*, 2006; Vlachopoulos, 2017). Article 10(3) Const., revised in 2001, recognizes the right of access to information and documents held by public authorities. Article 5(1) of the Code of Administrative Procedure (Law 2690/1999, CAP) provides any 'interested person' with the right to access administrative documents created by public services, including reports, studies, minutes, statistical data, circulars, administrative responses, opinions and decisions. Article 5(2) CAP provides persons demonstrating a 'special legal interest' with the right to access private documents held by public bodies.

Restrictions on the right to information can be imposed 'only insofar as they are absolutely necessary and justified for reasons of national security, of combatting crime or protecting rights and interests of third parties'.<sup>93</sup> The right to access administrative documents does not apply when the requested document concerns a third party's private or family life.<sup>94</sup> Domestic authorities can refuse a request if access could substantially obstruct investigations carried out by judicial, administrative, police or military authorities.<sup>95</sup> Secrecy provisions persist,<sup>96</sup> however, and authorities can deny access when the requested document refers to Cabinet discussions.<sup>97</sup> Overall, the existing regime does not appear to comply with standards of maximum disclosure and has been designed without the media's democratic function in mind (Global Right to Information Rating, 2015; Voulgari, 2007).

<sup>93</sup> See Art. 5A(1) Const.

<sup>94</sup> See Art. 5(3) of the Code of Administrative Procedure.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

Regarding tensions between access to administrative documents and the protection of personal data, domestic rules do not give outright precedence to personal data protection concerns (Veneris, 2017; Vlachopoulos, 2019). The DPA has held in the past that access to administrative documents in accordance with Article 5 CAP should come within the scope of data protection rules allowing for the processing of personal data when this is required in order for the data controller to comply with a legal obligation.<sup>98</sup> Providing access to administrative documents was considered to be a legal obligation incumbent on public services. The DPA has developed detailed guidelines on the application of the rules on access to administrative documents,<sup>99</sup> and these guidelines remain relevant post-GDPR. Law 4624/2019, adopted following the GDPR, stipulates that the application of Article 5 CAP remains unaffected.<sup>100</sup> Empirical studies focusing on journalists' use of the legal framework on access to administrative documents are still missing, as is case law revealing direct conflicts between journalists' access to administrative documents and the protection of personal data (interview with Christina Akrivopoulou, 2022). However, the procedures available for seeking redress when necessary are rather ineffective.<sup>101</sup>

Turning to the protection of journalistic sources, this mostly stems from case law rather than the legal framework (Kargopoulos, 2007).<sup>102</sup> The Constitution does not expressly refer to the protection of journalistic sources, and Article 8(3) of Presidential Decree 77/2003 only provides for a limited legal recognition of the right to the protection of journalistic sources. Thus, while journalists have the right not to disclose the source of information they have obtained in confidence, this only applies to radio and television news and current affairs programmes. In addition, criminal law does not list journalists among the professionals whose professional secrecy is safeguarded.<sup>103</sup> No less importantly, journalists are not included among those professionals who have committed an offence when they are in breach of professional secrecy,<sup>104</sup> and their obligation to testify is not waived.<sup>105</sup> Greek courts have yet long recognized that the protection of journalistic sources is an intrinsic aspect of the freedom of the press (ELSA, 2016; Kargopoulos, 2007).

Whistleblowing through the media is linked to the protection of journalistic sources. Greece lacks a targeted whistleblower law (OECD, 2018a; Psychogiopoulou and Kandyla, 2021; Transparency International, 2013) and has not yet transposed the EU's Whistleblower Directive (Directive 2019/1937),<sup>106</sup> which recognizes direct disclosures to the public as worthy of protection, under conditions.

<sup>98</sup> See Art. 5(2)(b) of Law 2472/1997.

<sup>99</sup> See

[https://www.dpa.gr/index.php/el/enimerwtiko/thematikes\\_enotites/dimosiostomeas/dimosiadioikhsh/xorigijsi\\_dimosiwn\\_eggrafwn\\_se\\_tritous](https://www.dpa.gr/index.php/el/enimerwtiko/thematikes_enotites/dimosiostomeas/dimosiadioikhsh/xorigijsi_dimosiwn_eggrafwn_se_tritous).

<sup>100</sup> See Art. 42(1) of Law 4624/2019. Article 5 CAP thus continues to govern access to administrative documents with simple data. For access to administrative documents with so-called special category data (formerly known as sensitive data), use can be made of other provisions of Law 4624/2019 and the GDPR, in particular Arts. 22-23 of Law 4624/2019 and Art. 9 of the GDPR (Grivokostopoulos, 2021; Igglezakis, 2020).

<sup>101</sup> Mediation by the Greek Ombudsman (Art. 3 of Law 3094/2003), who does not issue binding decisions and cannot impose sanctions, coupled with 'requests' issued by the public prosecutor for the administration to provide access to documents (Art. 25(4)(b) of Law 1756/1988) do not suffice to safeguard (and facilitate) the media's role in providing information to the public.

<sup>102</sup> Note that, pursuant to journalists' own code of conduct, the protection of journalistic sources is both a journalistic right and a duty. See Art 2(h) of the Code of Conduct of the Journalistic Profession.

<sup>103</sup> See Art. 212 of the Code of Criminal Procedure.

<sup>104</sup> *Ibid.*, Art. 371.

<sup>105</sup> *Ibid.*, Art. 209.

<sup>106</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law [2019] OJ L 305/17.

Turning to the protection of trade secrets, this has been derived for many years from various legal acts (EUIPO, 2018), but empirical studies into the implementation of the relevant rules and their implications for the right to information have not materialized. Case law is also negligible in this area (interview with Christina Akrivopoulou, 2022). Law 4605/2019 transposed the Trade Secrets Directive<sup>107</sup> by including a new set of provisions in the Greek Patent Law (Law 1733/1987). Article 22A(2) of Law 1733/1987 states that the provisions enacted are without prejudice to the exercise of the right to freedom of expression and information, as set out in the Constitution and the CFR, including respect for the freedom and pluralism of the media. Article 22B(7) of Law 1733/1987 provides that an application for judicial protection for the grant of remedies and compensation against the unlawful acquisition, use and disclosure of trade secrets is dismissed when the disputed acquisition, use or disclosure of the trade secret was carried out in the exercise of the right to freedom of expression and information. Other provisions of the law stipulate that competent authorities shall, when deciding cases on precautionary measures as well as injunctions and corrective measures against the alleged trade secret infringer, take into account the principle of proportionality and the specific circumstances of the case, including, where appropriate, the safeguarding of fundamental rights.<sup>108</sup> It remains to be seen how the Greek courts will apply the relevant provisions.

Finally, concerning media ownership transparency, domestic legislation does not require legacy and digital news media to disclose their ownership structures directly to the public. However, for inclusion on the Registry of the Regional and the Local Press held by the General Secretariat of Communication and Information (GSCI), regional and local newspapers must provide information on their owners on their first pages. To register with the GSCI's Registry of Online Media, applicants must disclose information on their ownership. Audiovisual media and radio operators have long been required to disclose their ownership details to the NCRT (Deloitte and Smit, 2010; Psychogiopoulou and Kandyla, 2020; 2021). Pursuant to Article 37 of Law 4779/2021, which transposed the revised Audiovisual Media Services (AVMS) Directive,<sup>109</sup> media service providers established in Greece are under duty to register with the Business Register of the NCRT, which requires the provision of information on their ownership status (European Commission, 2021). Law 4779/2021 has, however, held back from requiring media service providers to themselves provide information on their ownership structures, including their 'beneficial owners', as envisaged by Article 5(2) of the AVMS Directive.

## 2.4. Accountability system

### 2.4.1. Development and agency of change

Greece was a latecomer in terms of the development of media accountability instruments. In recent decades, some efforts have been made to introduce accountability instruments, but no critical point can be identified in this respect for the period under study. That is because there is still no coherent media accountability system capable of addressing the multiple challenges facing contemporary journalism. Greece lacks a press council and media accountability at the professional level rests with journalists' unions. These include the regionally organized unions: the Journalists' Union of Athens Daily Newspapers (ESIEA), the Union of Journalists of Daily

<sup>107</sup> Directive 2016/943/EU of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure [2016] OJ L 157/1.

<sup>108</sup> See Article 22ΣΤ(2)(η) and Article 22Η(1)(η) of Law 1733/1987.

<sup>109</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities [2018] OJ L 303/2018.

Newspapers of Macedonia-Thrace (ESIEMTH), the Journalists' Union of Thessaly, Central Greece and Evia (ESIETHSEE), and the Journalists' Union of the Peloponnese, Epirus and the Islands (ESIEPIN). There is also the Periodical and Electronic Press Union (ESPIT) which represents journalists who work for magazines, non-daily newspapers and online news media. They are all members of the Panhellenic Federation of Journalists (POESY). As far as instruments of media accountability at the organizational level are concerned, these have not taken off in Greece. In the field of audiovisual media, statutory media accountability instruments are in place; their implementation rests with the media regulator.

#### 2.4.2. Existing media accountability instruments and an evaluation of their effectiveness

Self-regulation for journalists was introduced in the late 1990s when the *Code of Conduct of the Journalistic Profession* was adopted by the ESIEA. It was then ratified by POESY (POESY, 1998). The Code stipulates that journalists should provide information that is true, accurate and objective; that they should treat citizens without discrimination; and that they should respect the personality and private life of individuals. It also proclaims the duty of journalists to defend journalistic freedom and to denounce state authoritarianism and abuses by media owners. Support for union activities and respect for professional solidarity are also included among its principles. The formulation of the code was supposed to lead to the establishment of a Press Council; the plan did not materialize, however, and the monitoring of compliance with the ethical rules laid down therein has since rested with the unions' disciplinary councils. These are mandated to investigate allegations of code breaches by journalists who are their members, either ex officio or following complaints; they can impose sanctions on the journalists involved.

This system has not proved effective in ensuring that ethical standards are enforced. Clearly, one of the main issues impacting on its effectiveness is that it does not include publishers in its structure (Psychogiopoulou, Kandyla and Anagnostou, 2014: 231) and places responsibility solely on the individual journalist. But there are other shortcomings: for instance, the unions' oversight is limited to unionized journalists and does not extend to everyone who practices the profession. Furthermore, the unions have done little to foster public awareness of the complaints procedure. Earlier research has shown that the majority of cases examined by the ESIEA's first-instance disciplinary council were based on complaints submitted by other journalists and related to breaches of those provisions of the code pertaining to union and professional solidarity (Psychogiopoulou, Kandyla and Anagnostou, 2014: 225). Whether this has changed in recent years and a tendency towards increased citizen participation has emerged cannot be assessed, due to the lack of publicly available data on the cases handled.<sup>110</sup> In any case, the unions do not really engage in ex officio reviews on ethics violations. Recent research suggests that there have been numerous code violations which the unions took no action over (Komninou, 2017; Papathanassopoulos *et al.*, 2021: 208).

At the organizational level, instruments of media accountability are marked by their absence: leading private media have not established internal self-regulatory instruments such as codes of conduct or ombudspersons (Papathanassopoulos *et al.*, 2021: 209-211). Nor has the Hellenic Broadcasting Corporation (ERT), the public service broadcaster, set up instruments to deal with complaints about editorial and/or journalistic content.<sup>111</sup> At the collective level, the Code of Ethics adopted by the Internet Publishers Association (ENED) in 2016 represents the first, and to date only, accountability-related initiative (ENED, 2017). The Code is allegedly self-binding on the Association's members (some of the major digital news content producers), but its for-

<sup>110</sup> ESIEA is the only Union, which publishes the decisions of its disciplinary council on its website.

<sup>111</sup> In 2015, ERT's Board decided to set-up an Ethics Committee to support the management with regard to respect for ethical standards; it was, however, dismantled a year later (see <https://www.esiea.gr/epistoles-tis-esiea-stin-ert-gia-to-org/>).

mulation has not been accompanied by the establishment of procedures for handling complaints or monitoring the standards applied in its members' reporting.

In line with the constitutional provision that broadcasting is under the “direct control of the state”, ethical standards for journalism in the audiovisual media are also prescribed by statutory instruments (Law 3592/1995, Presidential Decree 77/2013). The monitoring of compliance with relevant provisions is assigned to the NCRT, which also enjoys the power to impose fines in case of violations. However, the Council has not proved effective in performing this role. This is due, firstly, to its suffering from a long-standing shortage of resources, which prevents it from diligently monitoring broadcasting content, especially at the local/regional level (Psychogiopoulou, Casarosa and Kandyla, 2014: 224). The NCRT has repeatedly raised this issue itself in its annual activity reports, noting that violations are mainly detected through complaints (see indicatively, NCRT 2020: 14, 34); however, the NCRT does not consistently report on the number and subject matter of the complaints it receives. Secondly, the NCRT has not managed to establish itself as an authoritative body which supports media accountability. Rather, it has exhibited an overly legalistic attitude which relies on sanctioning (Contiades, 2016; Kamtsidou, 2005), and has not shown any interest in working with broadcasters to help them clarify and embed ethical principles into their work.

### 3. Risks and opportunities in the journalism domain

#### 3.1. Development and agency of change

The deregulation in the late 1980s of the state monopoly in the audiovisual sector stands out as a critical turning point in the development of the media market, the structure of media ownership, and the development of journalism. The fact that the advent of private audiovisual media did not come about through a media policy strategy, but through the so-called ‘occupation of the airwaves’ (Papathanassopoulos, 1997), had a marked impact on the state of journalism. The profound economic crisis that started in 2008 and the advent of digital media also played a major role in shaping journalism, creating new risks and opportunities for media professionals to perform their role (interview with Lambrini Papadopoulou, 2022).

In formulating market- and labour-related policies, the state has played a key role in defining the framework within which journalism operates. Private media outlets have had to face important challenges affecting their economic sustainability and their capacity to produce and provide quality journalism. At the same time, they have been unable or unwilling to sever their close links with the political system. ERT, for its part, has never really managed to establish itself as a true public service operator, mainly due to a lack of legal safeguards of its independence.

#### 3.2. Market conditions

The particularistic relationship between the state and broadcasting media that emerged through the ‘haphazard’ deregulation favoured the development of a crowded commercial audiovisual media market. Scholars emphasize that even though advertising revenues had been on the rise throughout the 1990s and 2000s (Chairetakis, 2010), the broadcasting market was not financially sustainable. Many outlets operated at a loss and were maintained as a tool for proprietors to exercise political pressure (Leandros, 2000). Similar observations have been made about business models in the newspaper market. The sales of Athens-based national newspapers had been declining since the advent of commercial broadcasting, and yet new titles kept being launched (Bakounakis and Papathanassopoulos, 2010).

The recession had important ramifications for market conditions. Private and public sector advertising decreased from 2,669 billion € in 2008 to 1,279 billion € in 2014 (Skamnakis, 2020). The decline in revenues affected all legacy media types, but it was the newspaper market that was hit the hardest (Skamnakis, 2020). There can be no doubt that digitization and the advent of social media played their part here. It is indicative that, despite the downturn in overall advertising expenditure during the period of the crisis, online internet advertising expenditure grew (Papathanassopoulos, 2020: 133) prompting the emergence of several digital-native news media. The decline in economic revenues and lack of recourse to bank loans resulted in the bankruptcy of some 'historic' publishing groups, with the closure of numerous newspaper titles, TV channels and radio stations of local/regional range (Papathanassopoulos, 2020: 134).

The structure of media ownership in Greece at the turn of the 21<sup>st</sup> century had been largely shaped by the entry of large-scale industrial and merchant capital into the newspaper business (Leandros, 2010: 890). By the 2000s, this new generation of media owners, together with traditional publishers who had in the meantime expanded their activities into commercial broadcasting, had come to dominate the media. In the context of particularistic relationships between the media and the state, the restructuring of ownership patterns from small and medium-sized enterprises to large media conglomerates led to a substantial degree of mono-media and cross-media market concentration for the media of national range. In 2008, the combined audience share of the five leading national private TV channels was 68.5%, while the circulation share of the top four national newspapers was 69% (Psychogiopoulou, Anagnostou and Kandyla, 2011: 17).

The economic crisis also affected media ownership structures. Some leading national media ceased operation, and some new media entered the market (Papathanassopoulos, 2020). Patterns of media ownership did not, however, change substantively. Shipping industry magnates and influential businessmen with ties to political parties still own some leading mainstream media of national range (interview with Lambrini Papadopoulou, 2022). At the same time, a number of new alternative media outlets were set-up as cooperative enterprises by networks of journalists and other media professionals who had been laid off collectively. These media outlets, most of which are active to the present day, aim to provide independent news and cover socially-relevant topics neglected by mainstream media outlets (Boucas and Iosifidis, 2020; Touri *et al.*, 2016; Siapera, Papadopoulou and Archontakis, 2015; Boucas and Iosifidis, 2020). In any case, high media ownership concentration persists, with media ownership remaining in the hands of a few media enterprises (Papathanassopoulos *et al.*, 2021: 180-181). It should be noted, however, that the data needed to assess the degree of concentration is either not publicly available (audience data and advertising revenues are collected by private companies) or is not collected at. Data on the share of non-national ownership is also not publicly available.

While Athens-based media of national range have become the most influential, local media have a long and important history in Greece. Following deregulation, a number of local radio and television stations started up; at the turn of the 21<sup>st</sup> century, practically every region in Greece had at least one radio station and TV channel which, like the nationwide broadcast media, was operating without valid licenses. However, since many had been launched by local businessmen primarily as a means of exercising local influence, rather than as business ventures proper, they tended to operate on a low budget and without much investment (Panagiotopoulou, 2010). These local media were also impacted by the economic crisis, as a result of which several local dailies, radio and TV channels ceased operation (Skamnakis, 2018: 12-23). Nonetheless, the market still includes an important number of local media outlets (General Secretariat for Information and Communication, 2021a; NCRT, 2021).

### 3.3. Public service media

Market liberalization was not accompanied by changes that would have enabled ERT to define its mission within a dual broadcasting system. ERT's news output was perceived as lacking credibility at the time, while its overall programming lacked variety. Successive governments tried to reform ERT. Then, in June 2013 in an unprecedented move, the government, a coalition of centre-right New Democracy, social-democratic PASOK and centre-left DIMAR, announced the overnight disbanding of ERT: its channels and website would be shut down until the launch of a new public service broadcaster. The explanation given was that ERT was mismanaged and it was too costly to operate at a time when the government needed to cut public spending in order to comply with the terms of the bailout deal it had reached with the Troika/creditors (Iosifidis and Katsirea, 2015: 9; Psychogiopoulou and Kandyla, 2013: 141-142). A new, leaner organization named "New Greek Radio Internet & Television" (NERIT) was established. It operated until January 2015, when newly-elected SYRIZA re-established ERT. ERT enjoys a broad public service remit which includes safeguarding pluralism and sustaining citizenship through, inter alia, the provision of impartial information, educational, entertainment and cultural programming.<sup>112</sup> ERT is financially independent, deriving income through a license fee levied on electricity bills as sums of no less than 3€ per month per bill.

The re-establishment of ERT did not, however, adequately address longstanding issues of management or take steps to ensure its Board's independence from ruling parties (Iosifidis and Papathanassopoulos, 2019). ERT's charter foresees that ERT will be managed by a board comprising seven members: the President, the Managing Director, two representatives of ERT's employees, and three members with special knowledge and expertise appointed for five-year terms which can be renewed only once. The President, the Managing Director and the three expert members are appointed as follows: The minister responsible for the media launches a call for applications, selects the candidates and subsequently reports on them to the Hellenic Parliament's cross-party Committee on Institutions and Transparency. The latter invites the nominees to speak at a public hearing and then delivers a report stating its opinion. The Parliament's role is thus limited to the Committee formulating and reporting its opinion. As the decision is taken by the minister responsible for the media, the possibility of partisan appointments of the sort that have troubled ERT in the past (Papathanassopoulos, 2010) cannot be precluded, posing a risk that ERT may not be able to perform its public service mission and contribute to deliberative communication in society.

### 3.4. Production conditions

Earlier studies show that the Greek media have remained attached to 'traditional' models of news organization and production for a long time. Until the late 2000s, multi-platform delivery and other technological affordances associated with digitization and convergence were not fully developed among Greek newspapers (Doudaki and Spyridou, 2014). By and large, journalists viewed the internet as a tool that empowered them to perform their (traditional) jobs better, but were reluctant or unwilling to capitalize on the potential it provided to engage in new and innovative news production practices (Spyridou *et al.*, 2013). More recent studies do, however, show that digital resources have gained currency in Greek newsrooms, affecting journalistic practices. For instance, online news media appear to have embraced the use of search engine optimization techniques, such as algorithms and audience metrics, while Greek journalists often use web analytics to check the online visibility of their stories (Giomelakis and Veglis, 2020). At the same time, however, data-traffic-driven news decisions are considered an emerging problem, in so far as they change the way news content is selected and created.

<sup>112</sup> Law 4173/2013 as amended by Law 4324/2015.

Greece does not have an investigative journalism tradition, and the decline in revenues during the economic crisis seriously limited the news media's ability to fund investigative news (Papathanassopoulos *et al.*, 2021: 224-225). However, scholars emphasize the potential for investigative journalism created by the emergence of alternative, mostly digital native, media outlets set up by networks of journalists and other media professionals during or in the aftermath of the crisis (Boucas and Iosifidis, 2020; Papadopoulou, 2020). Some of these organizations are explicitly devoted to the pursuit of investigative stories, funded through audience subscriptions, collaborations with foreign media and international grants schemes (interview with Lambrini Papadopoulou, 2022).

### 3.5. Journalists' agency

Journalists' position in the labour market can be taken as a factor indicating the agency of news professionals. Yet official data on the number of people who work as journalists in Greek news media, and on their average salaries, is not available. Collective agreements between journalists and employers (public and private) do exist, but they do not cover freelancers, and there is some doubt as to whether they are respected in practice. In any case, taking into account the impact of the financial recession on journalists' working conditions (see below), there is little reason to believe the labour market is strong and thriving for journalists.

The professionalization and autonomy of journalists are two other factors that might support their agency. Greece appears rather problematic in this respect, with the political parallelism of the media preventing the emergence of journalism as an autonomous profession (Papathanassopoulos, 2001). On the one hand, the end of the state monopoly over broadcasting, the expansion of the commercial media market in the 1990s and the ensuing need to attract audiences meant the Greek media had to loosen their close ties with political parties (*ibid.*). As a result, journalism became less clearly partisan than it had been throughout the 20<sup>th</sup> century. Nonetheless, media instrumentalization remained strong. Journalism continued to serve a model of advocacy in line with the political orientation and interests of the owners of the particular media organization (Papathanassopoulos *et al.* 2021: 189). At the same time, journalists themselves have often displayed a clearly partisan ideology, with some playing an overtly active role in political life or even running for political office (Psychogiopoulou, Anagnostou and Kandyla, 2014: 228). Others have become entangled in relations of multiple dependence on party officials, or on the public and commercial enterprises which invest or advertise in their media outlet (*ibid.*: 228).

### 3.6. Journalists' working conditions

The financial crisis of the 2010s had a profound impact on journalists' employment conditions and job security. As mass redundancies took place, the size of the employment market for journalists shrank, with the unemployment rate climbing to 50% in 2017 (Skamnakis, 2018: 12). In addition, journalists who stayed on the job had to accept pay cuts and, often, extended delays in getting paid (Papathanassopoulos, 2020: 133-134; Skamnakis, 2018: 12). Today, it seems that working conditions remain rather unsatisfactory, potentially impacting on the profession's ability to provide quality journalism. In 2019, the Union of Journalists of the Athens Daily Newspapers (ESIEA) informed the Prime Minister that working conditions for journalists were still highly precarious, and that a large number of journalists were employed on temporary contracts (ESIEA, 2019); 10% of ESIEA members were unemployed at the time. As far as types of employment are concerned (full-time, part-time, temporary, freelancer, etc.), there is not publicly-available data. However, research suggests that short-term contracts and freelancing have become the norm (Papathanassopoulos *et al.*, 2021: 219).

Challenges with regard to journalists' safety have also been noted. The latest Mapping Media Freedom report (Media Freedom Rapid Response, 2021) lists 22 incidents of threats and attacks against journalists in Greece. Overall, police and law enforcement were responsible for 41% of these incidents, many of which were recorded at demonstrations. In addition, 2021 was marked by the assassination of the crime journalist, Giorgos Karaivaz. The police noted that the "professional" style of the shooting indicated the involvement of organized crime groups.<sup>113</sup> 2010, another journalist, Socrates Giolias, was murdered by masked assailants in front of his house. A terrorist group claimed responsibility for the murder, but no one has been arrested to date. Worryingly, harassment is also recorded as occurring in the workplace. Based on a survey of a representative sample of journalists conducted in 2010, Kodellas *et al.* (2014) found that almost one in five journalists had experienced physical victimization, including physical violence and harassment, in the workplace.

### 3.7. Intra-organizational diversity of human resources

Workforce diversity within journalistic organizations is assumed to support diverse reporting/coverage and enhance the ability of news media to provide for deliberative communication in society. Yet, official data and representative survey research that would enable a comprehensive assessment of human resource diversity and the representation of different age, class, education and cultural groups in newsrooms is grossly lacking in Greece. Nevertheless, research into aspects of gender equality raises some concerns. For instance, the 2021 Media Pluralism Monitor reports that the Greek PSM lacks a comprehensive gender equality and diversity policy (Psychogiopoulou and Kandyla, 2021). According to the European Institute for Gender Equality (EIGE) data for 2021, women are underrepresented in key decision-making positions within the PSM.<sup>114</sup> With regard to private media, pay and career inequality seems to be an issue (Kyriazi *et al.*, 2008), although it tends not to be acknowledged as such by management (Papathanassopoulos *et al.*, 2021: 188, 195).

### 3.8. Journalistic competences, education and training

Access to the journalistic profession is open in Greece, and no specific academic qualification or training is required to practice the profession. While official data on journalists' educational background is not available, the recent Worlds of Journalism survey suggests that the educational level of Greek journalists is quite high (Dimitrakopoulou, 2017). Of the journalists surveyed, 37.5% held a Bachelor's degree, 21.4% a Master's Degree and 1.5% percent a Doctoral diploma. Note that media and journalism degrees have been offered at the university level in Greece since the late 1990s. Currently, there are four university departments in Greece offering bachelor's and master's degrees in media and journalism.

Professional development and training have never been fully embedded into Greek media organizational culture (Papathanassopoulos *et al.*, 2021: 222-223). It is indicative that ERT does not provide standard training courses for new recruits and does not offer regular professional development programmes (Papathanassopoulos *et al.*, 2021: 222-223). Within private media, some prominent groups formerly provided training courses for staff journalists, but the economic crisis impacted negatively on their ability to invest in such training on a regular basis (*ibid.*). Journalists' unions run occasional training courses on topical issues.<sup>115</sup>

<sup>113</sup> <https://europeanjournalists.org/blog/2022/04/08/greece-remembering-giorgos-karaivaz-one-year-later-targeted-killing-remains-unresolved/>.

<sup>114</sup> See [https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm\\_med\\_pbrc\\_wmid\\_media\\_pbrc\\_exec](https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_med_pbrc_wmid_media_pbrc_exec).

<sup>115</sup> See, for example, <https://www.esiea.gr/category/seminaria-epimorfosis/>.

With the gradual implementation of new technologies in Greek newsrooms, digital skills have acquired the status of core professional competences for journalism. University journalism and media departments in Greece have included mandatory courses on the use of various ICTs in their curricula since the early 2000s (Lappa and Veglis, 2005). At the same time, issues related to journalists' ICT and internet knowledge and skills in relation to the gathering, production and dissemination of news have gained salience within the academic and professional discourse. Research suggests that journalists themselves recognize that ICT technical skills are vital (Dimitrakopoulou, 2017). In 2005, Greek journalists already regarded the ability to surf the web, to use e-mail and word processing software effectively, and to search online databases as necessary professional skills (Giannakoulopoulos and Kodellas, 2005). Greek professional journalists appear to have embraced ICTs and new technologies (Veglis and Pomportsis, 2014; Spyridou *et al.*, 2013). They are competent users of most common software packages and basic internet tools and services, and perceive themselves as fully capable of performing well in new technologies (*ibid.*). However, they appear to fall behind when it comes to more advanced ICT (i.e. sound and video editing) and Web 2.0 skills (such as blogs, wikis, Twitter and podcasts) (Veglis and Pomportsis, 2014). Moreover, journalists feel they have insufficient knowledge and resources to engage in data journalism (Veglis and Bratsas, 2017).

### 3.9. Professional culture and role perception

The multiple dependencies between the media and politics have affected journalists' professional culture along with their perception of their role. When polled in a 2002 representative survey, the majority of journalists reported that Greek journalism is not independent of political parties, the state and political elites (69.5%), and/or media ownership and commercial interests (82.8%) (VPRC, 2002). A majority of respondents in the same survey reported that instances of corruption were common within the profession (48.1%) (*ibid.*). Besides, the financial recession has also been credited for weakening professionalism by making journalists prone to practices of self-censorship (Boucas and Iosifidis, 2015). Within the context of particularistic relations between media and politics, research suggests that journalists, especially those working in mainstream media houses that followed a "pro-memoranda" editorial line supporting government policies, engaged in self-censorship in order to avoid getting fired (Iordanidou *et al.*, 2020; interview with Lambrini Papadopoulou, 2022). The recent Worlds of Journalism study, fielded in 2015, indicates that some of these trends persist. For instance, almost half of the journalists who took part in the study reported that the managers and owners of news organizations had a major influence on their work (47.7% and 42.2% respectively) (Dimitrakopoulou, 2017).

These developments, along with the advent of digital and social media, appear to have fed into a period of profound reflection within the profession. Studies suggest that Greek journalism is going through a profound crisis and journalists themselves acknowledge that a change of paradigm structured around core professional values is needed (Karadimitriou, 2020). It is perhaps telling that when asked by the Worlds of Journalism survey what they thought about their societal roles, Greek journalists considered it most important to, firstly, report things as they are (96.8%) and, secondly, allow people to express their views (86.1%). The findings also showed strong support for the 'fourth estate' roles of journalism: i.e. providing analysis of current affairs (80.2%) and the information people need to make political decisions (71.6%), plus monitoring and scrutinizing political leaders (65.3%) and business (57.2%) (Dimitrakopoulou, 2017). Indeed, the crisis facing Greek journalism has the potential to open up new opportunities and lead to a bottom-up renewal, feeding into new journalistic practices and initiatives (Siapera, Papadopoulou and Archontakis, 2015; interview with Lambrini Papadopoulou, 2022). Whereas the extent to which this potential will materialise will most likely depend on political, economic and social factors that are external to journalism, no going back to the previous status quo appears desirable (Siapera, Papadopoulou and Archontakis, 2015).

## 4. Risks and opportunities in the domain of media usage

### 4.1. Development and agency of change

Digitalization stands out as the main turning point with reference to media usage. The advent of digital media and the emergence of alternative news operators have diversified the media on offer, influencing media consumption in unprecedented ways. The identification of relevant trends in the field of media usage rests on data collection and analysis carried out by domestic academics, market research companies and research consortia at the European level. Research and business interests evidently impact on the methodologies, media and users targeted, which means that any insights gained into the state of the field will be fragmented and may not cover every relevant dimension.

### 4.2. Agency of media users and analysts

In the absence of a comprehensive media usage study conducted regularly for the entire media sector, the available data does not enable the identification of ‘active’ versus ‘passive’ groups of media users, taking factors such as gender or age into account. Audience and readership data compiled by market research bodies may have a demographics component, but is not publicly available.

According to Eurostat data (2021) with regard to internet users specifically, by the end of 2021, seven out of ten individuals aged 16 to 74 used the internet daily (up from 7% in 2003 and 47% in 2013). Two main reasons explain not using the Web: a lack of interest in/usefulness of the internet (46.7%) and a lack of technical knowledge/confusion with technology (35.7%). Other less significant reasons include not possessing an access device (4.4%), inability to bear the connection cost (4.2%), and lack of time (1.4%) (Tsekeris *et al.*, 2020). Data from the World Internet Project reveal that Greek internet avoiders are mostly married (69.7%) women (57.7%); they belong to the 65+ age group (59%), they do not have a job (84.1%; 61.7% are retired), and they have a family income of up to 1,000€ per month (60.2%) (*ibid.*).

Most Greeks identify themselves as quite experienced internet users, with an average of approximately 12.5 years of user experience (*ibid.*). Internet use is close to 100% in the age groups under 35 years. Numbers drop for older age groups (for instance, down to 22.8% for people over 65, according to data from the World Internet 2019 round). This points to a significant intergenerational gap, but internet use is increasing across all age groups. In the first quarter of 2021, nine out of ten individuals aged 16-74 years (90.4%) used the internet to read the news (Hellenic Statistical Authority, 2021). Studies confirm the success of the internet as a gateway to news among the young, too (Spyridou and Veglis, 2008).

### 4.3. Access to news and other media content

The liberalization of the broadcasting market in the late 1980s had a marked influence on media access. According to data from the NCRT registry, in 2001, 39 commercial TV broadcasters (ten of national range), 20 commercial radio operators in the Attica region and 16 commercial radio outlets based elsewhere in the country had informed the media regulator that they were operational (NCRT, 2002: 21). In 2010, the official NCRT data refers to 135 TV broadcasters (eight of national range; 75 of regional range; 52 of local range) and 988 radio operators (NCRT, 2011: 16).

In 2015, there were a total of 120 TV broadcasters (nine were national operators) and 918 radio operators (NCRT, 2016: 35-36). In 2021, there were nine national TV broadcasters (eight of which qualified as news media), 100 regional TV broadcasters (86 of which qualified as news media), and 867 radio operators (255 of which qualified as news media) (NCRT, 2021a; 2021b).

Available NCRT data also indicates there were two pay-TV providers and five content providers who delivered their programming via broadband networks (NCRT, 2020: 14).

The press market featured 66 national newspapers in 2000 (of which 27 were dailies, 14 weeklies, 20 Sunday papers, and 5 newspapers focused on economic affairs) (Athens Daily Newspaper Publishers Association, 2021). In 2010, the numbers had not dramatically changed: there were now 66 national newspapers (of which 21 were dailies, 15 weeklies, 24 Sunday papers and 6 financial papers) (ibid). By 2015, the impact of the financial crisis could be seen more clearly: there were 44 national newspapers (of which 13 dailies, 11 weeklies, 17 Sunday papers and 3 financial papers) (ibid). Towards the end of 2021, there were a total of 39 national newspapers (of which 16 were dailies, 7 weeklies, 15 Sunday papers and 1 financial paper); there were 226 local newspapers (General Secretariat for Information and Communication, 2021a).

The registry of online news media, which was introduced in 2015, listed 1335 digital outlets in 2021 (General Secretariat of Information and Communication, 2021b). By 2021, the share of households in Greece with internet access had risen to 85%, from 12% in 2002 and 54% in 2012 (Eurostat, 2021). The Hellenic Statistical Authority (2021) confirms the upward trend (85.1% in 2021 from 50.2% in 2011), as does the OECD data (OECD, 2021a) (85.1% in 2021, up from 21.7% in 2005). Mobile broadband subscriptions have also increased, from 11.5% in 2010 to 85.1% in 2019 (OECD, 2021b). Internet access still differs by degree of urbanization: households in cities, towns and suburbs have higher internet access rates compared to households in rural areas (Eurostat, 2021). Digital subscriptions for news increased from 7% in 2016 to 12% in 2021 (Reuters Institute, 2016; 2021).

#### 4.4. Relevance of news media

ERT, the public service media operator, operates on different media platforms and through an online presence that is growing stronger and stronger. However, its ratings traditionally rank below those of commercial operators (Arianna, 2021). According to data from the Reuters Institute (2016-2021), in the period 2016-2021, the weekly reach of ERT's news bulletin ranged from 31% to 38%,<sup>116</sup> with the occasional commercial TV broadcaster that featured first in audience preferences obtaining a share within the range of 50-55% (Reuters Institute, 2016-2021).

The internet has had a powerful impact on media consumption. According to the 2021 Reuters Institute Digital News Report (DNR), 89% of respondents consume news through the internet and more than two-thirds (69%) specifically through social media; 67% get their news through TV and 22% through the press (Reuters Institute, 2021). Eurobarometer data shows that in 2020-2021, the daily use of TV – both on a dedicated TV set and through the internet – stood at 73% and 14% respectively; the daily use of radio and the written press stood at 42% and 11% respectively, while 79% used the internet on a daily basis and 64% made use of social media specifically (Eurobarometer, 2021). TV viewing and website traffic increased during the Covid-19 pandemic (Chaimada, 2020). An increase in the average duration of daily radio listening in the regions of Attica and Thessaloniki was also noted over the same period (AEMAR, 2020).

Studies reveal high rates of alternative digital news consumption in Greece (Kalogeropoulos, Rori, Dimitrakopoulou, 2021). Data from the Reuters Institute confirms that in recent years, the online news outlet with the highest audience share was indeed a digital-native outlet (Newsbomb.gr) (Reuters Institute, 2016-2021). During the same period, Skai News, Ant1 News and Alpha News topped domestic audiences' weekly offline news media consumption (ibid.)

However, Greece also manifests high levels of news avoidance. According to the 2017 and 2019 Reuters Institute DNRs, the majority of respondents (57% and 54% respectively) said they

<sup>116</sup> It was 38% in 2016; 36% in 2017; 31% in 2018; 33% in 2019; 36% in 2020 and 38% in 2021.

sometimes or often avoid the news (Reuters Institute, 2017: 41; 2019: 25); significantly, they did so on all platforms. According to studies into news avoidance practices, contextual factors (i.e. levels of media freedom, political freedom and stability, the characteristics of the domestic media environment, etc.) shape news habits and behaviour, along with individual factors such as demographics, political attitudes and news genre preferences (Toff and Kalogeropoulos, 2020).

#### 4.5. Trust in media

Data from a broad range of sources reflect high levels of media distrust in Greece. According to the 2021 DNR, only 32% of respondents trust the news. For EBU's Net Trust Index (EBU, 2020), the majority of citizens in Greece (54%) have low or no trust in the media.<sup>117</sup> Eurobarometer (2021) data and data from the Hellenic Statistical Authority (2021) reveal a similar trend.<sup>118</sup> According to the Reuters Institute, trust in news on social media has remained steady at around 21-22% over the past four years.<sup>119</sup>

Lack of trust in the media is mostly attributed to perceptions of the news being biased, the journalism being low quality, and the content confusing, sensationalist and misleading (Kalogeropoulos, Rori and Dimitrakopoulou, 2021). Research into alternative news use associates trust in social media with plurality in the supply of information, the perceived independence of the news sources, and the self-empowering dimension of social networks in so far as they enable discussion, cross-checks and news coverage comparisons (ibid). Data from the European Broadcasting Union indicate that citizens perceive the public service operator to be subject to comparatively high levels of political pressure (EBU, 2020).

## 5. Risks and opportunities in the media-related competences domain

### 5.1. Development and agency of change

Media literacy entered the Greek public policy agenda in the 2000s, very much under the influence of EU and Council of Europe activity in this field; the country still lacks a well-developed media literacy policy, however (Psychogiopoulou and Kandyla, 2020). It would be, perhaps, more accurate to speak of sets of measures and actions undertaken by state bodies rather than a media literacy policy as such. Progress has been slow and, there have been no critical turning points, albeit the volume of relevant actions has increased with the diffusion of the internet and the intensification of media convergence. Responses have built on two approaches: one concerned with media literacy in formal education, and one that views media literacy as part of the media and digital policy agenda. This distinction is also reflected in the governance structure for media literacy. The Ministry of Education and Religious Affairs takes charge of media literacy in formal schooling, focusing on three dimensions: accessibility, critical use and understanding, and creative content production (interview with Sofia Papadimitriou, 2022). The GSCI and the Ministry of Digital Governance deal with media literacy as a lifelong learning skill within the context of audiovisual, media and digital policies. The establishment of the National Centre of Audiovisual Media and Communication (EKOME) in 2015 could potentially lead to a turning point in this domain. Currently under the auspices of the GSCI, the EKOME serves as a national

<sup>117</sup> Respectively, 62% tended not to trust the radio, 78% tended not to trust the TV, 68% tended not to trust the written press, 44% tended not to trust the internet, and 59% tended not to trust social networks.

<sup>118</sup> Respectively, 49% and 48.6% of respondents.

<sup>119</sup> 22% in 2018-2019 and 2021; 21% in 2020.

representative and expert to the EU and on other media literacy fora. It has also been assigned the role of a ‘national hub’ for media, film and digital literacy within lifelong learning and the creative industries. Since its founding, it has promoted media literacy through projects, campaigns and partnerships with the Ministry of Education, other public stakeholders and civil society organizations active in the field.

## 5.2. Overview of media related competences in policy documents

The definition of media literacy in official documents in Greece has been closely aligned with the definition developed at the EU level. Since 2007, Greece had adhered to the general definition of media literacy set out in the Commission Communication on a European approach to media literacy in the digital environment (Andriopoulou, Papadimitriou and Kourti, 2014: 7). More recently, the law transposing the revised AVMS Directive in 2021 includes a provision on media literacy which mandates the GSCI, the NCRT, audiovisual service providers and video sharing platforms to take initiatives that “contribute to the development of citizens’ critical skills and knowledge, so that they are able to use media effectively and safely and to evaluate their contents”.<sup>120</sup>

EKOME, for its part, adopts a wider definition which includes ‘media and information literacy’ (MIL). In its 2018 White Paper, EKOME puts the focus on those media and information literacy skills which allow citizens to “adopt an active and critical attitude towards news agendas, making wiser choices and contributing to the quest for high quality media content, all characteristics of a strong and competitive media” (EKOME, 2018: 4). Media and information literacy skills comprise basic skills (e.g. safe access storage and (re-)use in the digital environment), advanced skills (critical evaluation and analysis, content (re-)creation), and vocational skills (e.g. education and lifelong learning procedures for media professionals with regard to new trends in the audiovisual and digital media in the creative industries) (ibid: 5).

## 5.3. Information about the media literacy programs in formal and non-formal education

Media literacy education is not fully integrated into formal education in Greece. It is, nonetheless, included in the school curriculum, albeit not as a stand-alone or compulsory subject. Primary and secondary education curricula include elements of media literacy both as a cross-curricular subject and embedded within ad hoc school projects under various subjects (EMEDUS, 2014). Since 2006, media literacy education is also included in primary and lower secondary education as an optional subject under the ‘Flexible Zone of Inter-Curricular and Creative Activities Programme’ (ibid). Also, as of September 2022, a new module, Skills Labs, has been added to the primary and lower secondary education curriculum, featuring elements of digital literacy within distinct subjects for schools and teachers to choose to work on (interview with Sofia Papadimitriou, 2022).<sup>121</sup> Besides these, the Educational Radiotelevision and Digital Media under the auspices of the Ministry of Education provides students with opportunities and tools to engage in multimedia content production, such as for instance, the Fotodentro i-create project (ibid).

Informatics and computer courses, which have been compulsory in primary and lower secondary education since the early 2000s, incorporate elements of ICT skills and digital competences. Moreover, in recent years, a number of steps have been taken towards the integration of ICTs into the school teaching and learning process. The Digital School Strategy, for instance, was

<sup>120</sup> Art. 35 of Law 4779/2021.

<sup>121</sup> <http://iep.edu.gr/el/psifiako-apothesis/skill-labs>.

launched in 2010 and has since developed a digital repository infrastructure with high-quality, interactive content for teaching purposes (Megalou and Kaklamanis, 2018). These resources formed the backbone of the synchronous and asynchronous teaching delivered during the shift to remote teaching from spring 2020 on and through much of 2021 due to the COVID pandemic (OECD, 2020). Yet, as the Education and Training Monitor 2020 remarks, many school still suffered from infrastructure impediments related to connectivity and ICT technical support.<sup>122</sup>

While media and digital literacy education have gradually entered formal schooling, teacher training in media and digital literacy is not provided systematically. That said, the Ministry of Education, in cooperation with other public bodies or NGOs, has organized training seminars for in-service teachers who wish to familiarize themselves with the use of media and the incorporation of critical skill development into content learning in the classroom (DIMELI4AC, 2019). In-service training on media literacy-related subjects for primary and secondary education teachers has also been offered through the online ‘Platform 21’ (since 2000)<sup>123</sup> and the thematic network on “Media Literacy: Television, Internet, Cinema” (since 2021).<sup>124</sup> A number of civil society organizations active in the field of audiovisual and cinema also organize training seminars on an ad-hoc basis (interview with Sofia Papadimitriou, 2022). Still, overall, efforts to train in-service teachers are mainly focused on the development of ICT knowledge and the application of digital technologies to teaching practice (DIMELI4AC, 2019). In any case, since participation in most of these training schemes is voluntary, it is debatable whether they have succeeded in building a solid foundation for the successful integration of elements of media literacy education into the classroom.

At the same time, increasing attention has been paid to media literacy in non-formal education over the years. Several media literacy projects and activities have been implemented outside the context of formal schooling by civil society organizations and public bodies, often in collaboration. For instance, two non-profit organizations (NGOs)-the Media Literacy Institute (MLI) and Journalists About Journalism (JAJ)-organized an annual ‘media literacy week (2017-2019) in cooperation with the Aristotle University of Thessaloniki’s Department of Journalism and Mass Media. Also, a handful of NGOs and civil society initiatives are currently engaged in the production of media literacy educational material and the organization of media and filmmaking activities for students and teachers (Andriopoulou *et al.* 2014: 17).

#### 5.4. Media literacy initiatives: target groups

While there have been several media literacy initiatives in Greece over the last 20 years, there is no comprehensive information about the segments in society targeted by these activities and interventions. Mapping exercises for media literacy initiatives that would allow the identification of risks and opportunities in terms of reach and coverage are largely lacking. Nevertheless, evidence suggests that, for the most part, the focus of such initiatives remains on a limited set of core target groups. For instance, the European Audiovisual Observatory (2018) reports that the most significant media literacy projects implemented in Greece in 2010-2018 primarily addressed students and professionals (i.e. teachers, care and youth workers, academics). Of course, journalists and journalism students also feature among the main target audiences of media education and literacy workshops and seminars organized by the relevant university departments and journalists’ unions.<sup>125</sup>

<sup>122</sup> See <https://op.europa.eu/webpub/eac/education-and-training-monitor-2020/countries/greece.html>.

<sup>123</sup> See <https://elearning.iep.edu.gr/study/course/index.php?categoryid=62>.

<sup>124</sup> See <https://www.edu4media.eu/>.

<sup>125</sup> See for instance, <http://pjl.jour.auth.gr/media-literacy-week-library-covid/>; <https://esiemth.gr/imerides-se-thessaloniki-ke-kavala-gia-ton-engrammatismo-sta-mme/>.

## 5.5. Assessment of citizens' media related competences

While the importance of empowering media users and enhancing their media and literacy skills as well as their cognitive abilities is receiving increasing recognition at both the scholarly and policy level in Greece, no systematic system-level efforts are in place to collect relevant individual-level data and monitor the state of the field. Data collected by European and international sources do provide a basis for assessment, albeit a relatively limited one.

For instance, it appears that the cognitive abilities and skills of the Greek population are rather poor. According to the OECD's survey of adult skills, Greece ranks relatively low in terms of information-processing skills (OECD, 2015). As regards literacy, measured as the ability to understand and respond appropriately to written texts, 26.5% of adults in Greece were found to have poor skills (at or below Level 1 in literacy), which is far above the OECD average of 18.9%. The share of adults in Greece who score at the highest levels of proficiency in literacy stands at around 5%, which is also lower than the OECD average (10.6%). Differences in skills proficiency which relate to sociodemographic characteristics do exist, but these are not particularly pronounced, especially among age-groups. Students' performance is also alarming. In the 2018 PISA study, the mean reading score of Greek students was 457 on the PISA scale, which is lower than the OECD average of 487. A downward trend has also been noted: the average reading performance achieved by students at the age of 15 seems to have reached its peak in 2009, and to have been steadily declining since (OECD, 2018b). When it comes to digital skills across the population, levels have improved, though Greece is consistently below the EU average. According to Eurostat, the proportion of citizens with basic or below basic digital skills in Greece was 51% in 2009 (EU average, 58) compared with 44% in 2015 (EU average, 55).<sup>126</sup>

## 6. Conclusion

Since the democratic transition of the mid-1970s, the development of the Greek media has been closely associated with the structure of the country's political economy and the trajectory of the interconnections between the domestic political system and the media. This has defined how the media operates as well as the ways in which journalists engage in reporting and, more generally, perceive their role. Media regulation and the sector itself have transformed over time in line with changing economic conditions and the new possibilities introduced by digitalization and technological evolution. The liberalization of the broadcasting sector in the late 1980s stands out as a turning point in the development of the Greek media. Over the past twenty years, the economic recession, digitalization, and processes of convergence have emerged as forces creating new risks and opportunities for the operation of the media. However, they have not affected all of the four domains under study to the same extent.

In the legal domain, constitutional provisions provide guarantees for freedom of expression, recognize the freedom of the press, safeguard freedom of information, and define the values that the media should serve along the lines of the public interest and other normative principles. Regular and intense law-making, which is a key characteristic of the Greek legal order, has fleshed out the constitutional guarantees thus set forth. Legal amendments seek to respond to present-day conditions along with technological and other challenges, often following EU regulatory action in the field. In designing and implementing laws and regulations for the media, the balancing that takes place between freedom of expression, freedom of information, and other rights and interests seeks to reconcile competing positions without curtailing freedom of expression and the right to information. Nevertheless, some risks can be identified. This is the

<sup>126</sup> See [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc\\_sk\\_dskl\\_i&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_sk_dskl_i&lang=en).

case, for instance, with the recent amendments made to the Criminal Code to combat disinformation, which have been criticized for clearing the way to censorship due to their vague wording. Greece also appears to lack a genuine freedom of information legal framework: the material scope of existing legislation is restricted to access to administrative documents, access requests have to be justified, and there is no independent oversight body with binding decision-making powers and the ability to impose sanctions. Judicial practices in media-related cases have also, at times, been found by the ECtHR to result in unnecessary restrictions.

In the domain of ethics, the problems are longstanding. Approaches to accountability are patchy and do not address the dynamics and challenges of the digital age. The system of professional accountability rests with the journalists' unions and does not involve the media organizations. As such, it cannot guarantee that ethical standards are being applied and respected in reporting. Similarly, accountability instruments are also lacking at the organizational level, since the Greek media have generally refrained from engaging in individualized or collective self-regulation. All these present serious risks for the domain of media accountability.

The impact of the economic recession and digitalization has been felt more strongly in the domain of journalism. These have had far-reaching repercussions on the context in which journalism has operated, affecting media market structures, working conditions and reporting practices. Economic hardship has threatened the fragile sustainability of the media market and put journalists' employment conditions under strain, narrowing the space for journalistic autonomy. Digital transformation is often cherished by Greek journalists for its potential to help them perform better and more efficiently. However, it has also created new burdens on the practice of the profession, as journalists are now required to master ICT tools and skills and adapt their reporting practices accordingly. The precise effects of such developments have yet to crystallize, though journalism does appear to be in a state of transition with journalists and the media having to redefine their role in this context.

In the domain of media usage, the preceding analysis shows that digitalization and the diffusion of the internet has had a profound impact on media access, increasing diversity in terms of the media on offer. Media supply has expanded with the addition of online media outlets and alternative news sources. However, patterns of low trust in the media persist, and this also applies to the public service broadcaster. The latter has not been able to gain credibility, with citizens deploring political pressure on its operation. Certainly, the major source of concern in this domain is the absence of comprehensive data collection structures, which prevents the regular assessment of the entire media sector in terms of users' media access. The data compiled is fragmented, which undermines efforts to gain knowledge on the state of the field.

In the domain of media-related competences, media literacy has been gradually institutionalized in response to EU-level developments and the challenges introduced by digitalization. This is also reflected in the incorporation of elements of media education in the school curriculum, although the emphasis is mainly on ICT skills and digital competences. All in all, a thorough media policy strategy has yet to be developed. Civil society is active in the field, where it has implemented numerous initiatives, often in collaboration with public actors and within the framework of EU projects and networks. This creates a dynamic that could be further bolstered by streamlining and coordination, so as to ensure that all target groups are covered and the impact maximized. Efforts should also be made to improve the collection of individual-level data on user competences. Existing data covers a limited set of aspects and does not allow the risks and opportunities relating to media-related competences and user autonomy in the changing media environment to be identified.

Concerning the influence of different actors in driving risks and opportunities in the domains under study, the role of the state cannot go unremarked on. State actors obviously play an important role in defining the legal context in which free speech and freedom of information can

be exercised. EU-level rules and international human rights also contribute to the design of the legal framework. State influence is also clearly discernible in the domain of journalism. Media policy-making has been highly centralized, reflecting efforts to keep a close eye on the operation of the media. This has impacted journalistic professionalism, fed into the marginalization of the public service broadcaster, and undermined the role of the media regulator. Nonetheless, the latter has recently taken steps to revitalize its regulatory activities; the transposition of the revised Audiovisual Media Services Directive in July 2021 has also increased its competences. For their part, commercial news media have in general refrained from investing in quality journalism. It is to be noted that the Greek media have not set up media accountability instruments, and that they do not participate in the existing system of professional self-regulation. The latter involves only the journalists' unions and their members. The analysis also shows that several other actors engage in data collection and research into aspects of journalism, media usage and media-related competences, while civil society is much involved in media literacy initiatives. This does not, however, suggest that these actors play an important role in driving risks and opportunities for the Greek media.

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## List of expert interviews

Telephone interview with Dr. Sofia Papadimitriou, Head of Educational Radiotelevision and Digital Media, Ministry of Education and Religious Affairs; Tutor - Counselor, Hellenic Open University. 26 October 2022.

Skype Interview with Lambrini Papadopoulou, Assistant Professor, Department of Communication and Media Studies, National and Kapodistrian University of Athens. 27 October 2022.

Telephone Interview with Christina Akrivopoulou, Doctor in Constitutional Law (Aristotle University of Thessaloniki). 2 November 2022.





# HUNGARY

## Critical junctures in the media transformation process

Ágnes Urbán, Gábor Polyák and Petra Szávai – Mertek Media Monitor

### Executive Summary

In the research period between 2000 and 2020 several critical junctures can be determined that have universally designated the development of media not just in Hungary, but in other participating countries as well. There are some country-specific developments, too. The advent of online media thanks to the broadband Internet technologies from 2000, joining to the European Union in 2004, the rise of social media from the second half of the first decade, the world economic crises from 2008, the constitutional majority victory of Fidesz in 2010, the migration crisis, the so-called “Orbán-Simicska war” in 2015 and the coronavirus pandemic in 2020. Some of these junctures created risk and opportunities in all domains of the media system, the legal environment, the media market and the situation of journalism, the media usage habits and the field of media literacy. The Hungarian media situation is particularly complex. If we look at the variables defined in the theoretical background of the Mediadelcom project, which aims to capture the guarantees that ensure the conditions for deliberative communication, we can see that there are few areas in this respect where we cannot identify serious risks.

## 1. Introduction

### 1.1. About Hungary

Hungary has a population of 9.7 million<sup>127</sup> with a steady declining trend since the 1980s and an ageing society. According to the last census in 2011, around 84% of the population declared themselves as being Hungarian, the country recognises 13 ethnic minorities, the biggest ones are the Romani and German minorities.<sup>128</sup>

In Hungary the GDP per capita was 18772 USD in 2021<sup>129</sup>, which is 40% lower than the OECD best performers.<sup>130</sup> The employment rate was 73.1% and the unemployment rate was 4.1% in 2021 (among the 15-64 years old population). The performance of the Hungarian economy has been growing steadily since 2013, with one of the highest growth rates in the EU in 2018 and 2019. As a result of the restrictive measures taken to control the coronavirus epidemic, the Hungarian economy's activity also declined significantly in 2020, but the macroeconomic indicators have recovered to pre-pandemic levels in 2021.

<sup>127</sup> Hungarian Central Statistical Office (KSH) data 2022  
[https://www.ksh.hu/docs/hun/xftp/idoszaki/mosz/mosz\\_2021.pdf](https://www.ksh.hu/docs/hun/xftp/idoszaki/mosz/mosz_2021.pdf)

<sup>128</sup> Hungarian Central Statistical Office (KSH) data 2011 [https://www.ksh.hu/nepszamlalas/tablak\\_nemzetiseg](https://www.ksh.hu/nepszamlalas/tablak_nemzetiseg)

<sup>129</sup> World Bank (2021), GDP per capita  
<https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2021&locations=HU&start=1991&view=chart>

<sup>130</sup> OECD (2022), Hungary Economic Snapshot <https://www.oecd.org/economy/hungary-economic-snapshot/>

Hungary has been a constitutional parliamentary democracy since 1990. The Hungarian Parliament is made up of one chamber, the National Assembly is elected by parliamentary elections every four years – it has the legislative powers and can amend the constitution by a 2/3 majority. Since 2014, the electoral system has been single-rounded, favouring the big parties and biased towards the winner. Since 2010, the conservative, right-wing Fidesz party led by Viktor Orbán has been in government, and in coalition with the Christian Democratic People's Party they have a constitutional majority in the Hungarian parliament. In September 2022, after 12 years of this supermajority government in power, the European Parliament voted in favour of the report presented by rapporteur Gwendoline Delbos-Corfield about the situation of rule of law, democracy and human rights in Hungary, and declared that the country is no longer a democracy, but a hybrid regime of electoral autocracy.<sup>131</sup>

## 1.2. The Hungarian media system

The characteristics of the Hungarian media system can be described as the so-called polarised pluralist model, based on the concept of Hallin and Mancini (Hallin & Mancini, 2004). High political parallelism, low degree of journalistic professionalisation, underdeveloped media market with low print numbers and high level of state (government) intervention are basic features. The development history of the Hungarian media system cannot be separated from the political regime changes of the past. Since the regime change, various governments have sought to expropriate public media and influence the private media market by helping their business circles to expand their media ownership interests. This has led to an underdeveloped media market and a lack of autonomy for journalists, thus hampering the professionalism of journalism. According to Bajomi-Lázár (2016, 2017), the high degree of political parallelism has led to the emergence of "two schools" of journalism in Hungary, one that strives for a neutral, consultative role, and the other that is politically engaged.

After the regime change in 1989-90, the state of democracy in Hungary began to improve, the privatisation of the media has begun with many foreign investors involved, but the first Media Act was adopted just in 1996. The former state media was transformed into public service media, commercial media outlets were established. The consolidation of the new democratic institutions and the market economy took another decade, according to international indexes the state of the Hungarian democracy and the situation of press freedom was following a positive trend (Bajomi-Lázár, 2015e). The advance of digital technologies as a global trend, has brought new challenges to the Hungarian media market as well – global actors, such as Google and Facebook (launched 2008 in Hungarian) became dominant on the Hungarian advertisement market. After the outbreak of the economic crisis in 2008, the advertisement revenues have fallen dramatically on the market of traditional media<sup>132</sup>, but there was a significant growth in online media<sup>133</sup> (Mertek Media Monitor, 2021f). Due to the economic decline foreign investors started to sell their media portfolios. In parallel (and to some extent as a consequence) with these technological and economic changes, a political turning point also occurred in Hungary: the elections of 2010 brought the Fidesz-KDNP government's two-thirds constitutional majority, which persists to this day. A new constitution, a new electoral law and new media laws (with the establishment of a new media authority) were adopted within a short time, and the legislative framework has been changing ever since. 10 years later, severe effects of the new system are clearly visible: the biased and opaque operation of the public service media, the politically

<sup>131</sup> Source: <https://www.europarl.europa.eu/news/en/press-room/20220909IPR40137/meps-hungary-can-no-longer-be-considered-a-full-democracy>

<sup>132</sup> Between 2008 and 2012: 46% decline in print media, 38% decline in television, no data about radio. (Mertek Media Monitor, 2021f, p. 8)

<sup>133</sup> Between 2008 and 2012: 67% increase in online media (Mertek Media Monitor, 2021f, p. 8)

influenced decision-making in the media authority's practices, the total transformation of the media market structure and ownership networks (Mertek Media Monitor, 2021f). One can say, that before 2010 the Hungarian media system was mainly determined by global trends, while since 2010 it has been characterised by political influence rather than market-based considerations. The Hungarian media system has undergone a drastic transformation over the past decade, as demonstrated also by the fact that Hungary has continuously slipped down the annual press freedom rankings of international organisations. The country's rank in the Reporters Without Borders *Press Freedom Index* was the highest in 2006, with Hungary being the 10th freest country among the countries under review. The lowpoint so far was reached in 2021 with the 92<sup>nd</sup> place, when Bulgaria was the only EU country with poorer press freedom than Hungary. According to the latest report, the country has improved its position with the 85th place.<sup>134</sup> In the Freedom House's *Freedom in the World Index*, Hungary was classified as partly free in 2019 and has not improved since then. Concerning the *Freedom on the Net Index*, Hungary has slipped into the partly free category in 2022.<sup>135</sup>

### 1.3. Most important technological, economic, political and social changes in Hungary between 2000-2020

#### 1.3.1. Most important technological changes

In Hungary, the first media laws came into force only in 1996, and a year later the national commercial television channels were launched. In 2000, the rise of broadband Internet technologies marked the beginning of the boom of household Internet access. The first social networking sites appeared in 2002, but they started to develop explosively with the launch of Facebook in 2008. Around the same time, mobile communication technologies also started to gain ground. Digital switchover of terrestrial television was finished in 2013, while digital radio is still not available in Hungary. In the second half of the decade, mobile internet subscriptions and the use of smartphones made a breakthrough among a wide spectrum of society. This, in parallel with the advent of the social networking sites, has significantly transformed journalistic practices (section 3.8) and news media use habits (section 4.3).

#### 1.3.2. Most important economic changes

Among the most significant economic changes affecting Hungary, joining to the EU in 2004 must be highlighted, which also created the possibility of free trade of media products and services. The economic crisis of 2008, in addition to its spill-over effects on other areas, also hit the media market hard, with a drastic drop in advertising revenues in the industry (section 3.2). In 2015 a serious conflict broke out between prime minister Viktor Orbán and his close friend, Lajos Simicska, who was the biggest media oligarch at that time in Hungary. It brought significant changes to the media market, Simicska's media outlets were restructured and closed down in the few years until the 2018 elections, redrawing the domestic media ownership structure (section 3.1). The Covid pandemic in 2020 also brought a dramatic drop in media market revenues, but after a brief setback the market recovered.

#### 1.3.3. Most important social changes

In some groups of the middle and lower classes of society, the habits and beliefs of the communist era continue to live on in a rather stable way. These include a high degree of rejection of the state and state institutions, a willingness to circumvent state and community rules, and a parallel longing for a paternalistic, caring system of institutions that do not require self-activity

<sup>134</sup> Source of data: <https://rsf.org/en>

<sup>135</sup> Source of data: <https://freedomhouse.org>

and self-care. At the end of the first decade of the 2000s, the values and mentality of Hungarian society were more closed than in the Western European countries. Certain groups of society did not attach much importance to civil and political liberties, the social mentality was less tolerant, and people had difficulties in accepting differences. Another Hungarian characteristic is the increasing intolerance and prejudice. After the millennium, the social climate has also become extremely hostile to hate-mongering and incitement (Valuch, 2015). The attitude towards politics remained fundamentally negative after the regime change, still characterised by atomisation and disinterest in public affairs. One of the weaknesses of Hungarian society is the very low degree of solidarity, and with it a high degree of distrust of others and the feeling that individuals can only rely on themselves. Measures of the political behaviour and activity of different groups in society show that the overall level of activity has remained relatively low from the change of regime to the present day. This was reflected in the turnout rates at elections, where 50-60% of eligible voters usually exercised their right to vote (Valuch, 2015). According to the *Standard Eurobarometer 96 (2020-21)* report<sup>136</sup>, the Hungarians are mostly concerned about economic and livelihood issues, but the situation of health care was identified as an important problem. Half of the people are satisfied with the functioning of democracy and the rule of law in Hungary, but there is a significant gap between the left (24%) and right (80%) thinking camps. There is also a less strong, but significant divide in attitudes towards the European Union: 58% of left-wingers and 45% of right-wingers have a positive view of the EU, which together is higher than the EU average.

#### 1.3.4. Most important political changes

The first 20 years of free elections were characterised by a "let's see what the others can do" attitude, with governments of the left and right following each other. After the first term of the democratic republic, the right-wing Hungarian Democratic Forum (MDF), Christian Democratic Party (KDNP) and Independent Smallholders Party (FKGP) government coalition was succeeded by a 4-year term of the coalition of the Hungarian Socialist Party (MSZP) and Alliance of Free Democrats (SZDSZ) in 1994. The 1998 elections gave Viktor Orbán's party, the Fidesz - Hungarian Civic Alliance its first victory for one term in coalition with the FKGP and MDF. Between 2002 and 2010 Socialist Party governments were again in power (in coalition with SZDSZ between 2002 and 2008). The scandal that erupted after the "Ószöd speech" and the accompanying series of anti-government protests, as well as the economic crisis from 2008 have led to significant loss of support for the MSZP government, in 2010 Fidesz came to power and in coalition with the Christian Democratic Party formed a two-thirds majority in the Parliament. This coalition has been able to stay in power in the 2014, 2018 and 2022 elections.<sup>137</sup>

#### 1.3.5. Most important changes in the media policies

The first media laws were adopted in 1996, but the EU legal framework and major technological changes made the need for a new law very urgent by the end of the 2000s. The introduction of the legislation which was drafted for 2008, failed, and the new media laws were presented with the constitutional majority of the second Orbán government in 2010. Two important laws on the media were passed by the Parliament in 2010: The Act CIV of 2010 on the Freedom of the Press and on the Basic Rules for Media Content (Press Act, Smtv.) – it contains all the basic rules on media content and provisions on the status of journalists, and Act CLXXXV of 2010 on Media Services and Mass Media (Media Act, Mttv.), which contains rules on the structure of the media system. At the same time, a new media authority was also established. 2013 brought the adoption of the new Civil Code, one year later an advertising tax was adopted and the National Com-

<sup>136</sup> Source of data: <https://europa.eu/eurobarometer/surveys/detail/2553>

<sup>137</sup> Based on the data of the National Election Office (NVI) <https://www.valasztas.hu/web/national-election-office/parliamentary-elections>

munications Agency was created. In 2015 the public service media was transformed and a stricter freedom of information law was introduced. In 2018 a pro-government media conglomerate, the Central European Press and Media Foundation was established, classified as national strategic importance and bypassing market concentration rules. The pandemic in 2020 brought the strengthening of the Criminal Code with the adoption of the "fake news" law. In 2021 the so called anti-LGBTQ law (Child Protection Act) introduced a stricter content control in the media.

## 1.4. Assessment of monitoring capabilities

There are a decent number of sources available for studying deliberative communication in Hungary. Data and research are fragmented, there are limited, but not unprecedented longitudinal monitorings. For the study of the four domains, we have information for almost every variable - some of it from quantitative, some from qualitative approaches. The most coherent area of study is media law research, which has excellent experts and a high level of specialization in its various subfields. The most fragmented topics are journalism and media literacy, which have a wide range of studies based on qualitative, small sample study traditions but little specific quantitative data. To analyse the variables of media usage domain there are sufficient quantitative data even in a longitudinal perspective from the beginning of the 2010s. Accountability is by far the most under-researched area, which is due to the topic's neglect also in its practical application.

The most important risks for media research lie primarily in the structural changes affecting the university-academic sector: institutions are currently vulnerable mainly in the area of financial autonomy, but it is still uncertain what impact the changes will have on their professional autonomy (case study 1, sections 1.2 and 1.3.1). Another serious risk is that there is no journalism education at the university level in Hungary. Professional training courses organised by the different professional actors are trying to counterbalance this problem, but they cannot replace tertiary education (case study 1, section 1.3.1).

The government's education and R&D policy is moving towards greater support for the natural sciences, with less and less funding for both teaching and research activities in the humanities and social sciences, including communication and media studies. As opportunities, international research projects, measurements and indices should be mentioned, as well as national organisations, mainly NGOs, which have taken on the role of monitoring the situation of the media in Hungary. These NGOs are able to conduct project-based research on different media issues with the help of foreign funding.

## 2. Risks and Opportunities of Legal and Ethical Regulation Domain

### 2.1. Development and agency of change

The two conceptual variables that define the legal domain, freedom of expression and freedom of information, are recognised as fundamental rights in the constitutions of all EU Member States, including Hungary, in accordance with the Charter of Fundamental Rights and European Convention on Human Rights treaties.

The period covered by the Mediadelcom project, can be divided into two parts in terms of legislation: before and after 2010. The Hungarian Constitution, which was effective between 1989 and 2010, was replaced by the Fidesz-KDNP's constitutional majority parliament. Since the

adoption of the *Fundamental Law of Hungary*<sup>138</sup> it has been amended several times, in 2022, the 10<sup>th</sup> amendment extended the government's powers to declare a state of emergency<sup>139</sup>, a legal order that allows decisions with serious implications also for the media to be taken. In 2010, Act I of 1996 on Radio and Television Broadcasting was repealed and replaced by *Act CLXXXV of 2010 on Media Services and Mass Media* (Mttv., Media Act), and Act II of 1986 on the Press was repealed, replacing it by *Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content* (Smtv., Press Act). In the following year, Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Data of Public Interest and Act XC of 2005 on Freedom of Information by Electronic Means were replaced by *Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information* (Infotv., Privacy Act). When analysing the variables of the legal regulation connected to media, we also look at several other areas of Hungarian law that affect the issues we are examining. For example, in 2012 a new Criminal Code<sup>140</sup> entered into force, and in 2013 a new Civil Code<sup>141</sup> as well.

The 2010 media laws woke wide national and international criticism among political and civil organisations, such as the European Commission, the European Parliament, the OSCE Representative on Freedom of the Media or the Commissioner for Human Rights of the Council of Europe. (Commissioner for Human Rights, 2011; Directorate General Human Rights and Rule of Law, 2012; Jakubowicz, 2010) Before the adoption of the laws there was no social consultation, neither opposition parties, professional bodies nor NGOs were consulted about the draft legislation. With the new press and media laws and the extended supervision and sanctioning powers of the media authority, media regulation in Hungary now covers all platforms: television, radio, print media and the internet. While the Press Act imposes certain content obligations on all platforms, the Media Act keeps regulation differentiated in specific areas, thus the legislator continues to place the greatest regulatory burden on linear media services.

The Hungarian media authority, the *National Media and Infocommunications Authority* (NMHH), was also created in 2010, merging its two predecessors, the National Radio and Television Authority (ORTT) and the National Infocommunications Authority (NHH). So, it is a convergent authority that acts as the regulator of telecommunications and media markets as well. In the field of media regulation, the NMHH is represented by the *Media Council*, which has independent powers and is the successor to the ORTT. Operation of the authority is constantly under fire from the professional as well as the academic field, mainly because of its dependence on the government parties and the resulting problematic procedures. According to the Media Pluralism Monitor 2022 Hungary is rated as medium risk on the independence of the media authority (Bátorfy et al., 2022). Several analyses and studies have been published on the issues around the authority over the last 10 years (Dezséri, 2011; Directorate General Human Rights and Rule of Law, 2012; Lampé, 2011; Majtényi, 2011; Mertek Media Monitor, 2015a, 2016a, 2017, 2018a, 2021c; Nagy, 2010, 2011, 2016a, 2016b; Polyák & Nagy, 2015; Polyák & Rozgonyi, 2015; Polyák & Urbán, 2016; Vincze, 2012a, 2012b; WAN IFRA, 2013). According to a number of national and international experts and investigators, the regulatory environment and decision-making practices of the Media Council raise serious concerns. Although the Media Act provides formal safeguards for independence, the election of the Media Council's members and chairman clearly gives the possibility of political influence. The Media Council has been a politically homogeneous

<sup>138</sup> See the text: <https://www.parlament.hu/documents/125505/138409/Fundamental+law/73811993-c377-428d-9808-ee03d6fb8178>

<sup>139</sup>The amendment of Article 53 (1): "**In the event of an armed conflict, war or humanitarian disaster in a neighbouring country, or in the event of a natural disaster or industrial accident endangering life and property, or in order to mitigate its consequences, the Government shall declare a state of danger, and may introduce extraordinary measures laid down in a Cardinal Act.**"

<sup>140</sup> Act C of 2012 on the Criminal Code

<sup>141</sup> Act V of 2013 on the Civil Code

media authority since 2010. The Media Council's chairman and members are appointed for nine years, the current members of the Council will remain in office until 2028.

The most obvious evidence of political bias in the last years was the authority's practice of allocating radio frequencies (Nagy, 2016a, 2016b; MerteK Media Monitor, 2021c). The tendering system is too complex and overly formalised, which results in many tenders being excluded on formal grounds, often leading to lawsuits. Tendering procedures are not sufficiently transparent, so there is no way to comprehensively and meaningfully evaluate the authority's decisions (MerteK Media Monitor, 2015a). In the past decade the Media Council's decisions in the frequency tenders have transformed the whole radio market with the vast majority of independent radio stations disappearing. Inadequate cross-ownership rules in media laws allow the possibility to the Media Council of biased decisions. The regulator has authorised all acquisitions and mergers involving pro-government players, while it has stopped the mergers involving independent actors. The practice of the Media Council serves almost exclusively the expansion of those close to the ruling party, which has resulted in a distorted and unbalanced media market (MerteK Media Monitor, 2021c).

The *Constitutional Court* has a decisive role in issues of freedom of expression, freedom of information and freedom of the press<sup>142</sup>, which is mainly due to the fact that the constitution adopted after the regime change was laconic on these topics, and a detailed media law was not passed until 1996. The most important precedents in the case law of the Constitutional Court date back to these years. The first decision on the freedom of the media was taken in 1992 in which the Constitutional Court established the framework and objectives in line with European constitutional traditions.<sup>143</sup> The practice of the Constitutional Court concerns several fundamental aspects of media regulation, such as the development of a pluralistic media system, the independence of media supervisory bodies, the relevance of public service broadcasting and a stricter regulation of media content (Polyák & Nagy, 2015). However, after the 2010 parliamentary elections also the powers of the Constitutional Court were significantly reorganised in the 2011 constitutional revision and in the new Act CLI of 2011 on the Constitutional Court. Point (5) of the final provisions of the new Fundamental Law states that "*Constitutional Court rulings given prior to the entry into force of the Fundamental Law are hereby repealed. This provision is without prejudice to the legal effect produced by those rulings.*" In its case law after 2012, the Constitutional Court may cite or refer to the arguments and legal principles developed in the repealed Constitutional Court decisions, indicating them as references. While before 2012, anyone could request an a posteriori constitutional review of a given piece of legislation, after 2012 only the government, a quarter of the MPs, the Commissioner for Fundamental Rights, the President of the Curia and the Prosecutor General can initiate such a procedure (Schiffer, 2018). A law amendment voted in 2019 allowed members of the Constitutional Court to sit on the Supreme Court (Kúria) without being nominated. In October 2020, Zsolt András Varga, a constitutional judge was elected President of the Supreme Court. The case has caused a huge public outcry, with many seeing this level of blurring the boundaries of the different branches of power as another attack against judicial independence.

The Hungarian justice system has been criticised by international institutions over the past decade. The *Venice Commission* of the Council of Europe regularly deals with the Hungarian legal

<sup>142</sup> Some of the most important decisions concerning media regulation: Constitutional Court Resolution No. 37/1992. (VI. 10.) AB; Constitutional Court Resolution No. 47/1994. (X. 21.) AB; Constitutional Court Resolution No. 61/1995. (X. 6.) AB; Constitutional Court Resolution No. 22/1999. (VI. 30.) AB; Constitutional Court Resolution No. 766/B/2002. AB; Constitutional Court Resolution No. 1006/B/2001. AB; Constitutional Court Resolution No. 1/2005. (II. 4.) AB; Constitutional Court Resolution No. 46/2007. (VI. 27.) AB; Constitutional Court Resolution No. 37/2008. (V. 8.) AB; Constitutional Court Resolution No. 165/2011. (XII. 20.) – according to Polyák & Nagy, 2015.

<sup>143</sup> Constitutional Court Resolution No. 30/1992. (V. 26.) AB

system – since 2011, it has issued more than 20 opinions<sup>144</sup> on Hungarian regulatory issues, including the 2015 changes to the Media Act and the introduction of an advertising tax (European Commission for Democracy Through Law, 2015). Institutions of the European Union also criticize the Hungarian justice system in different procedures.

- The European Parliament launched the Article 7(1) TEU procedure<sup>145</sup> against the Hungarian government in 2018 for breaching EU rules and values, such as the independence of judiciary, freedom of expression and information, academic freedom and minority rights.<sup>146</sup> Apart from a few hearings before the European Council, no progress has been made so far, but sanctions may result in the suspension of the voting rights of the country.
- The European Commission has already launched infringement proceedings against Hungary in several cases, for example because of regulations targeting refugees, NGOs or the Central European University. Many aspects of these laws were later found by the European Court of Justice to be incompatible with EU law.
- The Commission's Rule of Law Reports (2020, 2021, 2022) specify major problems with democratic values and standards in Hungary, among others the independence of the media council, the government's influence over the media market and obstacles to journalists' access to information.
- The Commission launched the conditionality mechanism against Hungary in April 2022 – if the Commission finds that EU funds are not being used for their intended purpose, it can take financial measures. In the areas of public procurement, spending of European budgets, audits, monitoring, clearance of accounts, transparency, fraud prevention and corruption, Hungary seems to be most problematic, but the Commission also found the detection of irregularities inadequate. Hungary has not joined the *European Public Prosecutor's Office*.

From a legal point of view, the government has found a decisive instrument in recent years, which, even with their two-thirds majority, makes legislation without consultation even more effective. In March 2020, in response to the COVID-19 pandemic, the government declared a "state of emergency" and the parliament passed the widely condemned Authorisation Act<sup>147</sup>. The special legal order allows the government to govern by decree and was extended several times in 2020 and 2021. Before the deadline of the declared state of emergency due to the coronavirus would have expired on 31 May 2022, the newly formed Orbán government (authorised by the 10th amendment of the Constitution) declared a state of emergency due to the war in Ukraine on 24 May.

## 2.2. Freedom of expression

In Hungary *freedom of expression* is a constitutional right, which together with freedom of the press are recently recognised in the (1) and (2) paragraphs of Article IX of the Fundamental Law

<sup>144</sup> Access: <https://www.venice.coe.int/webforms/documents/default.aspx?country=17&year=all>

<sup>145</sup> European Parliament resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2017/2131(INL))  
[https://www.europarl.europa.eu/doceo/document/TA-8-2018-0340\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0340_EN.html)

<sup>146</sup> „(...) the concerns of Parliament relate to the following issues: the functioning of the constitutional and electoral system; the independence of the judiciary and of other institutions and the rights of judges; corruption and conflicts of interest; privacy and data protection; freedom of expression; academic freedom; freedom of religion; freedom of association; the right to equal treatment; the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities; the fundamental rights of migrants, asylum seekers and refugees; economic and social rights.”

<sup>147</sup> Act XII of 2020 on the containment of coronavirus

of Hungary.<sup>148</sup> Between 1989 and 2011 the same paragraphs of Article 61 of the Hungarian Constitution guaranteed these fundamental rights. In line with ECtHR rulings, Hungarian Constitutional Court Resolution No. 37/1992 (VI. 10.) AB states: *"Freedom of expression is exercised in a specific way in the context of freedom of the press. Freedom of the press must be guaranteed by the state in the light of the fact that the 'press' is a privileged instrument for obtaining the information necessary to make an opinion, to express and form an opinion (...) The press is not only an instrument of free expression, but also of information, i.e. it plays a fundamental role in informing the public, which is a prerequisite for forming an opinion."* The Press Act (Article 7, paragraph 1) also provides guarantees *"(...) protection against any pressure from the owner or the sponsor aimed to influence the media content (editorial independence and journalistic freedom of expression)."*

Explicit **restrictions upon freedom of expression** are found in the (4) and (5) paragraph of Article IX of the Fundamental Law.<sup>149</sup> They prohibit the violation of dignity of others, the Hungarian nation and any national, ethnic, racial and religious community. In conflict with other fundamental rights, such as the right to integrity and reputation<sup>150</sup> the Fundamental Law also contains restrictions to freedom of expression. Relevant sections of the Civil<sup>151</sup> and Criminal<sup>152</sup> Codes, the Press Act<sup>153</sup> and Media Act<sup>154</sup> and several Constitutional Court decisions<sup>155</sup> are also related to the restrictions of this fundamental right, which regulate issues, such as hate speech, the protection of public morals, the protection of personal rights and disinformation. The generic term "hate speech" covers several offences regulated in the Criminal Code, such as the "crime of incitement against the community<sup>156</sup>", "public denial of the crimes of the national socialist and communist regimes<sup>157</sup>", "insulting a national symbol<sup>158</sup>", "the crimes of using authoritarian symbols<sup>159</sup>". Also, the Civil Code has a paragraph about hate speech<sup>160</sup>, which entitles a member of a community to enforce his/her personality rights in case of a false and malicious statement was made in public for being part of the community. These crimes can be committed not only through the media, but they also constitute a restriction on the freedom of the press, so the

<sup>148</sup> (1) *Everyone shall have the right to freedom of expression.*

(2) *Hungary shall recognise and protect the freedom and diversity of the press, and shall ensure the conditions for the free dissemination of information necessary for the formation of democratic public opinion.*

<sup>149</sup> (4) *The right to freedom of expression may not be exercised with the aim of violating the human dignity of others.*

(5) *The right to freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community. Persons belonging to such communities shall be entitled to enforce their claims in court against the expression of an opinion which violates their community, invoking the violation of their human dignity, as provided for by an Act.*

<sup>150</sup> Article II and VI of the Fundamental Law

<sup>151</sup> Act V of 2013 on the Civil Code, Section 2:42, 2:43, 2:44, 2:45, 2:54

<sup>152</sup> Act C of 2012 on the Criminal Code - Article 331, 332, 333, 334, 335, 336, 337, 338

<sup>153</sup> Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content – Article 4, 17, 19

<sup>154</sup> Article 14 Act CLXXXV of 2010 on Media Services and Mass Communication – Article 14,

<sup>155</sup> Such as: Constitutional Court Resolution No. 30/1992. (V. 26.) AB, Constitutional Court Resolution No. 36/1994. (VI. 24.) AB, Constitutional Court Resolution No. 20/1997. (III.19.) AB, Constitutional Court Resolution No. 12/1999. (V. 21.) AB, Constitutional Court Resolution No. 18/2004. (V. 25.) AB, Constitutional Court Resolution No. 95/2008. (VII. 3.) AB, Constitutional Court Resolution No. 96/2008. (VII. 3.) AB; Constitutional Court Resolution No. 1006/B/2001. AB, Constitutional Court Resolution No. 165/2011. (XII.20.) AB

<sup>156</sup> Article 332 of the Criminal Code

<sup>157</sup> Article 333 of the Criminal Code

<sup>158</sup> Article 334 of the Criminal Code

<sup>159</sup> Article 335 of the Criminal Code

<sup>160</sup> Section 2:54, paragraph (5) of the Civil Code

Press Act<sup>161</sup> and the Media Act<sup>162</sup> contain provisions against hate speech. Media contents are not allowed to incite hatred against communities, and also prohibited to exclude these communities (Article 17 of the Press Act), before broadcasted contents viewers or listeners have to be warned if the content is disturbing, violent or may hurt someone's convictions (Article 14 of the Media Act). The protection of public morals can also be a reason for restrictions on freedom of expression, and according to the Constitutional Court, the protection of children is also based on this principle.<sup>163</sup> Article 4 (3) of the Press Act says: *"The exercise of freedom of the press shall not constitute a criminal offence or an incitement to commit a criminal offence, shall not be contrary to public morality and shall not infringe the personal rights of others."* The protection of children is regulated in principle in the Article 19 of the Press Act, the general rules for all types of platforms are explained in the (1), (2), (3) and (4) paragraphs. More detailed rules are applied for linear and on-demand media services through the provisions of age classification in the Articles 9, 10 and 11 of the Media Act.

One priority area where freedom of expression is restricted is the constitutional right to integrity and reputation<sup>164</sup> - **defamation** is still punishable in Hungary. Media regulation does not protect individual rights, because it defines public interest limits on press freedom, and media regulation can only be concerned if the media content in question threatens the subsidiary fundamental right of human dignity, the institutional aspect of human rights. Personal rights are a matter for civil and criminal law. The protection of integrity and reputation is safeguarded by the Civil Code<sup>165</sup>, the violation of this right is subject to the Criminal Code.<sup>166</sup> The crime of defamation (Article 226) is committed by *"[a]ny person who engages in the written or oral publication of anything that is injurious to the good name or reputation of another person, or uses an expression directly referring to such a fact [...]"* The penalty can be imprisonment up to one year, and up to two years if the defamation was committed with malicious motive, before large public or causing a significant injury of interest. The crime of slander/libel (Article 227) applies to someone who, in addition to the provisions laid down in the legislation on defamation, uses an expression or commits any other act of harming the other's reputation in connection with his or her professional duties, public position or activities in the public interest, and is punishable by imprisonment for up to one year.

The protection of the reputation and honour of public figures is weaker than in general (Section 2:44 of the Civil Code<sup>167</sup>), because the discussion of public affairs is to some extent a more important consideration than the protection of the personality rights of the criticised individual. However, the exact criteria for defining a public figure are not clear and the widening of the scope of this category is a worldwide trend. For both public figures and those exercising public power and performing public duties, it is possible to determine what scope of their activities and data are public. It is the public role and not the public figure that is important, so that be-

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<sup>161</sup> Article 17 (1), (2) of the Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content

<sup>162</sup> Article 14 Act CLXXXV of 2010 on Media Services and Mass Communication

<sup>163</sup> Constitutional Court Resolution No. 165/2011. (XII.20.) AB

<sup>164</sup> Article II and VI of the Fundamental Law

<sup>165</sup> Act V of 2013 on the Civil Code, Section 2:45 - *"(1) The integrity of a person is considered violated when a false and malicious oral statement is uttered publicly to damage that person's reputation, and to make people have a bad opinion of such person. (2) Defamation means when something bad about someone that is not true, or a true fact with an untrue implication is published or disseminated in an abusive attack on that person's good name."*

<sup>166</sup> Article 226 and 227 of the Criminal Code

<sup>167</sup> *"Exercising the fundamental rights relating to the free debate of public affairs may diminish the protection of the personality rights of politically exposed persons for overriding public interest, to the extent necessary and proportionate, without prejudice to human dignity."*

yond their public role their privacy rights are usually preserved in their entirety - but not in all cases (Koltay, 2019b).

The Constitutional Court's case law suggests that subjective expressions of opinion and unintentional misrepresentations of fact against public figures do not constitute a criminal offence (Polyák, 2017), but in practice lower courts are less experienced in applying ECtHR principles (Bayer et al., 2021, p. 69). A comparative study on SLAPP cases in the Member States of the European Union found that seven Member States, including Hungary, have a particularly high number of SLAPP cases, that can be considered common practice (Bayer et al., 2021, p. 43). According to the report, in Hungary journalists, bloggers, activists and academics or researchers are most typically targeted by strategic lawsuits (Bayer et al., 2021, p. 69).

According to a recent research of the Hungarian Civil Liberties Union (HCLU, TASZ), political actors and public institutions are used to initiate legal proceedings against press products. According to the journalists and newsrooms consulted, and in many cases also on the basis of final judgments, these were predominantly unjustified actions. Often, the purpose of such lawsuits is to induce a kind of self-censorship on the editorial offices and to tie up human and financial resources – the potential success of the lawsuit is therefore a secondary consideration (Hungarian Civil Liberties Union, 2021, p. 37).

In the case of false allegations in the press, the institution of a press rectification is available in the Hungarian legal system. Currently, the basis of the press rectification is contained in Section 12 of the Press Act, while the framework for its enforcement is set out in Sections 495-501 of Act CXXX of 2016 on the Code of Civil Procedure. While the former legal source sets a 5-8 days deadline for rectification, the latter gives the offended party 30 days to file a request for press rectification. Thus, a correction may be published 35 days after the article in question. In the event that the press product does not publish the correction, an action may be brought before the competent regional court, which in the case of most nationwide portals is the Metropolitan Court of Budapest (Timár, 2019). For years, the *Átlátszó* news portal has been following the development of the press-rectification lawsuits at the Metropolitan Court. In their analysis, they show in how many cases the independent and pro-government media lost relative to the number of lawsuits filed. Between 2017 and 2021, 260 lawsuits were filed against independent media, of which 40 ended with conviction (15%), and 700 lawsuits against pro-government media with 382 convictions (55%).<sup>168</sup>

In recent years, there have been a number of highly publicised defamation cases in which, in the view of some, decisions have been taken that restrict and threaten the freedom of the press. Júlia Halász, a journalist for 444, was covering a public Fidesz campaign rally in 2017, when she was first banned from filming, then later had her phone taken away and was not allowed to go back to get the camera tripod she had left in the venue. According to the journalist, a Fidesz politician also dragged her by the arm. The politician later sued the journalist for defamation, who also filed a criminal complaint for physical assault. According to the editor-in-chief of the newspaper, the investigating authority's handling of the assault case was problematic because it closed the case unsuccessfully without investigating it properly, while the journalist was convicted for defamation also by the second level court, which did not consider certain evidence, such as the testimony and video footage in support of the journalist's claim.<sup>169</sup> A prominent case was also the series of lawsuits against the government-critical news site, *Magyar Hang*, in which the staff of the Directorate General for Social Affairs and Child Protection initiated defamation,

<sup>168</sup> Közel 400 pert vesztett 5 év alatt a Fidesz-barát média, ebből 103-at az Origo bukott [Nearly 400 lawsuits lost by pro-Fidesz media in 5 years, of which Origo lost 103] <https://atlatszo.hu/kozugy/2022/02/23/kozel-400-pert-vesztett-5-ev-alatt-a-fidesz-barat-media-ebbol-103-at-az-origo-bukott/>

<sup>169</sup> Source: <https://media1.hu/2021/05/13/masodfokon-is-a-fideszes-politikus-nyert-a-halasz-julia-a-444-hu-ujsgiroja-elleni-ragalalmazasi-perben-a-rangatasi-ugyben/>

press rectification and personality lawsuits on a total of nine occasions, after the news portal published a series of investigative articles on the organisation's suspicious corruption affairs. After lengthy proceedings, the cases were all closed by 2022, and the story ended well: the news portal won all the court cases, and in the meantime all the executives involved in the exposed corruption case were dismissed.<sup>170</sup>

Hungary also restricts freedom of expression in relation to the *dissemination of fake news or scaremongering*.<sup>171</sup> According to the Section 337 of the Criminal Code, in case of committing the crime of scaremongering (at the scene of public emergency before wide public) the person can be punished by imprisonment for up to three years. The Hungarian Parliament adopted the Coronavirus Protection Act<sup>172</sup> on 30th March 2020, which also amended the Criminal Code's rulings on scaremongering. The original paragraph (1) was modified by adding that the scaremongering can only be committed in connection with the public danger, but also a new paragraph was added to the law, which introduced a new criminal offence, the impediment of the defence during a special legal order. The new legislation criminalises not only false statements that disturb public order, but also those that are capable of hindering the effectiveness of the defence (e.g. against a virus). It also strengthens criminal penalties, as the offence is punishable by from one up to five years' imprisonment.

The new criminal law created a lot of uncertainty in the journalist community when it was introduced. The Constitutional Court soon sought to clarify the interpretation of the law in a resolution.<sup>173</sup> After the law came into force, proceedings were launched mainly for social media posts, most of which did not result in prosecution. One of the country's most famous viral sceptics, György Gődény, who questioned the usefulness of the restrictive measures on his own high reach website, was also prosecuted – initially sentenced to suspended prison, but then reduced to a fine of 100,000 HUF (250 Euro) in the first instance. The case is still ongoing, with the prosecutor appealing for an aggravation and the defendant for a reversal.

Although the labeling of articles from independent and opposition media outlets as “fake news” had already started among government officials and in pro-government expert circles and media even before the regulation was introduced (the public service media news also had a special topic on them<sup>174</sup>), the regulation was not used directly against journalists. However, it made difficult for them to find sources on the pandemic, because many, especially health workers, were feared to disclose information publicly.

The issue of personal rights in the Hungarian legal system is divided in two with regard to the conceptual variables of the Mediadecom project's legal regulation domain: one part of this area of law is related to the fundamental right of freedom of expression, which is regulated by the Press Act in addition to the Fundamental Law and the Civil Code, and the other part is related to freedom of information, which is regulated by the Act on Informational Self-Determination and Freedom of Information<sup>175</sup>. Thus, in relation to the media, the first one includes, for example, the rights of public figures to privacy or the questions about public affairs and privacy, the second one includes the rights to the *protection of personal data*.

<sup>170</sup> Source: <https://hang.hu/belfold/a-szocialis-es-gyermekvedelmi-foigazgatosag-es-a-vezetok-pereltek-mi-nyertunk-136373>

<sup>171</sup> Act C of 2012 on the Criminal Code – Section 337.

<sup>172</sup> Act XII of 2020 on the Containment of Coronavirus

<sup>173</sup> Constitutional Court Resolution No. 15/2020. (VII.8.) AB

<sup>174</sup> See for an analysis: Bódi, J., Polyák, G. & Urbán, Á. (2022). Az álhír fogalmának átalakulása a közszolgálati híradóban: A Híradó.hu álhírekkel kapcsolatos tartalmainak elemzése 2010–2020 [The transformation of the concept of fake news in public service news: an analysis of Híradó.hu's news related content 2010-2020]. *Médiakutató*, 23(1), 7-26.

<sup>175</sup> Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information

The Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information (Privacy Act) covers the entire area of protection of personal data. In 2018, when the General Data Protection Regulation (GDPR) was implemented, this law was kept in force, but significantly amended in order to comply with the GDPR rules.<sup>176</sup> The GDPR places the handling of the conflict between the protection of personal data and freedom of expression in the hands of national legislation. Article 85 says that Member States are empowered to grant exemptions and derogations from the principles and rights of data subjects in order to reconcile conflicting interests (e.g. for journalistic purposes).

According to a report of the Hungarian Civil Liberties Union about the misuse of data protection rules in Hungary, “recent decisions by Hungarian courts and of the National Authority for Data Protection and Freedom of Information undermine the freedom of press and put extreme burden on the daily work of journalists and the press.” The human rights NGO found three types of GDPR-related **SLAPP-strategies** that can block journalists from publishing their piece. 1) *Preliminary injunction prior to initiating a civil lawsuit*. Data subjects typically find out that a report is being made through questions raised by the journalists. They typically ask a civil court to prohibit the processing of their personal data, and if such an injunction is granted, it can prevent not only publication but also the investigative journalistic research itself. 2) *Initiating a civil lawsuit to finalize prior restraint by injunction*. Data subjects have about one month to file a lawsuit if they want the injunction mentioned above to remain in force. Certain procedural tricks, such as filing a lawsuit with missing information, can delay the closure of the case. Applicants do not even have to file a lawsuit if their request is accepted, so they can achieve their goal of delaying the publication for example of a fast-outdated matter without the burden of a court case. 3) *Initiating the investigation of the national data protection authority*. Data subjects lodge a complaint to the national data protection authority against the publisher of the media outlet that produces the report with their personal data. The complainants allege unlawful processing of their personal data, and that their right to be informed about the processing is infringed (Bodrogi, 2021; Hungarian Civil Liberties Union, 2020).

In 2020, court ordered Forbes.hu to remove the names of the owners of Hell Energy (which company owes much of its growth to state support from public funds) from its list of the 50 richest Hungarians. According to the owners, the news portal processed their personal data unlawfully, in violation of the GDPR. The National Authority for Data Protection and Freedom of Information later fined Forbes a total of €6,000 in two cases<sup>177</sup> for breaching GDPR rules on personal data. The case received major international attention, several human rights and journalist organisations have expressed concerns that such an official interpretation of the GDPR will undermine journalistic reporting and is likely to have a serious chilling effect.<sup>178</sup> The same company has another pending case with the independent outlet, Magyar Narancs, which wanted to publish an investigative article about the family’s past criminal activities. Leaving out the disputed data, the portal, forced into self-censorship, then wrote a long article about how they wanted to silence them.<sup>179</sup> In their report, Bayer et al. (2021) valued as an opportunity, that NGOs play a third-party role in lawsuits and bring international human rights arguments in the

<sup>176</sup> Act XXXVIII of 2018 amending Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information and other related acts in connection with the data protection reform of the European Union

<sup>177</sup> Source: <https://naih.hu/files/NAIH-2020-838-2-hatarozat.pdf> and <https://naih.hu/files/NAIH-2020-1154-9-hatarozat.pdf>

<sup>178</sup> International Press Institute <https://ipi.media/court-orders-recall-of-forbes-hungary-following-gdpr-complaint/>; Article19 <https://www.article19.org/wp-content/uploads/2022/03/A19-SLAPPs-against-journalists-across-Europe-Regional-Report.pdf>; Freedom House <https://freedomhouse.org/country/hungary/freedom-net/2021>

<sup>179</sup> See the respective article: <https://magyarnarancs.hu/belpol/avalon-sotet-lovagjai-133995>

defence. Such as HCLU in both cases mentioned above, provide pro bono legal assistance to journalists (p. 66).

In 2021, Hungary has fully implemented the **Copyright** in the Digital Single Market (CDSM) Directive (2019/790/EU) in the Act XXXVII of 2021 on Copyright Reform, which has amended the Act LXXVI of 1999 on Copyright. The Act provides the guarantees and the necessary exceptions for the press to exercise the right of freedom of expression.<sup>180</sup> By definition, “*copyright protection shall not extend to facts and daily news items which serve as a basis for press reports*” (Section 1, paragraph 5). According to the regulation “*anyone shall be entitled to quote, true to the original and to the extent justified by the character and purpose of the recipient work, parts of works on the condition of indicating the source and the author specified in the original work*” (Section 34, paragraph 1). Also extracts from public lectures and political speeches may be freely used to a justified extent for information purposes (Section 36, paragraph 1), and articles published or news items broadcasted on current economic or political topics may be freely reproduced in the press (Section 36, paragraph 2).

We are not aware that the journalism profession is under any threat of restrictions due to copyright legislation.

### 2.3. Freedom of information

**Freedom of information** in Hungary is recognised by the paragraph (3) of the Article VI in the Fundamental Law<sup>181</sup>, and the details are set out in the Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information (Privacy Act). The Fundamental Law lays down the right to access and disseminate data of public interest in connection with the protection of personal data. The supervision of the application of the right to the protection of personal data and to access to data of public interest is the responsibility of an independent authority (Article VI, paragraph 4), which is the Hungarian National Authority for Data Protection and Freedom of Information<sup>182</sup> (NAIH).

Possible **limits of freedom of information** are defined by conflicts with other constitutional rights, the Section 27 of the Privacy Act specifies the interests for which other laws may restrict the exercise of freedom of information, and also defines the scope of data for which public access may be excluded under certain circumstances. These are the protection of personal data, classified data, business secrets and pre-decision data. Act CLV of 2009 on the Protection of Classified Information details the scope of public interests that can be protected by classification.<sup>183</sup> The Civil Code<sup>184</sup> regulates the issue of trade secrets.

Paragraph (1) of Section 26 of the Privacy Act sets out as a general requirement for bodies or persons performing state or local government tasks or other public duties defined by law that public interest data in their control shall be made available to anyone upon request. Chapter III of the Act provides detailed rules on access to data of public interest. The media is one of the most important tools for enforcing the fundamental right to information. The Press Act (Article 9) contains provisions for public bodies about their obligation to provide the necessary information and data to the media content providers, but this does not mean, that the press enjoys any privileges as regards the rules on **access to data of public interest**.

<sup>180</sup> Act LXXVI of 1999 on Copyright, § 1 (5), § 34 (1), § 36 (1), (2)

<sup>181</sup> “(3) Everyone shall have the right to the protection of his or her personal data, as well as to access and disseminate data of public interest.” Between 1989 and 2011 the paragraph (1) of Article 61 of the Hungarian Constitution guaranteed this fundamental right.

<sup>182</sup> Access: <https://www.naih.hu/about-the-authority>

<sup>183</sup> Source: <https://net.jogtar.hu/jogszabaly?docid=a0900155.tv>

<sup>184</sup> Act V of 2013 § 2:47 (1)

All public bodies are obliged to make a certain scope of public interest data, which have to be mandatory published as prescribed by law, available to the public (Section 32 of the Privacy Act). In the context of the fight against the coronavirus, the government has introduced further restrictions on freedom of information, extending the deadline for fulfilling public interest requests from 15+15 to 45+45 days.<sup>185</sup> Public bodies regularly decline to provide answers or charge excessive financial compensation for the release of data.

The Press Act contains some additional privileges for journalists. For example, they are exempted from the legal consequences of infringing the law in order to obtain information of public interest (Article 8), if the particular piece of information could not have been obtained by any other manner or the difficulties would have been out of proportion, the infringement did not constitute a serious breach of the law, and the information was not obtained in violation of the Act on the Protection of Classified Information.

The **protection of journalists' sources** (together with documents and other items related to the protected informant) is ensured by the Press Act<sup>186</sup>, which only allows the disclosure of sources in criminal proceedings by the order of the court. The court can only order a journalist to reveal the source of information if three conditions are met. Firstly, if the identity of the person providing the information is essential for the investigation of a deliberate criminal offence punishable by imprisonment of up to three years or more. On the other hand, if the evidence expected from it cannot be replaced by any other means. Finally, where the interest in detecting the offence clearly outweighs the interest in protecting the source of the information. According to the Constitutional Court, it is not the person of the informant or the information itself, but the confidential relationship between the informant and the journalist which is the subject to the protection.<sup>187</sup>

The Press Act provides the possibility for journalists to refuse to testify, and the procedural legislation<sup>188</sup> has been adapted accordingly. As regards the practical implementation of the source protection regulation, we can still see inconsistent court rulings, and there have been several cases in which the obligation to disclose the source was considered problematic. There were also cases where the court did not even give sufficient reasons for its decision.

One of these cases was the Oszter-case. In 2014, a famous Hungarian actor, Sándor Oszter, was caught by the police for drink-driving. A few days later, a tabloid newspaper reported the incident in detail. The article also reported information that could only have been known by the investigating police officers or the suspect himself. It was suspected that there had been an internal leak and an investigation was launched for malpractice. The journalist was summoned as a witness, but refused to testify on the grounds of source protection. However, the court ruled that the identity of the informant was essential to the investigation of the crime and that this interest overrode the right to source protection, and therefore ordered the journalist to reveal his source.

The case that most violated journalists' right to protect their sources occurred in 2021. A group of international journalists, including staff from the Hungarian investigative news portal Direkt36, revealed that independent journalists were being monitored by the Hungarian authorities using the Pegasus spyware. Hungary was the only EU country involved in the case. Surveillance of journalists or other citizens is allowed only for law enforcement or crime prevention purposes. Despite the international scandal, no one in Hungary took responsibility for

<sup>185</sup> Government Decree 521/2020 (XI. 25.) - on the derogation from certain provisions on requests for data during an emergency

<sup>186</sup> Act CIV of 2010, § 6 SMTV.

<sup>187</sup> Constitutional Court Resolution No. 165/2011. (XII.20) AB

<sup>188</sup> Act CXXX of 2016 on the Code of Civil Procedure, Act I of 2017 on the Code of Administrative Procedure

the case, and in June 2022 the prosecutor's office closed the investigation due to “the absence of a crime”.

Hungary has not yet implemented the EU Whistleblowing Directive into its national legislation, although the **protection of whistleblowers** is already guaranteed through the Act CLXV of 2013 on Complaints and Public Interest Disclosures<sup>189</sup>. The Complaints Act is the closest in terms of regulation to the Whistleblowing Directive among the Hungarian laws in force. Articles 13-16 of the Complaints Act deal with the rules for the operation of employer abuse reporting systems, however the Act does not require organisations to operate such a system yet.

CLV of 2009 on the Protection of **Classified Data** regulates classified data. Data must be classified according to the law if its disclosure could harm the public interest. The Privacy Act<sup>190</sup> gives the possibility to protect data connected to a decision-making process, as well. A further restriction on freedom of information may be **trade secrets**, which is regulated by the Civil Code<sup>191</sup>. Businesses that use public funds or assets are not permitted to use the trade secret exception for any of their activities related to those resources. The law requires that information about how they used public funds be made available to the general public.<sup>192</sup> The law gives an opportunity of legal remedy in case of classified information: The National Authority for Data Protection and Freedom of Information can examine classified documents in the framework of the secrecy supervisory authority procedure<sup>193</sup> and, if it considers the classification of the data to be unjustified, it may request the classifier to change or remove the classification. But the conditions for the practical implementation of this procedure are not satisfactory. Just as access to information of public interest is in itself problematic for Hungarian journalists, access to classified information is even more so. There are a lot of data request lawsuits, many of which are won by journalists at various levels of court, sometimes only at the Constitutional Court. In the last few years, the government has often classified information or declared cases as a matter of national strategic interest, only to prevent public access or to exclude the case from supervision.

All business companies operating in Hungary, including media companies, must register with the Commercial Court. These registers are available free of charge at the court or electronically. So on the basis of law the **transparency of ownership** should be secured in Hungary – but still it is not. According to *Media Pluralism Monitor 2021* Hungary rates at high risk with 75% in transparency of media ownership, because the implementation of the transparency rules fail to prevent exploiting loopholes in the law. The report says: “*the ultimate or beneficial owners often use proxies and middlemen, or build multi-layered company structures to obscure themselves, journalists still have a chance to investigate ultimate beneficial owners behind companies*” (Bátorfy et. al, 2021, p. 13).

## 2.4. Accountability

### 2.4.1. Development and agency of change

Self-regulation does not have a long history in the Hungarian media: since the regime change there have been mostly isolated initiatives of the media market actors to take self-regulation into their own hands. According to Tófalvy (2013) several organisations and market players in

<sup>189</sup> Source: <https://net.jogtar.hu/jogszabaly?docid=a1300165.tv>

<sup>190</sup> Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information, Section 27.

<sup>191</sup> Act V of 2013 on the Civil Code, Section 2:47

<sup>192</sup> Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information Section 27 (3)

<sup>193</sup> Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information, Sections 62-63.

Hungary have attempted to engage in self-regulation on a narrower scale in the past decades, but the expansion of these initiatives has been hampered by several factors, such as the lack of professional consensus and organisational framework, the over-politicised media system, the over-politicised and outdated legal environment, the fragmentation of the journalistic community, the general lack of resources, the lack of transparency, and readers' lack of interest in quality assurance (Tófalvy, 2013, p. 89). The efforts at self-regulation do not result in a normative system that is acceptable for the journalistic community and the media market as a whole. The competences and the sanctioning tools of the Hungarian regulatory body are strong, one of the reasons for the current uncertainty is that the law in force does not allow independent self-regulatory bodies to decide on certain matters themselves, but only co-regulatory bodies under the contract with the Media Council, with very limited powers. Self-regulation could not become strong enough to counterbalance or limit public intervention in the media sector (Polyák, 2019; Polyák & Uszkiewicz, 2014; Tófalvy, 2013). The strict, wide-ranging legal requirements leave no room for self-regulation by the industry, and the co-regulatory system established by the authority is only enforcing the requirements already laid down in the law.

## 2.4.2. Existing media accountability instruments and their effectiveness

### 2.4.2.1. Professional and market accountability

There are several professional **self-regulatory organisations** in Hungary: Advertising Self-Regulatory Board<sup>194</sup>, Association of Hungarian Content Providers<sup>195</sup>, Hungarian Publishers' Association<sup>196</sup>, Association of Hungarian Electronic Broadcasters<sup>197</sup>, Association of Chief Editors<sup>198</sup>, National Association of Hungarian Journalists<sup>199</sup>, Community of Hungarian Journalists<sup>200</sup>, Hungarian National Media Association<sup>201</sup>, Association of European Journalists Hungarian Section<sup>202</sup>, Association of Protestant Journalists<sup>203</sup>, Hungarian Association of Catholic Journalists<sup>204</sup>, Hungarian Press Union<sup>205</sup>. As the length of the list shows, the field of self-regulation is particularly fragmented in Hungary. Most of the organisations can be considered as NGOs with little influence on self-regulatory issues. Although the first four of these organisations also participate in the work of the media authority as **co-regulators**, representing the different industry players in advertising, print, online and audiovisual media.

According to Polyák (2019), the Act CLXXXV of 2010 on Media Services and on the Mass Media established this specific co-regulation system as an alternative to official control, but in its recent form it is not just inefficient but also carries a number of risks, such as the absence of procedural and transparency guarantees, the possibility of strengthening of self-censorship, or the lack of voluntary initiatives. The contracts between the media authority and the co-regulatory organisations only give them the possibility to decide autonomously on certain issues already regulated by law. However, compared to the text of the acts, their codes of ethics do not provide further explanation or guidance on the interpretation of the law.

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<sup>194</sup> Access: <http://www.ort.hu/>

<sup>195</sup> Access: <https://mte.hu/>

<sup>196</sup> Access: <http://mle.org.hu/>

<sup>197</sup> Access: <https://www.memeinfo.hu/>

<sup>198</sup> Access: <https://foszerkesztokforuma.wordpress.com/rolunk/>

<sup>199</sup> Access: <https://muosz.hu/>

<sup>200</sup> Access: <https://muk-press.hu/>

<sup>201</sup> Access: <https://www.nemzetimediaszovetseg.hu/>

<sup>202</sup> Access: <https://aejhun.hu/>

<sup>203</sup> Access: <http://www.prusz.hu/>

<sup>204</sup> Access: <https://www.makusz.hu/szovetsegunk/>

<sup>205</sup> Access: <http://sajtoszakszervezet.hu/wp/wordpress/>

The co-regulatory system of the media law has not strengthened but further fragmented the system of self-regulation and, as a system that legitimises state regulation and assumes responsibility for its implementation, has reduced the credibility of self-regulation (Polyák & Uszkiewicz, 2014). Unfortunately, information on how many and in which types of cases these co-regulatory bodies act, are available only on the website of one organisation: the Hungarian Publishers' Association published 5 reports of complaints procedures<sup>206</sup> (the last one is dated back to 2018), the Association of Hungarian Content Providers has one report about the cases of 2013<sup>207</sup> - neither on other co-regulators' websites nor in the reports of the media authority are no more data available about their activities.

Regarding *codes of ethics*, the picture is colourful: most of the organisations listed above have their own codices. Currently the organisation with the largest number of actors is the Association of Chief-Editors, which was established in 2012 and has also formulated its own ethical guidelines<sup>208</sup> for its members. There are various forms of cooperation between the different self-regulatory organisations, the initiative that has so far brought together most of the actors is a self-regulatory complaint-handling system, Korrektor.hu<sup>209</sup>, run by the Association of Chief Editors, the Hungarian Publishers Association and the Association of Hungarian Content Providers. The participating organisations consider the code of ethics of the Association of Chief-Editors to be applicable to them. However, their self-regulatory power on media market players is also very limited. The last decision published on the website dates from 2016 (Polyák, 2019).

We do not know much about *editorial accountability tools*. In Hungary, there is no tradition of newspaper ombudspersons. There have been only two cases of a domestic newspaper employing an ombudsman: Magyar Hírlap (from March 2005 to August 2006) and Népszabadság (from March 2007 until the end of 2008) (Tófalvy, 2013, p. 88). There are few press organs that have an independent, organisational code of ethics (Tófalvy, 2013); in most cases, the individual editorial offices apply the code of ethics of professional self-regulatory or journalists' organisation. Tools related to editorial transparency are not a common feature of the domestic media - just as journalists say that ethical issues are not addressed mainly due to lack of resources and capacity, this may also be true in this area. Independent media, which have been struggling with a lack of revenue and funding, have in recent years been trying to survive through crowdfunding, and it is common practice for them to ensure transparency in the use of donations to their supporters.<sup>210</sup>

*Professional self-reflection*, i.e. journalism about the media, is represented by four outlets in Hungary, which provide news and analysis exclusively on the media: Média1<sup>211</sup>, Kreatív<sup>212</sup>, Médiapiac<sup>213</sup> and Marketing és Média<sup>214</sup>. Media-related news and recommendations can also be found on the websites of individual journalists' or self-regulatory organisations. However, the Hungarian media system as a whole, is constantly at the centre of the public discourse, so a relatively large number of articles, analyses and data on the media also appear in the general press. Some national journalists are very active in the professional discourse, regularly participating in events usually organised by NGOs, or as guests in debates and discussion shows. Pro-government and non-government media often reflect on each other's work, although these are

<sup>206</sup> Source: <http://tarsszabalyozas.hu/category/beszamolo/>

<sup>207</sup> Source: <https://mte.hu/tarsszabalyozasi-eljarasok-hatarozatok/>

<sup>208</sup> Access: [https://foszerkesztokforuma.files.wordpress.com/2012/01/c3b6nszabc3a1lyozc3b3-etikai-irc3a1nyelvek\\_2015.pdf](https://foszerkesztokforuma.files.wordpress.com/2012/01/c3b6nszabc3a1lyozc3b3-etikai-irc3a1nyelvek_2015.pdf)

<sup>209</sup> Access: <http://korrektor.hu/>

<sup>210</sup> See for example: <https://telex.hu/belfold/2021/06/02/itt-a-telex-masodik-atlathatosagi-jelentese>

<sup>211</sup> Access: <https://media1.hu/>

<sup>212</sup> Access: <https://kreativ.hu/>

<sup>213</sup> Access: <https://mediapiac.com/>

<sup>214</sup> Access: <https://mmonline.hu/>

mainly practices to reinforce existing fault lines rather than to find common ground or reconciliation. Informal attempts to build a broad professional dialogue often fail, as was the case with the biggest, private Facebook group of Hungarian journalists: after heated debates, pro-government journalists have become inactive in the discourse.<sup>215</sup>

#### 2.4.2.2. Public accountability

The **media critical discourse** on ethical regulation is not only taking place in professional circles, but also within NGOs and the academic sphere. In 2014, after a series of debates based on 10 months of social dialogue, the NGOs Mertek Media Monitor and the Center for Independent Journalism put together an alternative concept for media regulation – also as a kind of critique of the new authority's practices – which includes the decentralisation of media authority tasks and the development of a rethought self-regulatory system. The report takes stock of what can be done in the domestic context in the light of existing good practices abroad (Center for Independent Journalism & Mertek Media Monitor, 2014). In the past decades, some important theoretical and policy-oriented publications have been published on media ethics and self-regulation. From the academic field, Sükösd's and Csermely's edited volume (2001) deals with ethical issues in journalism and focuses on the need to develop professional standards, is from the early 2000s. In 2008, the OSCE's Commissioner for Freedom of the Press, Miklós Haraszti, published a guide in Hungarian on the application of the key elements of media self-regulation (Haraszti, 2008). After 2010, Tamás Tófalvy, media researcher, and Gábor Polyák, media lawyer and researcher of our team, have also repeatedly addressed the topic, and paid special attention to the opportunities of self-regulatory practices in Hungary. These initiatives have not yet found a suitable breeding ground (Polyák & Uszkiewicz, 2014; Polyák, 2019; Tófalvy, 2013, 2015, 2016, 2017).

The Department of Communication and Media Studies at the University of Pécs operates the Hungarian partnersite of the *European Journalism Observatory Network*, which has a permanent column on articles about “quality and ethics”. The goal of the network is “to bridge journalism research and practice in Europe, and to foster professionalism and press freedom.”<sup>216</sup> Despite the regular emergence of calls from almost all actors concerned to deepen professional self-regulation and accountability, the dialogue between academic, civil and professional actors always breaks down. The possible reason for this, both within the academic and journalistic communities, is that there are more pressing problems in the Hungarian media that are tying up resources. The Hungarian journalistic and media research community is – as Bajomi Lázár (2019, p. 53-54) pointed out – at a lower degree on the Maslow pyramid of a healthy media system. We have no information about the ethical aspects of the activities of **non-professional content providers**.

#### 2.4.2.3. Political accountability

The role of the **state regulator** and the co-regulatory system were discussed in the section 2.4.2.1. of this chapter. In Hungary, the **ombudsman** for media affairs is the Commissioner for Fundamental Rights.<sup>217</sup> At the beginning of 2021, the Equal Treatment Authority, the most important anti-discrimination body in Hungary, was abolished and its powers were transferred to the Commissioner for Fundamental Rights, an institution whose independence was already questioned in the 2010s (Majtényi, 2014), and in 2021 the European Network of National Human Rights Institutions (ENNHRI), also proposed to downgrade the Hungarian Ombudsman

<sup>215</sup> Source: Interview with Alinda Veisz on domestic media relations and online content production. Published on Partizán YouTube channel [https://www.youtube.com/watch?v=yRUSEe\\_VC8c](https://www.youtube.com/watch?v=yRUSEe_VC8c)

<sup>216</sup> Source: <https://hu.ejo-online.eu/t%C3%A9m%C3%A1k/ethics-quality>

<sup>217</sup> Access: <https://www.ajbh.hu/>

from grade A to grade B due to the Commissioner's failure to deal effectively with human rights issues related to vulnerable groups such as ethnic minorities, LGBTI, refugees, and migrants. The institution also found constitutional court cases considered to be political in their nature (ENNHRI, 2021).

#### 2.4.2.4. International accountability

Since the beginning of the 2010s, the Hungarian media situation has received attention on an international scale. Among *international journalism organisations*, the International Press Institute is particularly engaged in self-regulation and media ethics. The organisation has also recently approached Mertek Media Monitor to organise the establishment of a Hungarian subsidiary, but the initiative has again failed due to a lack of interest from Hungarian professionals. In 2019, the International Press Institute (IPI), Article 19, the Committee to Protect Journalists (CPJ), the European Centre for Press and Media Freedom (ECPMF), the European Federation of Journalists (EFJ), Free Press Unlimited (FPU) and Reporters Without Borders (RSF) organised a joint mission to map the media situation in Hungary and formulate recommendations to the EU and the Hungarian government (IPI et al., 2019).

In this context, it can also be said that the main concerns of these international organisations dealing with the Hungarian media are much more about fundamental values, such as press freedom or media pluralism, than journalism ethics. There are other *non-journalistic international organisations* active in Hungary that address media-related issues, such as Transparency International<sup>218</sup>, which works on freedom of information, whistleblower protection, promoting social dialogue and supporting investigative journalism. Amnesty International<sup>219</sup> and the Helsinki Committee<sup>220</sup> also have their own Hungarian sections, and are dealing with the freedom of the press as a pillar of the rule of law. They also provide advocacy for journalists. On the *international political level*, the activities of the EU institutions, the UN, the OSCE and the OECD have relevance for the Hungarian media, but also the embassies of some countries have good relations with, and provide subsidies to Hungarian NGOs.

## 3. Risks and Opportunities of Journalism Domain

### 3.1. Development and agency of change

After the regime change, foreign investors entered to the Hungarian media market. Domestic journalism had a significant democratic deficit, and the emergence of foreign investors was seen as a guarantee of sustainability and political independence for the free press. In his research, Galambos (2008) conducted 24 interviews with German and Hungarian publishing executives and editors-in-chief to find out what good practices foreign owners have managed to introduce into Hungarian journalism. To one of the interviewees, their respective investor at the time explained that while they are only minority shareholders, they take a more financial than a professional stance. Galambos concluded that the investors, with primarily profitability in their mind, implemented Western standards mainly in technological and economic matters, and did not "impose" their ethical, content and quality methods on Hungarian journalists, giving the editorials a free hand.

The Hungarian press was seen by the public as one of the most positive actors in the democratic transition. The ownership structure of media companies in Hungary has changed significantly

<sup>218</sup> Access: <https://transparency.hu/>

<sup>219</sup> Access: <https://www.amnesty.hu/>

<sup>220</sup> Access: <https://helsinki.hu/en/>

since then. After the economic crisis of 2008, the advertising market declined by almost 20 percent, and the regulatory environment became more unpredictable after the new media laws adopted in 2010. Several foreign investors have sold their interests in Hungary, many of them leaving the entire region. They have typically been replaced by domestic political investors linked to the governing party. After the elections of 2014 and 2018, the expansion of pro-government influence in the media has always gained new impetus. This has essentially transformed not only ownership relations but the entire structure of the Hungarian public sphere.

Since the beginning of Fidesz, Lajos Simicska, a close ally of Orbán, has built Fidesz's media empire: in addition to other lucrative businesses he had major interests in several areas of the media value chain. His media outlets supported the Orbán government until the mid-2010s. After 2014, the beginning of Orbán's third term, internal conflicts arose between the two, and during 2015, an almost "war situation" emerged with political and economic power confronting each other. In response to the government's withdrawal of contracts from his companies, Simicska's previously government-friendly media outlets changed their tune and began to strongly criticise the government. Meanwhile, new pro-government economic actors have gained more and more media interests. After another Fidesz victory in 2018, Simicska "capitulated" and sold his media businesses to pro-government circles.

The **print media market** also started to change in the 2010s, with foreign owners selling all or part of their portfolios. In a few cases, some media outlets were sold to non-government owners (such as the Finnish Sanoma portfolio to Centrál Media, which still operates Hungary's largest independent online news portal, 24.hu), but in most cases – sometimes through indirect transactions – they were taken over by pro-government circles. After 2014, events accelerated in this area as well, with some of the print newspapers (mainly those with a public affairs focus) owned by Ringier and Axel Springer being acquired by an Austrian media company, which in 2016 closed down the largest left-wing daily, Népszabadság overnight, claiming financial reasons. The company, which was then already operating under the name Mediaworks, was then bought by Hungary's fastest-growing oligarch, Lőrinc Mészáros, who entered the Hungarian media market with this acquisition. In the following years, the pro-government entrepreneur took over all the regional newspapers and other media as well, making him the biggest media tycoon of the ruling parties. Currently, the only left-leaning newspaper in the political daily market is Népszava, which has also undergone several ownership changes. Népszava is independent from the government in terms of its content, but our most recent research has shown that there is a grey area of independence in some non-governmental media outlets, because of their financial dependence on the state advertising revenues. Without state sources their operations would probably not be sustainable. There are concerns, that independent editorial principles do not appear to be well served by this dependence (Polyák, Urbán & Szávai, 2022). Several of the tabloid dailies (Bors, Ripost<sup>221</sup>) are also in the pro-government camp. These newspapers have become excellent tools for discrediting opposition politicians. Although a number of political weeklies (Szabad Föld, Figyelő) have also fallen into pro-government hands, it can be said that critical newspapers (Élet és Irodalom, HVG, Magyar Narancs, Magyar Hang, Jelen) continue to dominate this field.

The Media Council's tendering practices since 2010 led to a radical transformation of the *radio market* as well, reducing competition, increasing market concentration and shrinking both the number and importance of local radio stations. One of the biggest transformations happened in the national commercial radio market, where the Media Council did not open a new tender for the licence of the previously bankrupted national commercial radio station (Neo FM – owner with left-wing party affiliation), but used it to broaden the coverage area of the public service radio stations. This move ended competition in the national commercial radio market. In 2016,

<sup>221</sup> Its print version closed in 2022.

the Simicska-owned Class FM also lost its frequency, which was only acquired in 2018 by another pro-government player to operate Retro Radio, the only countrywide commercial radio station left in Hungary. Several franchised radio stations (Rádió1, Karc FM), which are also linked to the government, have also won local frequencies in a row. In 2021 the famous government-critical talk radio, Klubrádió lost its last remaining frequency in Budapest, after the media authority refused to extend its frequency licence, citing six cases of administrative violations during its seven years of operation. The case attracted a strong international response and the European Commission launched an infringement procedure against Hungary. Almost the same happened to Civil Rádió before, in 2019, but that case has not caused such an international public reaction. The changes in the radio market pose an even greater risk, considering that Hungary has not been able to consolidate the digital radio system, and DAB+ was finally switched off in 2020.

The most important event in the *television market* was the takeover of TV2, one of the two big free-to-air commercial channels, by government commissioner Andy Vajna, in 2015. Since Vajna's death in 2019, the broadcaster has remained in the hands of pro-government investors. After the 2014 elections, the other big commercial channel, RTL Klub (owned by the Luxembourg-based RTL Group) was also at the centre of government attacks. The government introduced an advertising tax, the clear aim of which was to financially exploit the market-leading tv channel. Under pressure from the RTL Group and the European Commission, the government later backed down and changed the tax rates, but this did not change the fact that RTL Klub has been strongly critical to the government in its news programmes ever since. With the amendment of the Media Act in 2014, public service media has undergone a significant restructure, with the launch of several new channels and the transformation of the main channel, M1, into a 24-hour news channel.

Despite the fact that several news portals are in pro-government hands, the most balanced picture is still in the online media. Many journalists who have lost their jobs or quit due to changes in the last decade have been absorbed by the *online news portal market*. The two big online news portals that have been around since the beginning of the internet in Hungary, Origo and Index, seem to have fallen victim to the pro-government takeover. Origo became part of the pro-government media empire in 2015 and it became the flagship of the propaganda. In the case of Index 2020 marked a turning point in the ownership structure. The context is very complex, but also a demonstrative story, how the pro-government forces slowly strangled the independent news site and then took over full control. In the summer of 2020, when the owner fired editor-in-chief Szabolcs Dull, almost the entire editorial staff resigned, ending Index's history as an independent newspaper. Most of the editorial staff in case of both news portals left after the takeover, and new, independent media outlets (Direkt36, Telex) were created by the journalists. The newly launched pro-government news portals are not achieving a breakthrough in their readership, independent media enjoying the highest reaches. This is due to the predominance of government media in almost all other segments, citizens, who are seeking diverse perspectives, turn to online media. The independent journalists have found their place in the online sphere, creating smaller and larger newsrooms, which are constantly struggling to survive. However, they are increasingly able to rely on community funding, which maybe does not bring them long-term stability, but does relieve them to some extent from political and economic pressures.

On 28 November 2018, the owners of most pro-government media outlets offered their media companies free of charge to a non-profit company, the Central European Press and Media Foundation (KESMA). In one day, 13 media companies joined the foundation and none of them received anything in return. Although the foundation is non-profit, its position in the media market is troubled by the huge merger behind it. The combined turnover of the media companies that joined the foundation was HUF 55.7 billion in 2017 (Mertek Media Monitor, 2019). The

Foundation has a monopoly position in the market for county-level daily newspapers in all 19 counties; the same is true for the national commercial radio market, where Retro Radio is the sole broadcaster; and in the free tabloid market, where Metropol is the only print publication. At its launch, it held a dominant position in the news television market under the control of Hír TV and Echo TV<sup>222</sup>, through Bors and Ripost<sup>223</sup> also in the tabloid market, and in the online news market as well. Origo.hu is one of the leading online newspapers in Hungary, while 888.hu and Mandiner.hu are also important right-wing online outlets. With its flagship daily, Magyar Nemzet the Foundation is also present in the national political daily market, which boasts only two titles. In total, 476 media brands joined KESMA, significantly increasing the concentration of media ownership in Hungary. An amendment to the Competition Act in 2013<sup>224</sup> gave the government the power to declare this merger one "of national strategic importance", which exempts them from the otherwise mandatory review by the competition authority.

In recent years, it has become apparent that Fidesz's attempts to shape the structure of the public sphere are not limited to its influence over media companies. Figures linked to the government have begun to emerge in all segments of the media ecosystem. In 2018, when the departing colleagues of the direction-changing Magyar Nemzet founded the government-critical weekly Magyar Hang, no printing company in Hungary could be found that would dare to print the paper. The weekly has been printed in Slovakia ever since. From the summer of 2021, the Hungarian Post is no longer involved in the delivery of daily newspapers. The only non-government daily newspaper, Népszava, is almost the only loser of this decision, as Mediaworks, which operates a network of county dailies, has its own distribution channels. The sales house market has also seen the emergence of a pro-government giant, Atmedia, which sells advertising time to both TV2 and public service channels, as well as a number of smaller channels. Competition in this market has also been significantly distorted. The state is biased in its use of advertising agencies close to the government (such as New Land Media), which in turn place advertisements mainly in pro-government media outlets.

In the *Media Pluralism Monitor 2022*, Hungary is rated with high risk (80%) in all media market factors: transparency of media ownership (81%), news media concentration (72%), online platforms concentration and competition enforcement (79%), media viability (75%) and commercial and owner influence over editorial content (95%) (Bátorfy et al., 2022).

## 3.2. Market conditions

### 3.2.1. Size of market for journalism

The major problem with the public statistics available about the media market is that they contain aggregated data, and do not distinguish between entertainment and serious journalism media, which would be relevant to examine the deliberative role of the press. Some media market data collected by market research firms are often available on a subscription basis, and even more often are not available for research or publication purposes at all, but just for internal use by market players only. The same is true for the data collected by the media authority on media services, as the aggregated data of the *providers registered in each segment* also do not give information about the share of entertainment and serious journalism. According to the data from the authority, in 2021 there were 10301 press products (6681 print and 3620 online), 363 linear audiovisual media services (8 national, 39 regional, 307 local and 9 online), 272 linear radio services (1 national, 37 regional, 110 local, 11 community and 111 online) and 182 on-

<sup>222</sup> Closed in 2019.

<sup>223</sup> Closed in 2022.

<sup>224</sup> Act CCI of 2013 amending Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices and Certain Provisions of the Act on the Proceedings of the Hungarian Competition Authority.

demand services (162 audiovisual and 21 radio). The number of public service media services was 142 (7 audiovisual, 7 radio, 2 on-demand and 126 online).<sup>225</sup>

We also do not have exact data on the *number of journalists* in the society, Róka's analysis for the *Worlds of Journalism Study* is giving an estimate of around 8,000 (Róka, Frost & Hanitzsch, 2017, p. 7).

*Advertising revenues* fell by around 20% as a result of the 2008 economic crisis, and the total advertising market did not reach its pre-crisis level until the outbreak of the coronavirus, which also bought a further 2.8% decline in 2020. As in other countries as well, the growth of the digital advertising segment is the dominant trend in Hungary. With this parallel a particular problem emerged: a considerable part of the advertising revenues in the digital segment are not generated by content providers but by the large global digital platforms. According to a research conducted by IAB Hungary and PWC, 59% of digital advertising revenues went to global corporations (e.g. Google, Facebook), while only 41% went to local providers.<sup>226</sup> The *Advertising Pie 2020* published by the Hungarian Advertising Association shows that from the 240 billion HUF of total advertising revenues 0,5% was the share of cinema, 4,2% of radio, 8,5% of outdoor advertisement, 15,4% of print press, 26,7% of television and 44,7% of digital media. Global digital players retrieved 26,4% of the total Hungarian advertising revenues.<sup>227</sup>

State advertising practices have been a long-standing problem in the Hungarian media market. Even before Fidesz came to power in 2010, the ruling governments favoured the media loyal to them with state advertising. However, the dramatic rise of the numbers in the 2010s reveals the clear political motivation behind the allocation of the expenditures. While in 2011 the state advertising spending amounted to 18.4 billion HUF, in 2018 it went up to 98.8 billion HUF<sup>228</sup> (Bátorfy & Urbán, 2019). In 2020, 86% of state advertising landed in the pro-government media (Mertek Media Monitor, 2021a, p. 43). Allocating public money in this way seriously distorts the media market, with many media outlets receiving so much of their revenue from state advertising that they could not operate profitably without it. In the case of the largest market players, Urbán analyses the data about their total revenues from the publicly available database, showing the dependence of media outlets on public advertising revenues (Mertek Media Monitor, 2015a, 2016a, 2017, 2018a, 2019, 2021a, 2021b). The 2020 data show that most of the media outlets with the highest state advertising shares in their revenues are close to the government, but the leading media outlet on this list is Népszava, the last government-independent political daily on the market. This means that, despite being critical of the government in its content, yet almost 80% of its advertising revenues come from state sources – this implies a high degree of dependence on the state (Mertek Media Monitor, 2021b, p. 45). That way, state advertising expenditure can currently be considered as a form of state aid, which seriously infringes EU competition law, that is why in 2019 Mertek Media Monitor, Klubrádió and former MEP Benedek Jávor lodged a complaint for the European Commission.<sup>229</sup>

Apart from state advertising expenditure media has only very limited possibilities of “*state support*”: audiovisual and radio service providers can benefit from the Hungarian *Media Patronage Programme*, which aims to support the production of public service radio and television programmes and the operating and development costs of these services.<sup>230</sup> The law does not

<sup>225</sup> Source: National Media and Infocommunication Authority (NMHH), <https://nmhh.hu>

<sup>226</sup> Source: [https://iab.hu/wp-content/uploads/2021/04/IAB\\_HU\\_Adex\\_2020.pdf](https://iab.hu/wp-content/uploads/2021/04/IAB_HU_Adex_2020.pdf)

<sup>227</sup> Source: [https://mrsz.hu/cmsfiles/26/97/MRSZ\\_2020\\_media-communication-spending\\_presentation\\_ENG.pdf](https://mrsz.hu/cmsfiles/26/97/MRSZ_2020_media-communication-spending_presentation_ENG.pdf)

<sup>228</sup> Calculated with list prices.

<sup>229</sup> More information about the complaint: <https://mertek.eu/en/2019/01/29/state-advertising-spending-in-hungary-an-unlawful-form-of-state-aid/>

<sup>230</sup> For more information in Hungarian see: <https://tamogatas.mtva.hu/rolunk/>

specify the total amount of funding or the percentage of each target area. In 2020, the available budget was HUF 910 million.<sup>231</sup> The *National Culture Fund's*, the NKA's mission is to support cultural objectives, but the media is not explicitly mentioned as an objective for funding. In practice, however, both public media and other media actors receive support for the production of content and for their operations. The funds are awarded through public tenders. The NKA's primary source of funding is a 90 percent share of gaming tax of the five-number-lottery operated by Szerencsejáték Zrt. (WAN Ifra, 2013, p. 21).

### 3.2.2. Concentration of resources for journalism

The prevention of **concentration in the media market** and the limits required on linear media service providers are defined in the Article 68 of the Media Act. A linear media service provider with at least 35% audience share either on the television or radio market, or 40% on both, cannot acquire a new media service. In the same chapter, the Act sets out criteria for media service providers with significant influence, that they must also meet certain public interest requirements. The Media Council acts as an expert authority in the proceedings of the Competition Authority on issues concerning concentration of media ownership. In 2011, it prevented the merger of the (foreign-owned) publishers Axel Springer and Ringier.<sup>232</sup> In 2014, the two companies sold their portfolios to an Austrian company, which was then given the green light to proceed with the merger. The newly created publishing company, Mediaworks became part of Lőrinc Mészáros' business network in 2016, and in 2018 it was eventually transferred without examination by the Competition Authority to the media conglomerate giant, KESMA.

Traditional *concentration indicator* calculations are generally not available for the Hungarian media market. An exception is a book chapter published by Urbán in 2015, where she calculated C4 ratio and Herfindahl-Hirschman Index for the state advertising spendings – she compared the spending of the pre-2010 left-wing government and the post-2010 right-wing government separately for the different media market segments. She found that based on the calculated indicators the concentration of the state advertising expenditures became notably higher after 2010 (Urbán, 2015a). Urbán also analyse the biggest market players' revenues to assess the market share of pro-government and independent/non-government media. She looked more closely at the extent of market concentration in 2018, after the creation of KESMA. According to her calculations, in 2018, the pro-government media empire held 66.2% of financial resources, and when the resources spent on public service media were also included, the figure showed 79.3% (Mertek Media Monitor, 2019, p. 57). This means that news media independent from the government did their job with only 20.7% of the market resources. However, it is interesting to

<sup>231</sup> Source:

[https://nmhh.hu/dokumentum/220547/nmhh\\_orszaggyulesi\\_beszamolo\\_mediatanacs\\_tevekenyseg\\_2020.pdf](https://nmhh.hu/dokumentum/220547/nmhh_orszaggyulesi_beszamolo_mediatanacs_tevekenyseg_2020.pdf)

<sup>232</sup> About the case see these assessments:

Gálik, M. & Vogl, A. (2011). Az új médiakoncentráció-szabályozás első vizsgálója: az Axel Springer és a Ringier kiadói csoport meghiúsult összeolvadása a magyar piacon [The first test of the new media concentration regulation: the failed merger of Axel Springer and Ringier publishing groups in the Hungarian market]. *Médiakutató*, 12(3). Article 6.

Géczi, K. (2012a). Az Axel-Springer - Ringier fúzió a Médiatanács előtt [The Axel-Springer - Ringier merger in front of the Media Council]. *In Medias Res*, 1(1), 122-133.

Gálik, M. & Vogl, A. (2012). Még egyszer az Axel Springer és a Ringier kiadói csoport meghiúsult összeolvadásáról, illetve az új médiakoncentráció-szabályozásról [Once again on the failed merger of Axel Springer and Ringier publishing groups and the new media concentration rules]. *In Medias Res*, 1(2), 273-287.

Géczi, K. (2012b). ...és még egyszer az Axel Springer – Ringier ügyről: Válasz Gálik Mihálynak és Vogl Artemonnak [...and once again on the Axel Springer - Ringier case: Reply to Mihály Gálik and Artemon Vogl]. *In Medias Res*, 1(2), 288-296.

note, that the share of media with different orientations in reach and media consumption is not aligned with these numbers: although pro-government media dominate in the consumption of the adult population as well, they only make up 60% of the total news consumption (Polyák, Szávai & Urbán, 2019). This shows that, despite the considerable resources spent, the government media do not manage to achieve a similar concentration in consumption, non-government media outlets are using their resources more effectively.

The *local media environment* in Hungary has been little analysed, we have just sporadic knowledge, and it is also much more qualitative than quantified. Even by international standards, the domestic market is small and the economic power of local markets is not significant. The viability of local media markets is much lower than the national market's, there is a much smaller potential audience and therefore, much less advertising revenues. So if it were purely market-based circumstances and there were no political pressure, it would still be very difficult for local media to be financially sustainable in Hungary. But political pressure is also present, especially in those municipalities where the local and national leaderships have the same party allegiance. This situation of local journalism was worsened by the closure of the five regional public service media studios in 2011. The county's daily newspapers, which play an important role in public information, are all part of the pro-government Mediaworks and KESMA, also the newspapers of Fidesz-run municipalities convey the government's narrative. Although there are some government critical (online or print) media outlets in local markets, the 'fear' of advertisers to advertise in these media also poses a challenge.

### 3.3. Public service media

It is a widely held view that the Hungarian *public service media* were always loyal to whoever was in power. Before 2010, this manifested itself to a greater or lesser extent in a bias towards the government, but in the past decade it has reached extreme levels. One of the first measures of the new government that came to power in 2010 was the restructuring and total takeover of the public service media. With the 2010 Media Act the previously separate public service media providers were merged into the Media Services Support and Asset Management Fund (the Fund, MTVA). Almost all staff, rights and property of the public service broadcasters were transferred to this Fund. According to the law, the Fund exercises the ownership rights of public service media assets and is responsible, among other things, for producing or supporting the production of public service broadcasting programmes. It is headed by a CEO, who is appointed or dismissed by the president of the Media Council without justification and whose work is not subject to any public body's supervision.

In the first half of the 2010s, public service media services were provided by four companies, but they did not have their own production capacity, so their scope for action was limited to ordering programmes from the Fund. These were: the Hungarian Television (Magyar Televízió Zrt), Duna Television (Duna Televízió Zrt), Hungarian Radio (Magyar Rádió Zrt) and Hungarian News Agency (Magyar Távirati Iroda Zrt, MTI). An amendment to the law in 2015 was primarily aimed at transforming the institutional framework for public service media. As a result, the Duna Media Service Provider (Duna Médiaszolgáltató Nonprofit Kft) was established as the legal successor of the former companies, and became the full provider of public television, radio and online content services, as well as public news agency activities. As the Hungarian public service broadcaster, the Duna Media Service Provider is subject to the outside review of several public bodies specified in the media law (Board of Public Service Foundation, Public Service Fiscal Council, Public Service Council), but in reality, all content acquisition and production are carried out by the Fund, the real public service broadcaster has no resources for the actual performance of these functions. The Fund is subject to the review of a single organisation: the Media Council.

Media Council members were delegated by the ruling party, so there is no independent control over the Fund.

The licence fee system, which used to fund the public service media, was abolished in 2002 and it is now largely funded from the central budget. State support for the Fund was 58.7 billion HUF in 2011 (WAN IFRA, 2013, p. 35), for 2022 this amount exceeds 130 billion HUF.<sup>233</sup> After an amendment of the Public Procurement Act in 2016, the scope of exemptions from the general rules on public procurement has been extended, that way the Fund can acquire programmes without a public procurement procedure. The spending of the Fund is not transparent, it is unclear how much it has spent on certain public service purposes. The Fund disposes taxpayer money without being subject to any meaningful outside control. Since 2016, the European Commission has been investigating a complaint submitted by former MEP Benedek Jávor, Klubrádió and Mertek Media Monitor. EU rules impose strict conditions on the funding of public service media to prevent market distortions of public money. The complaint highlighted that the funding of Hungarian public service media no longer complies with European state aid rules, neither the required transparency nor independent control is being respected.<sup>234</sup>

The operation and financing of the national news agency (MTI) also changed in 2011, as it was integrated into the public service media system. MTI's tasks were extended to produce news programmes for the public service media provider(s). Also its fees were abolished and it offers its news services free of charge to all media service providers. This destroyed the news agency market in Hungary: there was no one to compete with the free services, and commercial competitors went out of business one by one, leaving the state-owned provider in a monopoly position in the market.

The biased editorial practice of the Hungarian public service media is well documented for years (Bencsik et. al, 2018; Mertek Media Monitor, 2016-present; OSCE, 2018, 2022; London School of Economics and Political Science, 2021; Timár, 2022). In the context of the Russian-Ukrainian war, the public media have been criticised for continuing to use Russia Today and Sputnik as references and to spread Russian propaganda.<sup>235</sup> After their complaints to the media authority were rejected, the NGOs Hungarian Civil Liberties Union and Political Capital have turned to the European Commission.<sup>236</sup>

### 3.4. Production conditions

Many aspects of the *production conditions* surrounding journalists can be explored through earlier interview- or survey-based studies (Mertek Media Monitor, 2014, 2015a, 2015b, 2016a, 2017, 2018a, 2019, 2021a, 2021e; Róka et al., 2017; Timár, 2016, 2017; Vásárhelyi ed., 1999, 2007). Unfortunately, we do not have data on some of the operational variables outlined in the journalism domain, such as data on the *digital resources* of newsrooms, the proportion of *multi-media reporters*, the proportion of *investigative journalists*, the number of *foreign correspondents*, or the degree of *monitoring of social media*. However, certain issues are recurring components of research assessing journalists' daily work. Almost all of the identified problems can be traced back to increasing news competition and lack of human resources. Journalists report that they have less and less time to collect materials, check facts and write articles – leading to inac-

<sup>233</sup> Source: <https://njt.hu/jogszabaly/2021-127-00-00>

<sup>234</sup> Source: <https://mertek.eu/en/2020/09/07/ec-complaints/>

<sup>235</sup> See the blogs and reports: Urbán, Á. (2022 March 3). Hungarian government media disseminates Kremlin propaganda. <https://mertek.eu/en/2022/03/03/the-hungarian-government-media-disseminates-kremlin-propaganda/>; Political Capital (2022 May 10). Disinformation in the election campaign – Hungary 2022. [https://www.politicalcapital.hu/news.php?article\\_read=1&article\\_id=3004](https://www.politicalcapital.hu/news.php?article_read=1&article_id=3004)

<sup>236</sup> Source: <https://media1.hu/2022/03/29/fejlelenti-az-europai-bizottsagnal-a-magyar-kozmediat-orosz-propaganda-terjesztese-miatt-a-tasz-es-a-political-capital/>

curacies in both factual and grammatical correctness, which reduce quality. According to a 2016 survey, 58% of journalists primarily collect material online and only 42% do fieldwork in addition (Mertek Media Monitor, 2016a). Another pressing problem for journalists is that it is increasingly difficult for them to obtain necessary information (Mertek Media Monitor, 2021e). This is the result of the unfavourable legal environment surrounding data requests based on FOIA, and also the practice of government politicians of almost never talking to representatives of non-friendly media. Since 2019, not only is it forbidden to take pictures or videos in many places in the parliament building, but the free movement areas for journalists have also been reduced, giving politicians the opportunity to completely avoid the press. During the Covid pandemic, journalists' access to information deteriorated further: not only did the legal deadlines for responding to data requests increase, but journalists' work in almost all areas of public life became more difficult – they are not allowed to film in hospitals, the directors of these institutions are not allowed to make statements to the press, one of the few possibilities to question a government representative, the weekly Government Info, also became "closed" for months, and press staff were not allowed to participate.

The culture of interviewing is also underdeveloped in Hungary. According to a 2018 survey, three quarters of journalists had experienced situations in which it was a prerequisite for the interview to share the questions in advance. Even more common is the expectation by interviewees to avoid certain topics or questions: 80% of respondents experienced some form of this, and a quarter of respondents experienced it regularly, at least once a month. Similarly, there is a widespread expectation that interviews should or should not cover certain topics, with 30% of respondents regularly encountering such requests. In terms of being denied to get access to information of public interest or attempts to block access to such information, nearly three quarters (71%) of Hungarian journalists have experienced and 38% of them do so regularly (Mertek Media Monitor, 2018a). Already in her 2008 study, Lampé explored the issue of the common practice of sending back completed articles to interviewees before publication (Lampé, 2008).

The *Worlds of Journalism Study* asked which factors journalists feel most influential on their production. Among the possible sources of influence listed in the survey, "personal values and beliefs" topped the list for Hungarian respondents. The majority of journalists found that their work was significantly influenced by journalistic ethics, access to information (or the lack thereof), time limits, audience feedback, and editorial superiors (Róka et al., 2017).

Although we have no quantified data, *investigative journalism* still has a high prestige in the domestic scene. There are specialised media outlets, but also smaller and larger newsrooms regularly produce investigative pieces that expose serious issues. An important player in Hungarian investigative journalism is the news portal Átlátszó, which pays special attention to corruption cases of the political elite. Another important profile of the outlet is data journalism, with the work of Attila Bátorfy (also researcher at Eötvös Lóránd University) being a pioneer in the field. He is associated with a number of academically demanding works, several of which are media-related analyses of great relevance to this present research. The investigative portal Direkt36 also publishes large-scale articles, for example they are associated with the international collaborative investigative work that led to the huge international scandal in 2021, the Pegasus-case. These portals are mainly supported by community funding, donations and professional tenders (mainly from foreign donors).

Different forms of *collaboration* are increasingly common among independent media outlets. Joint projects, publication and promotion of each other's articles create opportunities to reach a wider audience. A best practice example was the collaborative project Helyközi Járat (Rural Transit) between 2021 and 2022, a partnership of six independent editorial offices to counter-

balance the capital-centric focus and present the most important issues in rural Hungary, which have also national relevance.

*Cross-platform solutions* also help independent media to reach the widest possible audience. As already mentioned earlier, most independent media outlets are nowadays primarily online, but print newspapers also have an online presence, including a website and a Facebook page. Portals that are exclusively online are very good at benefiting of the internet: building up social media presence (Facebook, Instagram - Twitter has not become widespread in Hungary), launching podcasts or creating video content on their own YouTube channel.

### 3.5. Agency of journalists

In the absence of systematic statistical data and institutionalised journalism research, we have little and sporadic knowledge about Hungarian journalists, but the few surveys (Róka et al, 2017; Timár, 2016, 2017; Vásárhelyi, 2007) and interviews (Mertek Media Monitor, 2015a, 2016a, 2017a, 2018a, 2019a, 2021a, 2021e), that have been conducted provide a good grasp of their situation in the challenging Hungarian media market, as discussed in chapter 3.1. The constant changes in the media market make journalists extremely vulnerable. Much of the independent media experience constant financial insecurity. With the exception of a few large newsrooms, the smaller outlets, which mostly rely on community funding to sustain themselves, are living from month to month. But those working in the media close to the government also cannot feel safe either. They may not know how long the political will is going to keep their outlets alive, which are in many cases financially unsustainable. After the 2022 elections, there have been major cutbacks in pro-government media, with several of the outlets even shutting down.<sup>237</sup>

The prevailing consumer attitude in Hungary is that online content is free. This mentality seems to be changing, with more and more people recognising that independent media need support. According to the 2020 Mertek-Medián news consumption survey, 5% of the adult population supports media products, while among opposition voters this share is 10% (Hann et al., 2021, p. 50).

Based on an interview survey (Mertek Media Monitor, 2021e) journalists consider that the social prestige of journalism is very low. They say the main reason for this is the highly polarised nature of public discourse, and that many journalists in the Hungarian media sector are serving political interests. Politicians try everything to label independent journalists and media as partisan, thereby dragging them into this polarising logic. Some of the respondents admitted that they could not escape this discourse – and even ended up being drawn into it. According to the analyses of Átlátszó, the number of press rectification lawsuits lost could be decisive in the question of how the pro-government and independent journalists perceive their own role. Between 2017 and 2021, 260 lawsuits were filed against independent outlets, of which 40 ended with conviction (15%), and 700 lawsuits against pro-government outlets with 382 convictions (55%).<sup>238</sup>

Based on the experience gained after reviewing the regulatory and media market distortion trends, it is not surprising to see a steady deterioration in the state of journalism, working conditions of journalists and their self-perception as well.

<sup>237</sup> <https://media1.hu/2022/05/26/elbocsatasok-a-fidesz-kozeli-mediahalozatnal/>

<sup>238</sup> See the latest analyses of Átlátszó: <https://atlatszo.hu/kozugy/2022/02/23/kozel-400-pert-vesztett-5-ev-alatt-a-fidesz-barat-media-ebbol-103-at-az-origo-bukott/>

### 3.6. Journalists' organisational working conditions

According to the *Worlds of Journalism Study*, the majority of Hungarian journalists had full-time jobs (61%), 26% worked part-time and 10% freelanced. 67% of those employed full or part-time said they had a permanent position, and 33% said their contract was for a fixed term. 26% of the surveyed journalists worked for print newspapers, 9% for magazines, 37% worked for private or public service television and 7% for private or public radio, 22% for online news sites (Róka et al., 2017). On the *earnings opportunities* of journalists, we only have data from 2007. According to the Vásárhelyi survey (ed., 2007), journalists' wages developed above average in the early 2000s. However, there were significant differences by the place of work and by gender: journalists in the capital earned more than in the countryside, and in the over-40 age group men had better positions with better salaries than women. This survey also addressed the issue of career change. In 2007, 36% of journalists reported an intention to *change their job*. Financial reasons were mentioned by 40% and professional reasons by 32% of them. Journalists were moderately satisfied with professional *training opportunities*, with differences by media type: those working in print and online media were more satisfied than those working in electronic media (Vásárhelyi ed., 2007).

In the 2010s, there has been a focus on how much *political and economic pressure* journalists or newsrooms are facing. In a survey from 2016, a large proportion of journalists considered that political and economic pressures have a strong impact on their daily work. 93% of journalist stated that they experience strong (18%) or very strong (75%) political pressure, and 80% felt strong (36%) or very strong (44%) economic pressure as well (Mertek Media Monitor, 2017). Looking at the main factors of pressure on the media over the years, journalists attributed an increasing impact to public advertising decisions, indirect pressure from politicians, decisions by media authorities and indirect influence from advertisers (Mertek Media Monitor, 2015a). The most common forms of pressure are verbal pressure from editors, editors-in-chief or owners (57% experienced this) or indirect verbal abuse (56%). The question on campaigns by other media or journalists to discredit media workers received a surprisingly high number of affirmative responses, with 41% indicating that they had experienced this. More than a third of respondents (37%) had experienced **threats** of workplace or personal consequences, and almost as many (33%) had been the target of organised feedback campaigns. In Hungary, the threat of legal action is widely used to intimidate journalists. Many journalists have experienced threats of legal action, with almost three quarters of respondents (72%). And more than half, 55%, have faced threats to complain to the authorities, while threats to sue for damages have occurred to 59%, and 41% have actually been sued for doing their job (Mertek Media Monitor, 2018a).

*Mapping Media Freedom* project by the European Centre for Press and Media Freedom operates a reporting platform where journalists can file a complaint or report any grievances or disadvantages they have suffered. For Hungary, we have data since 2014. In terms of the number of complaints received, there were spikes in the mid-2010s, with a significant decline in recent years. It is not yet clear whether journalists have indeed been less offended or whether they have simply adapted to the changed circumstances and avoided problematic situations. Most cases were reported in the topic of "Blocked access to information" (65), "Legal measures" (50) and "Intimidation/ threatening" (45).<sup>239</sup>

### 3.7. Intra-organisational diversity of human resources

The *Worlds of Journalism Study* found that the average age of journalists was 33.17 years, more than half of them were under 30 years old. The proportion of women was 47.5%, which is al-

<sup>239</sup> Project's website and source of data: <https://www.mappingmediafreedom.org>

most exactly the same as the 47% recorded in the Vásárhelyi-survey ten years earlier (Róka et al., 2017). The difference between men and women becomes particularly striking in top management positions: while the male-female ratio for employees is 52-48%, the gap widens to 63-37% for executives (Vásárhelyi ed., 2007). The Media Pluralism Monitor 2022 states that even the public service media does not have a gender equality policy, with only one-third of the department heads being female, and from the eight executives only one being a woman (Bátorfy et al., 2022, p. 26). Regarding place of their origin, 39% of the journalists are from the capital, Budapest, 59% from a large rural city and only 4% from a village (Vásárhelyi ed., 2007). According to the latest survey, journalists are well educated: 53% of journalists have a BA diploma and 20% is qualified on the MA level. 2% have a PhD degree as well. 7% of journalist have begun with some university studies but did not completed it. 68% has a qualification specialized in journalism or communication (Róka et al., 2017, p. 1).

### 3.8. Journalistic competencies, education and training

Employment as a journalist is not obliged to meet any formal criteria in Hungary. Journalists do not have to have a university degree, nor to attend *professional trainings*. Hungarian universities do not offer BA or MA programs in journalism. There are, however courses in communication and media studies, which also train future journalists alongside other communication professionals. In 2013 there were 16 lower-level schools providing journalism training, hosted by journalists' associations and media outlets. This number has probably decreased in recent years (Weyer et al., 2015a; Mester & Torbó, 2019). According to Gödri's interview research, journalists consider that there are fewer and fewer training opportunities, internships and even fewer independent media outlets with satisfying ethical standards to employ journalists. Career starter journalists are in a much more difficult situation than they used to be earlier (Gödri, 2021).

In interviews conducted as part of the *Newsreel* project, journalists said that the most important basic *skills for a journalist* are: the ability to be curious, open-minded, analytical, self-reflective, well-written, able to organise knowledge and willing to learn continuously. Opinions were divided as to whether theoretical knowledge or practical skills were more important: some emphasised the importance of general knowledge (good reading comprehension, public and cultural awareness) and professional competences (press and media history, media genres, ethics, basic legal and economic knowledge, EU), others stressed the importance of practical journalistic skills such as good investigative and interview techniques and data management. The journalists agreed that a significant part of the new journalistic competences are related to new technologies, such as database management and visual thinking. Some of them believe that the ability to produce cross-media content or to publish and promote articles on social media is essential. They all felt that the complex set of journalistic skills is much more important for journalists in Hungary than for journalists in Western societies, as Hungarian newsrooms work with much smaller budgets and fewer journalists (Bettels-Schwabbauer et al., 2018).

### 3.9. Professional culture and role perception

In Hungary, several different *perceptions of journalistic roles* co-exist. As Bajomi-Lázár (2016) pointed out, after the regime change a kind of dualism emerged in the Hungarian political journalism. While one part of the press strives for neutrality, another part remains committed in its coverage. This is also what Tófalvy (2015) is discussing when he reviews how the Anglo-Saxon journalistic tradition became the main ideology that defines the profession. According to this view, “journalism and the media, by exercising the informative function and the watchdog role of coordinating social publicity and providing a ‘fourth estate’ for the discussion of public affairs, are one of the main promoters and stabilizers of the democratic social order” (Tófalvy, 2015, p. 169).

In Hungary, journalism is characterised by a combined ideology, with a parallel presence of neutral and committed journalism. Bajomi-Lázár (2016) examines the historical and socio-cultural factors that led to that, as in other Eastern European countries, the development of professional journalism was interrupted due to the lack of the preconditions necessary for the adoption of the neutral journalistic tradition. These include: a weak media market, authoritarian social philosophical concepts, the late onset of the industrial revolution, the party system, social fault lines, the absence of a strong middle class or the prevalence of clientelism. Galambos (2008) investigated why German publishers, who were present in the domestic media market after the regime change, failed to adopt journalistic standards based on Western doctrines. Beyond language barriers, his main conclusion was that the Germans did not want to be seen as “colonialists” and therefore gave free rein to their editorial staff.

Szabó et al. (2016) examined the *role performance* of Hungarian journalists. According to them, the standards of objectivity laid down in journalistic codes of ethics have never been applied in the daily work of media professionals. Journalists also tend to explain biased reporting by the need to “counterbalance” partisan reporting from the “other side”. In the study they selected 4 Hungarian dailies, which have been subjected to content analysis. Journalists were found to have written mainly in the spirit of a disseminator-interventionist role model. Alongside factual news, journalists tend to provide interpretations, opinions and explanations about political actions and events. The line between framing, journalists’ active engagement and communication of subjective elements in the reporting on politics is blurred.

According to the *Media Pluralism Monitor 2021*, the state of the journalistic profession, standards and protection received a medium risk rating of 42%. The report points out that despite the existence of journalistic organisations, they fail to enforce classical ethical standards on journalists, who behave in a partisan and ideologically committed way in this polarised environment (Bátorfy et al., 2021). Even journalists’ organisations are divided into right and left. This polarisation can also be observed in the public’s perception of the role of the press. Regardless of party affiliation, people think that it is necessary for the press to operate freely, and its job is to expose abuses of power (77%). But when it comes to criticising the government, this is not what most of the governing party voters expect, 67% of them finds it annoying that many press products cover the activities of the government in negative light (Hann et al., 2021).

Interviews with journalists for Mertek Media Monitor’s latest *Soft Censorship* report (2021e) show that, on the one hand, press workers perceive that they have a particularly important role to play in controlling power in the current system, which lacks democratic institutions and checks and balances. On the other hand, they are under enormous pressure, and the public expects them to solve problems over which they have no control. They believe that the current structure does not allow them to do their work according to the standards they consider ideal. They perceive the fault line between the two camps as so strong that they long to distinguish themselves from the other. Representatives of non-government media are often unwilling to use the term journalist to describe pro-government media workers, instead referring to them as propagandists or “microphone stands”. They are also frustrated by the fact that in most cases, when a problematic affair is uncovered, there are no consequences. According to one of them, they are currently limited to their role as “chroniclers”. Respondents who work for pro-government media disagreed with the idea that critical media operate independently. As one of them stated, there is no such thing as an independent and neutral press, the media are all politicised and therefore there is no difference between pro-government and critical media organisations.

*Worlds of Journalism Study* findings say that the most *important values for Hungarian journalists* are related to objectivity, actuality, advisory-guiding roles, and educational responsibilities. Journalists showed a strong commitment to professional ethical standards. The majority agreed

that journalists should always respect professional codes of ethics, regardless of the situation and context. But more than half of them said that ethical decisions can depend on the situation, so sometimes it is acceptable to set aside ethical standards when exceptional circumstances require it (Róka et al., 2017).

Mertek Media Monitor's research has found that self-censorship among journalists is relatively high, with political and economic pressures playing a major role. In 2016, 33% of journalists said that they concealed or distorted political/economic facts to avoid any negative consequences (Timár, 2017).

## 4. Risks and Opportunities of Media Usage Domain

### 4.1. Development and agency of change

Digital technologies and social media have significantly transformed media consumption habits. The role of traditional media is declining, especially in the media consumption of the younger generations, as can be seen in the declining numbers of print media, but in recent years the leading source of news, television, appears to have been losing its importance. In comparison, the internet is becoming increasingly important as an information platform, some surveys show that it has already overtaken television (Bognár, 2022). Generational differences in news consumption are significant: only 33% of 18-29 year olds consume television regularly as a source of news, compared to over 70% of people aged over fifty, and only 28% of people aged 60+ use the internet for information regularly, compared to 75% of young people (18-29 years old) (Hann et al., 2021).

In Hungary, media consumption is increasingly characterised by polarisation, with the divided public discourse also reflected in the media repertoire of consumers, but also by the extremely low trust in the media in general, and serious fault lines also in the trust in specific media outlets. In the following chapters, we examine Hungarian consumer habits through the operational variables of access to media, diversity of media provision, relevance of news media and trust in the media.

### 4.2. Access to media and diversity of media provision

It is likely that the outbreak of the coronavirus played the major role in the significant decline of the traditionally *most popular medium*, television, by 2020, but the internet has seen faster growth than ever in terms of its role in providing the public with political information. According to the regular news consumption surveys conducted by Mertek Media Monitor and Medián Opinion and Market Research, in the 2010s, television was an information medium for more than 70% of the adult population, declining to below 60% by 2020. Internet as news source almost reached the popularity of television (Hann et al., 2021). According to measurements by the Reuters Institute, the internet (together with social media) has been the leading source of news for the Hungarian population for several years now. They also showed a significant drop in the popularity of television after 2020 (Bognár, 2022). Certain demographic factors play a decisive role in the consumption of certain media. Among older and less educated people, television is the most widely used medium, while among the young and highly educated, the internet clearly dominates (Hann et al., 2021).

According to statistics from the media authority, only 4% of households in Hungary had *access to the internet* in 2000.<sup>240</sup> Penetration has been steadily lagging behind the EU average, which,

<sup>240</sup> Source: <http://ehmmsa.nmhh.hu/informatika-internet/6-01/002.003/#6-01>

despite the expectations that it will catch up in 2021, was again 1% behind the EU average at 92%.<sup>241</sup> However, individual internet use caught up with the EU average in 2021, with 89% of Hungarians having used the internet in the previous 3 months.<sup>242</sup> Based on the data of the Hungarian Central Statistical Office (KSH), 68.7% of the population have access to mobile broadband internet (2021).<sup>243</sup> The proportion of people using mobile phones on the move is increasing significantly year on year. Eurostat's data for 2019 says, 72% of the Hungarian population now use mobile internet.<sup>244</sup> According to *Reuters Digital News Report 2022*, more people access online news media from a mobile phone (72%) than from a computer (55%) (Bognár, 2022).

After *Media Pluralism Monitor 2021* assessed low risk (27%) in the universal reach of traditional media and access to internet in Hungary, the 2022 report presented a medium risk value with 40%, due to the fact, that the Hungarian Postal Service cancelled its newspaper delivery service during 2021 (Bátorfy et al., 2022).

Hungary is rated with high risk in all media market plurality factors in the latest *Media Pluralism Monitor 2022*. The chapter 3.1. about the media market transformation also highlighted the significant distortions that have led MPM experts to rate the concentration of news media at 72% high-risk. In the latest Mertek-Medián news consumption survey, the consumption of 54 of the most important media outlets in Hungary was surveyed. Polyák, Urbán and Szávai (2022) have further analysed the data to assess the diversity of the Hungarian population's information. Based on the ideological classification of the 54 outlets, the dominance of pro-government media in the television, radio and print segments is evident, with the online sphere being the only one where pro-government media do not dominate. As already explained in chapter 3.2., the pro-government media (including the public service media) holds about 80% of the financial market resources, but this only gives a 60% dominance in users' consumption (Polyák, Szávai & Urbán, 2019). This does not mean that the news consuming public is not exposed to excessive government influence. A high level of awareness is needed to ensure that citizens consume a diverse news diet. The older age group is still primarily informed by traditional media, and the last non-government free-to-air TV channel, RTL Klub, has a decisive role to play in preventing a significant part of the population from being caught up in a pro-government news bubble. Even so, it can be shown that 12% of the population consumes media outlets that exclusively deliver the government's narrative. They are typically over 60 years old, have completed secondary education and are voters of the governing party (Polyák, Urbán & Szávai, 2022).

No data are available on which socio-demographic groups have **no access** to the news media. The survey by Mertek-Medián shows that 5% of the population do not regularly use any media outlets for gathering public information.

### 4.3. Relevance of news media

The 2020 Mertek-Medián survey also shows an increase in the level of political interest compared to previous years. 15% of people said they were very interested in politics and 34% were moderately interested. Television is still the most widely used **source of public information**, with 59% of the adult population using it regularly and 21% occasionally, but the number of internet users is now approaching that of TV viewers, 57% uses it regularly and 16% sometimes. At least occasionally, 62% of people use the radio, and 29% and 23% respectively use daily and weekly newspapers for information. According to the survey data, 15% of the voting

<sup>241</sup> Eurostat – Level of internet access – households (ISOC\_CI\_IN\_H)

<sup>242</sup> Eurostat – Internet use by individuals (ISOC\_CI\_IFP\_IU)

<sup>243</sup> Source: [https://www.ksh.hu/stadat\\_files/ikt/hu/ikt0016.html](https://www.ksh.hu/stadat_files/ikt/hu/ikt0016.html)

<sup>244</sup> Eurostat - Individuals using mobile devices to access the internet on the move (ISOC\_CI\_IM\_I)

age population are not regularly informed and 2% are not informed at all. The age distribution shows that young people make up the majority of the **news avoiders**, interest in public affairs is increasing with age (Hann et al., 2021).

For many media outlets, we have data on viewership, listening, readership and reach, but these are sporadic, and in many cases not regularly published – for example, television viewing data from Nielsen are only available to subscribing market actors, who occasionally publish this data. However, from surveys carried out by MerteK-Medián or data provided by the *Reuters Digital News Report*, we can even draw trends from 2012 onwards. According to the 2020 data, based on regular, at least weekly consumption, the **most popular media outlet** in Hungary is the government-independent RTL Klub, followed by three pro-government media outlets: the commercial television channel TV2, the one and only national commercial radio station Retro Rádió, and the public service television channels combined. The fifth most popular media is 24.hu, which took the lead among online news portals after the editorial staff of index.hu resigned (Polyák, Urbán & Szávai, 2022). 10% of the adult population **subscribes** to a political daily or weekly newspaper, while 8% subscribe to local newspapers. Subscription-only online media is still rare in Hungary, however hybrid practices – in form of free articles supplemented with paid contents – are on the rise. Voluntary donations for media products are emerging as a new phenomenon, 5% of the voting age population already donate money to the media (Hann et al., 2020). Not much is known about the consumers of **alternative news sources**, but some analyses have already been carried out, mainly looking at the supply side of alternative news sources, such as classic fake-news sites or social media influencers and sites. In 2021, Átlátszó's data visualisation team, Atlo, mapped the pro-government actors on Facebook who are involved in spreading government narratives. The analysis points to a number of interesting facts: the visibility network of the pro-government Facebook pages, their content distribution patterns, or the presence of coordinated advertising campaigns on Facebook.<sup>245</sup> Also during 2021 and 2022, Political Capital (2022) conducted a mix-method research to map and analyse the so called “grey-zone” actors on various social media sites (Facebook, Twitter and YouTube), and their dissemination tactics. According to their definition, this grey-zone media is “*trying to hide or mask the connection between political actors and their messages*” (p. 14). They identified seven types of grey-zone media, the most common in Hungary being the “anonymous hyper-partisan” sources – the most popular one has more than 200,000 followers.

#### 4.4. Trust in media

According to the *Reuters Digital News Report 2022*, **trust in news** in Hungary is extremely low, just 27%, and even trust in the news sources used by the users themselves is only 47%. The news sources considered the most credible are not close to the government, such as HVG, RTL Klub, 24.hu or Telex. The scandal surrounding Index has caused the news portal's credibility to fall by 17% in two years. Among the media outlets on the list, consumers have the least trust in the tabloid Blikk, the pro-government TV2 and the public service TV channels (Bognár, 2022).

The MerteK-Medián survey shows that consumers' political orientation plays a decisive role in the level of trust in certain media. The list of the media considered credible by pro-government and opposition voters is almost a mirror image of each other: while pro-government voters trust the public media channel M1 and Kossuth Radio the most, opposition voters trust these two media the least (Hann et al., 2021; Polyák, Urbán & Szávai, 2022).

<sup>245</sup> See the analysis of Atlo: <https://atlo.team/ner-metaverzum/>

## 5. Risks and Opportunities of Media Related Competencies Domain

### 5.1. Development and agency of change

Media related education started in Hungary in 1995, when the subject Culture of Moving Image and Media Education was included in the National Core Curriculum for primary and secondary schools, positioned within the Arts and with a focus on film. In the 2000s, the subject became increasingly important, with more and more aspects being added to its content. Since 2005, the subject has also been available as an optional subject for school-leaving exams (Neag & Koltay, 2019). In the 2010s, after Fidesz came to power, they started radical changes in the education system. This was mainly manifested in centralisation: a central government body became the employer of all teachers, and the selection and provision of textbooks was centralised. The new core curriculum in 2012 was an important milestone in this transformation. Rózsa Hoffman, then State Secretary for Education, described the National Core Curriculum *"as return to the old traditions and baseline standards of cultural literacy"* (Neag, 2016, p. 120). In the 2012 core curricula, the subject appeared both as a separate, optional subject and as a cross-curricular topic. During the preparation of the 2020 core curriculum, there were rumours that the Culture of Moving Image and Media Education subject would be abolished in its entirety and media literacy would remain as a cross-curricular competence area<sup>246</sup>, but perhaps due to objections from professionals, it was included in the final version.

In the teacher training system in Hungary, specialised knowledge of media literacy education can be acquired in the university programmes of Cinematography and Media Literacy (BA), Cinematography and Media Literacy Teacher (MA), Media, Cinematography and Communication Teacher. These are the qualifications for teaching the subject of Culture of Moving Image and Media Education introduced in primary and secondary schools. According to the Ombudsman's report, the low number of hours, integrative presence and the low number of qualified teachers in schools, media literacy education is often not fully and effectively implemented in the education system (Commissioner for Fundamental Rights, 2016).

In order to fully understand – not only the media education's, but the whole school system's situation, it is essential to take a look at the current education crisis in Hungary. Teachers' protests started at the beginning of 2022 to draw the government's attention to a number of pressing problems: low wages, intense workloads, high administrative burdens, the ageing of the profession and labour shortages make teachers' working conditions increasingly difficult. The government responded to the protest with a decree that made it almost impossible for teachers to strike. The spring protests turned into widespread civil disobedience actions in the autumn school year, several teachers were dismissed because of the walkout. A nationwide wave of protests has emerged, with students, parents and teachers from all levels of the education system joining in to express their dissatisfaction with the government's education policies.<sup>247</sup>

### 5.2. Overview of media related competencies in policy documents

Directions for the development of media literacy are set out on the one hand in the National Curriculum, which provides the framework for formal education, and on the other hand the Media Act contains provisions for the public media and the media authority to promote media literacy (see more in section 5.3).

<sup>246</sup> Source: [https://eduline.hu/kozoktatasi/20200114\\_mozgokepultura\\_es\\_mediaismeret\\_uj\\_NAT](https://eduline.hu/kozoktatasi/20200114_mozgokepultura_es_mediaismeret_uj_NAT)

<sup>247</sup> See the summary from Euronews: <https://www.euronews.com/2022/10/06/thousands-march-on-hungarys-parliament-as-teachers-crisis-continues>

The *Digital Success Programme*<sup>248</sup> was launched by the state in 2016, as a development programme for the digital ecosystem as a whole. Part of this is Hungary's *Digital Education Strategy*, which sets out the goals and tools for every levels of the education system: public education, vocational education and training, higher education and adult learning.<sup>249</sup> Another key area of the programme is effective child protection, which *Hungary's Digital Strategy for Child Protection* aims to achieve. One of the three pillars outlined in the latter document is also the development of media literacy.<sup>250</sup> These documents sketch a picture of an education system in which children and teachers are connected in a digital network, where digitally skilled teachers teach with digital tools and methods (see more in section 5.3).

### 5.3. Information about the media literacy programs in formal and non-formal education

Media education - both at primary and secondary level - became a separate subject in 1997. Schools have implemented cinematographic culture and media studies in their local curricula. However, the subject has not been able to spread widely. The 2012 framework curricula have brought changes to the content of education and the development of media literacy in several respects. Media literacy education, which replaced the self-contained but much less extensive media education, was introduced as a compulsory educational objective in the curricula of primary and secondary schools in Hungary. The main aim of media literacy education in primary school is to help students distinguish between what they see on television and what is real, and to help them recognise the role of the media in society, in leisure and in personal learning. As a result of this development, upper secondary school pupils should be able to search the internet effectively, be aware of the appropriate use of video games and the dangers of social networking sites and media content. In addition, they should be able to avoid verbal abuse on social networking sites, avoid inappropriate media content in their private sphere and develop a critical sense of the credibility of media content. For secondary school pupils, the aim is to be able to make informed choices between learning, educational and entertainment media, to recognise media attention-grabbing tools and to have appropriate communication strategies to avoid inappropriate content. It is clear, that at the level of regulators, the definition of media literacy in fact refers to the media environment, which is considered dangerous, for which the basic school objective is the development of critical literacy. Educators' definitions of media literacy and school guidelines make it clear that the school world cannot cope with the presence of media as a source of pleasure and everyday experience in the lives of teenagers (Rajnai, 2021a; 2021b).

The National Media and Infocommunications Authority plays a significant role in promoting media literacy in Hungary. The Hungarian Media Act explicitly defines the responsibility of the media authority in promoting media literacy and coordinating the work of other state actors in this field. The Media Council has established a media education centre called *Bűvösvölgy* (Magic Valley). The centre opened in 2013 and aims to develop children's media literacy through creative activities. The media authority and *Bűvösvölgy* also publish media literacy textbooks and teaching materials.

The *Digital Success Programme's* media literacy projects address many different target groups. In 2019, it was decided to develop a national digital competence framework based on the EU digital competence framework, *DigComp*. This will be a single system for defining, developing,

<sup>248</sup> English language website: <https://digitalisjoletprogram.hu/en>

<sup>249</sup> Digital Success Programme. (2016). Digital Education Strategy of Hungary. <https://digitalisjoletprogram.hu/files/0a/6b/0a6bfd72ccbf12c909b329149ae2537.pdf>

<sup>250</sup> Digital Success Programme. (2016). *Digital Child Protection Strategy of Hungary*. <https://digitalisjoletprogram.hu/files/c2/61/c2610c5560ef56425860d4d7bdd68b3d.pdf>

measuring and certifying digital competences of citizens.<sup>251</sup> The *Digital Success Programme Network* provides more than 1,400 locations across the country, where people can access the help of more than 2,000 trained DSP mentors to develop their digital skills.<sup>252</sup> The program's *Digital Strategy for Child Protection* has delivered several other important programmes. Since 2018, DSP mentors have delivered more than 700 training sessions for parents, improving the media literacy and media education skills of more than 8,000 parents.<sup>253</sup> The programme has also delivered a free e-learning package for parents, made up of five training modules.<sup>254</sup> And for teachers, the *Digital Illusions* program is available, which provide lesson plans for 12 media-related topics, developed in 3-4 lessons/topic.<sup>255</sup> In the *Peer Mentoring Programme* (NETMENTOR) ninth-grade students are trained to teach and mentor their peers in their school or institutions about safe internet use. <sup>256</sup>According to Krisztina Nagy (expert interview, 2022. October 25), the professional programmes, training materials and information packages developed within the *Digital Strategy for Child Protection* have been created with high professional standards, NGOs and academics with expertise in the field have also participated in the development.

National and international NGOs have a major role to play in developing good practices in the field of media literacy, such as the Televele Media Education Association, the Idea Foundation, the Visual World Foundation, *Safer Internet Program* by the International Child Rescue Service, the UNICEF's *Alarm Clock Children's Rights* school program. The media industry is also increasingly involved in developing media literacy. The Media Union Foundation was set up by market players, each year they organise their campaign around an important social issue. Edison Platform brings together initiatives on media literacy in Hungary, connecting decision-makers, civil society and business stakeholders with their target groups.

#### 5.4. Actors and agents of media related competencies: risks and opportunities

The previous section reviewed the main actors in the formal and non-formal education and the programmes they provide in the field of media literacy. Two good studies, which focused specifically on the role and activities of media literacy stakeholders, were published in 2016. In its report to the Council of Europe, the European Audiovisual Observatory (2016) has collected and analysed the most important non-formal media literacy projects in the EU countries. The Hungarian chapter deals with the key media literacy actors in Hungary (see the figure from the report below), identifies the 20 most significant media literacy projects in the 2010s, and examines five "case-study" projects in more detail.

<sup>251</sup> Source: <https://digitalisjoletprogram.hu/en/content/digkomp>

<sup>252</sup> Source: <https://digitalisjoletprogram.hu/en/content/digital-success-programme-network>

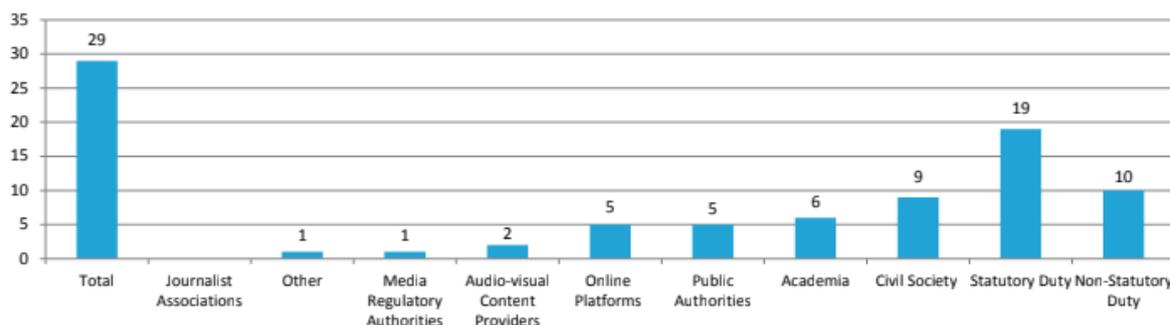
<sup>253</sup> Source: <https://digitalisgyermekvedelem.hu/dmsz>

<sup>254</sup> Access: <https://digitalisgyermekvedelem.hu/gyerekkelonline>

<sup>255</sup> Access: <https://digitalisgyermekvedelem.hu/toolbox>

<sup>256</sup> Source: <https://digitalisgyermekvedelem.hu/netmentor>

Figure 115: Main media literacy stakeholders in Hungary, sectors represented and statutory responsibility



Source: European Audiovisual Observatory, 2016.

The Hungarian ombudsman also published an interview-based report on the experiences of Hungarian actors, and outlined the most important steps to be taken in terms of media literacy policies. He identified the following main problems: In the formal education, media literacy education is linked to multiple fields of education, it is not a stand-alone subject, so it is mostly taught by teachers without a specialised degree. There is a lack of qualified teachers with the necessary skills, adequate textbooks and the required development methodologies (Commissioner for Fundamental Rights, 2016). In the years since then, some of these problems have been addressed, but mainly not within the framework of formal education. A number of good teaching materials have been produced by NGOs and actors in the industry, but they still do not compensate the shortcomings in the education system.

According to Nagy (2018) the biggest challenge and the key to successful long-term media literacy development is the coordination of the many different areas involved and the engagement of all stakeholders. In the expert reports on the state of media literacy in recent years, the lack of a coherent policy is mostly attributed to the fragmented role of the state, the lack of definition of the tasks of the actors involved and the lack of coordination between them.

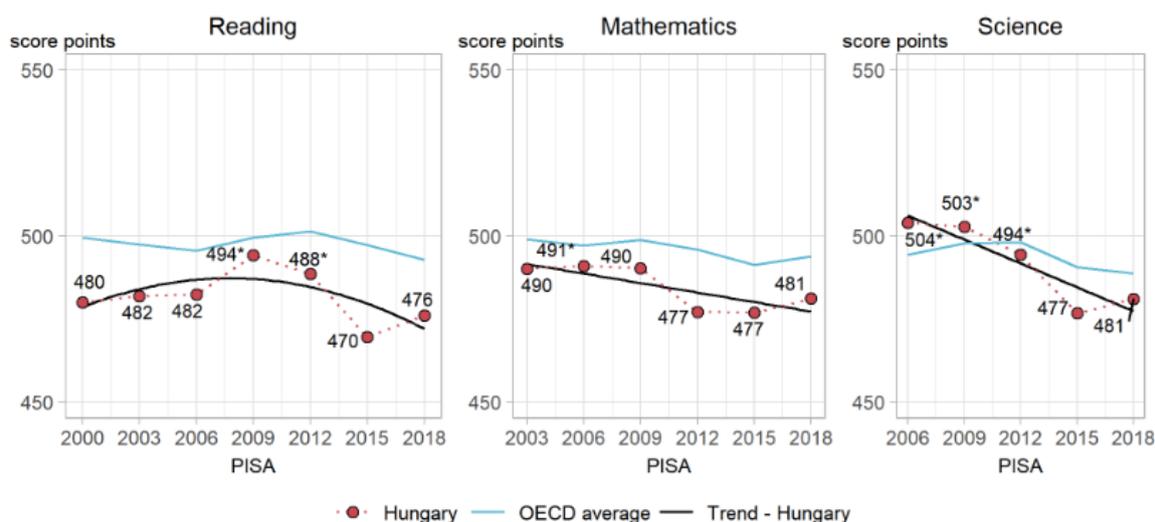
## 5.5. Assessment of media related competencies among citizens

To map this domain, we have to rely almost exclusively on international data, because although media literacy is a hot topic also in Hungary, there are still no comprehensive domestic studies. The data and research are sporadic, often only looking at a single sociodemographic group and in most cases using non-representative methods.

The adult population scores in the OECD PIAAC survey are around average. Hungary has an average numeracy score of 272, which is 10 points higher than the OECD average. Literacy is 264, similar to the OECD average of 266. In problem solving efficiency Hungary is close to the OECD average: 28,5% of adults are at the highest level of the scale, on level 2 and 3. (OECD average is 29,7%.)<sup>257</sup>

For students, PISA results are below the OECD average and results after 2010 follow a negative trend in all three categories.

<sup>257</sup> Source: <https://www.oecd.org/skills/piaac/>



Source: OECD

According to the *OSIS Media Literacy Index*, which is calculated from results of different other indexes and metrics, such as the Freedom of the Press, Press Freedom Index, PISA scores, the UN E-participation Index, the degrees of trust in others and the share of population with university degree, Hungary ranked in the third cluster with 42 points in 2021.<sup>258</sup>

An important direction for research on media literacy in Hungary is to assess teachers' own competences in this area and to examine their attitudes and teaching practices in terms of media literacy and digital competences. Within the framework of the *Digital Success Programme*, a recent, comprehensive teacher survey was carried out, the results of which were published by Lannert and Hartai (2021). The survey found that more than half of public schools nationwide do not provide media education. A quarter of the schools have media as an integrated subject, a tenth as a separate subject and another tenth teaching it in other subjects. Among the main findings of the survey, the authors noted that a large proportion of Hungarian teachers view media literacy as a critical skill, and are concerned about the excesses of young people's media consumption. The results show that half of the teachers are forced to work in an outdated technical environment, mainly using frontal methods. According to the authors, teachers who are qualified as media teachers are outstanding, their methods, which could be transferred to other subjects as well, would be a good example for a paradigm shift in education.

After this, it is not surprising, that based on focus group discussions with kids, Rajnai (2021b) concluded that the media is not a resource in the school world, but a bogeyman. Several teenagers expressed guilt about their own media use or moralised about the excessive or inappropriate media use of others. The resulting self-reflexive attitude towards media is an attempt to respond to the conflict between school and media rather than to the important and real problems of media use. For example, participants in the focus groups talked much more about wasting time or misspelled comments than, for example, about issues of data security. Looking at the results of the 2012 EMEDUS survey on the question what media education is actually delivering in the classroom, we see that Hungary performs well in moral issues of media (such as protection of students from the negative influence of the media; dissuading students from bad habits of media consumption), but underperforms in teaching critical and practical skills (such as the critical evaluation of the media; development of media production skills) (EMEDUS, 2012).

<sup>258</sup> Source: <https://osis.bg/?p=3750&lang=en>

## 6. Conclusion

Reviewing and evaluating Hungary on the basis of the variables identified by the theoretical background of the Mediadelcom project as conditions for deliberative communication, it can be said that in Hungary, in many aspects, we are no longer talking about mere risks, but about the opposite of deliberation in action – a polarised society, driven by fears and emotions, in which there is still a willingness to debate, but not under the auspices of rationality or the search for common ground. Fault lines in news consumption, journalism and politics – these define the quality of the public discourse, in which one must today search for voices that represent the values of deliberative communication, but are increasingly hard to find in the confusing noise.

The causes are rooted in systemic problems: firstly, the legislative power has initiated major changes in media and education policies (section 5.1) and legislation (section 2.1), the executive power is acting to ensure its own and its economic elite's positions of power and business (section 3.1), and the judicial power, which has lost most of its autonomy (section 2.1), is playing its part. With the system of checks and balances broken, it is not surprising that the media, defined by many as the fourth branch of power, cannot function properly.

The most important risks in the legal field date back to the introduction of the media laws in 2010, with the creation of the new media authority (section 2.1), whose independence was not safeguarded by institutional guarantees even then, and in the time passed it has been proven in several cases that makes decisions on political grounds, can be circumvented or simply does not act on certain issues. In other areas of the judiciary, there are also serious shortcomings in autonomy, which also affect judicial matters involving the press. The regulation of public media is extremely problematic, after all, an institution that is maintained by hundreds of billions HUF of taxpayers' money can operate almost completely opaquely (section 3.3). "In Hungary freedom of speech exists" – is often said in response to criticisms. The legal environment, the wording of the legislation, one might say, does actually ensure that the media can function. But if we look at how this regulation manifests itself in the practical operation of the media market, on the level of journalists' everyday experiences, this is not what we see.

Investigative articles are being stopped and journalists are being sued on privacy grounds. Cases involving public funds are classified, public interest requests are denied, and journalists are expelled from certain areas of parliament (section 2.2, 2.3). The government declares a media merger of national strategic importance and exempts it from the Competition Authority's investigation, which leads to a massive concentration in the media market (section 3.1). The loyal media are rewarded with public advertising money and everyone else is excluded from funding or support (section 3.2).

Distortions in the media market are also reflected in consumption, with voices independent of government increasingly being driven out of traditional media platforms and pushed towards digital platforms (section 3.1, 4.1). Consumers need to be increasingly conscious in order to access reliable, credible information or to be exposed to narratives that differ from the government narrative. Hungarians' trust in established institutions significantly declines, there are only a few countries where trust in the media is as low as in Hungary (section 4.5). Partisan consumption splits citizens' reality - what is truth for one is falsehood for another.

Digitalisation and the resulting richness of content opens the door to disinformation and fake news, and requires a high level of awareness to be properly informed. The current public education system neglects media studies at all educational levels (section 5.3). The centralised school system, slow technological development, insufficient financial and professional recognition for teachers (section 5.1) all make it difficult to adequately prepare children for the challenges of the digital world.

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# ITALY

## Critical junctures in the media transformation process

*Arianna Piacentini, Sergio Splendore, Diego Garusi, Martín Oller Alonso*  
*Università degli Studi di Milano*

### Aim

The aim of Task 2.2 [CASE STUDY 2] of the Mediadelcom project is to provide an analysis of critical junctures in the transformation processes in our four domains of ROs [Legal and Ethical Regulation, Journalism, Media Usage Patterns and Media-Related Competencies]. It uses the literature and other data sources identified during Task 2.1 [CASE STUDY 1] but goes beyond it by offering an in-depth analysis of changes within each domain and identifying the actors behind them. The Italian case study also includes a background chapter concerning social and political changes because these changes have influence on the ROs.

### Executive Summary

The present study details the critical junctures in the change of risks and opportunities in the four domains of Italian media systems – the legal domain, journalism, media usage patterns, and media competencies – that are expected to contribute or deter from deliberative communication as the outcome variable. The study finds a legal framework that is in most respects in accordance with European standards of freedom of expression and information, but a significant degree of conflicting legislation, especially regarding various defamation offences. In Italy, frequent legislative changes are seen in the media field, attesting to the fact that it has still not stabilized into a coherent policy-led system. Evidence of hybridity of media systems is seen in media practices, which take place in a diverse yet highly concentrated media system, most like the Mediterranean polarized pluralist media system model from the Hallin and Mancini (2004) typology. Media related competences and media literacy appear to better in some areas and population groups than in others. The journalism market is still diverse and varied, although subject to economic constrictions as well as pressures in the form of many SLAPP lawsuits.

## 1. Introduction

The country report to Case Study 2 focused on Italian media ROs for deliberative communication and offered a literature review based on a collection of about 300 academic articles and other legal documents, reports, studies from institutions and public bodies and private organizations -national and international- that exceeded the reliability and trust cut off established by the Mediadelcom researchers in Italy.

By adopting an actor-centred perspective, our analysis aimed to assess the actors' behaviours and their conditions of possibility with regards to media ROs in each of the four domains accounted for. The paper identified six actors, namely 1) transnational organizations globally monitoring media systems (e.g., Freedom of the Press, Reporters Sans Frontières); 2) large research projects collecting and comparing data over time periods (e.g., WJS); 3) media indus-

try's structures and unites (e.g., Audiweb, Auditel, Nielsen); 4) scholars and academia's research groups; 5) independent organizations and/or professional associations (e.g., *Carta di Roma*, *Ordine dei Giornalisti*, *Rai Code of Ethics*, *l'osservatorio sul giornalismo*); 6) organizations standing as government's branches or public bodies (e.g. Italian Communications Regulatory Authority - *Autorità per le Garanzie nelle Comunicazioni*, AGCOM).

All the outlined actors are institutionalised in terms of being equipped and structured to monitor ROs and, as showcased in the report to Case Study 1, the outputs they produce are trifold: i) reports based on collected data; ii) raw data; and iii) policy proposals. The extent to which those data are produced and properly analysed may be considered as an undeniable sign of the wealth of the ROs sub-field, in terms both capabilities to monitor itself and to propose policies able to exploit opportunities at the expense of risks.

Our analysis has shown that wealth related to the ability to analyse ROs in the Italian context is essentially due to the institutionalisation of communication disciplines (such as, for instance, political communication, media and journalism studies) in the Italian universities, showing how the academia is greatly ensuring the maintenance of a high attention on these issues. In addition to the academia, the media's performances over the proper functioning of democracy have been monitored also by other observatories. There is, however, a parallel, double-track production seeing the academia on the one hand, and other private organizations on the other hand – whose main shortcomings are i) the incommunicability between the two spheres; ii) the evident prevalence of the legal discourse about the production of policies.

Specifically, we noted that: i) in the case of the legal domain, ROs' future evaluations will shift from the conflict between open data to privacy protection. Another aspect to be considered is the excessive production of rules which paradoxically makes harder to enhance and improve the media performances; ii) the journalistic domain is featured by a clear conflict between various actors trying to define the field of ROs. The result is a divergence of analysis and solutions running the risk of transforming opportunities into further risks. iii) The media usage domain is that one where the production of analysis and data is most present, as we are witnessing an adaptation of the production of information content to the logic of the new media, also featured by an increased attention for the mechanisms of diffusion of inaccurate/false news contents. Finally, iv) the media-related competencies domain emerged as the field in which the academic intervenes the least, and other actors are absent too.

Considering the above and taking the lead from the report to Case Study 1, the present report focuses on ROs for deliberative communication identifying the main Critical Junctures of Media Development occurred in the decades 2000-2020. The following sections identify and explain the main social, political, economic and technological transformations occurred in the Italian media landscape and detail the main changes within each of the four domains [Table 1].

## 1.1. Background

Italy is located in the centre of the Mediterranean Sea, in southern Europe, with a population of 60,257,566 (Istrat, 2021) that maintains a negative growth of the -0.6. It is the 30th country in terms of human development according to the 2020 Human Development Report of the United Nations Development Program (UNDP, 2020 report). The official languages are Italian (95%), Venetian and Sicilian. French, German, Ladino, Slovenian, Friulian and Catalan are co-officials in some regions of the country. Italy is a democratic republic, it is part of the G7 and it is a developed country with a very high quality of life. According "Better Life Index" (2021), created by the Organization for Economic Co-operation and Development (OECD)<sup>259</sup>, Italy scores well on

<sup>259</sup> Website of Organization for Economic Co-operation and Development (OECD): <https://www.oecdbetterlifeindex.org/countries/italy/>

well-being in areas such as income, wealth, balance work-life, civic engagement, sense of community and health status.

Since June 2, 1946, Italy is a parliamentary republican system with representative democracy. In 1951 Italy became one of the six founding States of the European Coal and Steel Community, to found, together with the Federal Republic of Germany, Belgium, France, Luxembourg and the Netherlands, the European Economic Community (EEC) in 1957.

Silvio Berlusconi (1994-1995) and Romano Prodi (1996-1998) governed the country during the last years of the XX century, so that the figure of Berlusconi determined the country's policy during the first decade of the 21st century (2001-2006 y 2008-2011). After Berlusconi's resignation, a technocratic cabinet led by Mario Monti was in power until 2013, moment in which Enrico Letta formed a new government (from April 2013 to February 2014). In 2014, Enrico Letta resigned and was replaced by Matteo Renzi, who did the same in December of this year, becoming the new Prime Minister Paolo Gentiloni.

The “Five Star Movement” (*Movimento 5 Stelle, M5S*) and the “League” (*Lega*) determined the general election in 2018 when Giuseppe Conte became the Prime Minister based on this populist coalition. In February 2021, Conte resign and Mario Draghi was his substitute as the head of the country. After Draghi's resignation, and the victory of the centre-right coalition in the elections of September 25, 2022, Giorgia Meloni, head of the extreme-right “Brothers of Italy” (*Fratelli d'Italia*) party, became the first female prime minister in the country on 22 October of this year.

One of the main problem of the alpine country is the high level of corruption. According to “Corruption Perceptions Index”<sup>260</sup> the level of public sector corruption is high (56/100 in 2020) and has increased in recent years (42/180 in 2012). Even so, Italy is the world's ninth-biggest economy and the third largest in Europe (PIB nominal de US\$1.886.445,27 million, according to World Bank) — Services and manufacturing represent three-quarters of the total GDP.

Italy is a strategic administrative and financial point with 40 important ports, 129 airports, 16,781 km of Railway, and 6,500 kilometres of highways (The World factbook, 2022)<sup>261</sup>. Although it is one of the founding members of the European Union, with more than 500 million potential consumers, Italy is divided into a highly-industrialized and developed northern region and a less-developed southern region.

The Organization for Economic Cooperation and Development (OECD) highlights that the Italian population has a good qualification, since more than 60% of adults between the ages of 25 and 64 have completed their upper secondary education. The unemployment rate in Italy remained at 7.8 percent in September of 2022, maintaining a downward trend since 2014 after the strong increase in 2008 due to the economic crisis. However, it should be noted that the youth unemployment rate is extremely high, since one in four young people (23.7) do not have a job (Trading Economics, 2022)<sup>262</sup>.

The media environment in Italy is traditionally characterised by a strong television sector and a weak newspaper sector (Reuters Institute for the Study of journalism in its Digital News Report 2022). The new millennium began with the migration from analogue to digital television — as part of the digital transition of the all mainstream media, the journalistic regulatory body pro-

<sup>260</sup> Website of Transparency International. The global coalition against corruption: <https://www.transparency.org/>

<sup>261</sup> <https://www.cia.gov/the-world-factbook/countries/italy/>

<sup>262</sup> Website of Trading Economics: <https://tradingeconomics.com/italy/unemployment-rate>

posed by *Autorità per le Garanzie nelle Comunicazioni* (AGCOM)<sup>263</sup> (law 249 of 1997), and the strong parallelism between media and government because the figure of Silvio Berlusconi.

According Human Freedom Index (2021)<sup>264</sup>, although the personal freedom in Italy is high, the economic freedom maintain a medium level (7.61), similar level like internet freedom (76/100) (Freedom House, 2022)<sup>265</sup>. The index of Individuals using of the Internet (% of Italians that have used the Internet in the last 3 months) is 70, according to the International Telecommunication Union (ITU, 2020) and Telecom Italia (Ministry of Economic Development-Communication).

## 1.2. The country-specific critical junctures and related paths or trajectories that may cause major (general) risks and opportunities

### 1.2.1. Television duopoly

The television landscape, including news, is dominated by the public service broadcaster RAI and by Mediaset, the private broadcaster controlled by the former Prime Minister Silvio Berlusconi. The Italian TV duopoly remains in place ever since the early 1990s, yet it was already back in the early 1980s that the Italian political parties and leaders begun using the TV to establish a relationship with the voters (see Marletti & Roncarolo, 2000). The first televised political advertisements had been broadcasted in 1983 (Vaccari, 2015), yet it was in the early 1990s with the advent of Berlusconi on both the political and media scene, that political ads begun to play a determinant role. The apogee and the slow decreasing of importance of the sometime called *Berlusconi's media empire* was for sure one of the main critical junctures in Italy.

Silvio Berlusconi served as Italy's Prime Minister from 1994 to 1995, from 2001 to 2006, and from 2008 to 2011, yet he also was/is the owner of the private broadcaster Mediaset – which put him in a contradictory position of representing both the private interests of those in power and the interests of the public at large. This peculiar situation has been term “Italian anomaly” (Ragnedda, 2014) and, according to the Organization for Security and Co-operation in Europe (OSCED) reports, such a situation was at odds with liberal democracy as we know it, as “in a democracy, it is incompatible to be both in command of news media and to hold a public post” (Haraszti, 2005).

In respect to ROs, however, it is important to note the peculiar and impressive role Berlusconi and his way of using the media had on ‘democratising’ the information. The former PM, in fact, skilfully employed the media to achieve greater exposure and visibility, reinventing the way of doing politics and state management (Jones 2003). He used techniques of propaganda imported from the US, and by combining populism with a highly ‘liberalised broadcasting system’ he gave birth to the so-called *Berlusconismo* (Ragnedda, 2014, p. 16).

Thanks to his media empire, Berlusconi was able to win election multiple times: not only he had control of most of Italy's broadcast media – both private and public, as he was/is in direct control of own private media holdings, *Mediaset*, and indirect control of the state-owned outlets RAI. But he also was/is the owner of Italy's largest magazine publisher, *Gruppo Mondadori*, as well as *Publitalia*, the largest advertising company, alongside with other local radio and television stations (see Mancini, 1977).

Worth to mention is also Berlusconi's ability to define the language with which issues have been discussed in the public sphere throughout the 20 years of his political career, as the “Italian political language has shifted from “politichese”, the politicians' language, to “gentese”, the

<sup>263</sup> Website of AGCOM: <https://www.agcom.it/>

<sup>264</sup> Website of Cato Institute: <https://www.cato.org/human-freedom-index/2021>

<sup>265</sup> Website of Freedom House: <https://freedomhouse.org/countries/freedom-world/scores>

people's language (Vaccari 2015, p.29). Considering his political power and media management's impressive skills, Berlusconi was and still can influence the Italian public opinion and liberal democracy, gaining influence over public discourse by staging media events (Ragnedda 2014). Nevertheless, while acknowledging Berlusconi's pioneering use of media for political marketing and propaganda, it is fair to say the techniques he employed shall however be considered in line with the newly born process of 'mediatisation of politics' happening back in the 1990s - nowadays evolved and consolidated.

### 1.2.2. Digitalization

A further critical juncture allowing for a greater democratisation of the media as well as posing many risks, has been the process of digitalisation and, by extension, that of "mediatisation of politics" - namely that process by which political institutions and actors become increasingly dependent upon media, conforming to their logic of production and distribution (Splendore and Rega, 2017).

The transition to digital terrestrial radio (digital audio broadcasting, or DAB) took place at a rather slow pace, while the switch to digital terrestrial television and web TV happened faster - considerably increasing the number of viewers between 2007 and 2010. Channels such as *RAI News* and *Sky Tg24* - once only available by satellite or pay-tv, have now become available to anybody, representing a significant improvement of audience reach (Mazzoleni, Vigevani, Splendore 2011). Nonetheless, the digitisation has not impacted significantly on television ownership - as the *RAI-Mediaset* duopoly remains in place.

#### 1.2.2.1. Online settings

A major change occurred with the digitalisation process was that concerning the online setting. According to the Census reports, between 2007 and 2010 the 'digital divide' narrowed, as the number of people who never use the internet dropped from 71% to 51.3% (see Mazzoleni, Vigevani and Splendore, 2011).

#### 1.2.2.2. Social media platforms

Alongside with the widening of the online information, the advent of social media too impacted the ROs for deliberative communication. Social media, in fact, changed the way politicians communicate and interact with the citizens-voters and, while the TV continues to have a leading role in political communication, social media platforms such as *Twitter* and *Facebook* have come to represent extremely efficient and powerful tools to reach and mobilize followers/voters (Kriesi, 2014). The increasingly popular use of social media platforms by both the hand of politicians and citizens has, in fact, allowed the elite and the people to communicate with each other directly and more spontaneously (Bobba and Roncarolo, 2018). Yet, while on the one hand the flexibility and immediateness of the internet and the social media allowed political parties and leaders to establish a closer relation with their electorates, shaping voters' behaviour (Garzia, 2011); on the other hand, such unfiltered and disintermediated communication concurs to increase polarisation, extremism and hate speeches alike. As Vallespín and Bascuñán (2019: 171) noted, political parties' use of social media 'enables them to use particularly aggressive and polarising messages, including "cybermobbing", "shitstorms", and manipulated information'. They can also exasperate the polarization between the citizenry and other groups (e.g., the domestic elite; the international elite; the foreigners; etc), influence the public debate, as well as traditional media and agenda-setting (Mazzoleni and Bracciale, 2018), eventually embodying both opportunities and risks for deliberative communication, as well as for the overall quality of democracy.

### 1.2.3. Economic crisis (2008)

The financial and economic crisis that hit Europe in late 2008, and the consequent austerity all over the countries of European Union, deeply impacted Italy's socio-political fabric — as unemployment rates skyrocketed and poverty levels risen (with gross domestic product falling and unemployment rising to 7.8%, according to European Foundation for the Improvement of living and working condition<sup>266</sup>), exacerbating social anxiety and insecurity. During the following years, according to World Economic Forum, Industrial production plunged by a staggering 24%. Only thanks to stubbornly persistent inflation had Italy's nominal GDP managed to remain constant. Consequently, populist political parties and leaders profited from the situation by advocating protectionist and conservative measure, increasing nationalism and Euroscepticism alike (De Cesari, Bosilkov and Piacentini, 2019). In this respect, the Italian mainstream media displayed a tendency to cover European Union issues through a more positive frame compared to domestic political issues (Bobba and Seddone, 2017). Yet disappointments and frustrations, largely reflected in the outbreak of right-wing populist parties, have also been fomented by the increasing in-flows toward Europe of migrants coming from faraway lands.

### 1.2.4. Migrant crisis (2013)

Immigration has thus become pervasive within both the Italian and the wider European and international contexts, representing one of the most controversial social, political, and even economic phenomena our age. Debates on immigration have been fully integrated into the online world too, allowing the growing community of digital users to negotiate meanings, exchange opinions, sentiments, and judgements, also discussing experts and political leaders' points of view in a dynamic dialogue between different forms of knowledge (de Rosa and Manarini, 2020). Nevertheless, as noted earlier in this report, social media constitute an arena particularly apt for polarized social representations and opinions, hence also in the immigration case they confirmed themselves as "powerful 'echo chamber' of the institutional and political discourse, leading to opposite inclusive/exclusive policies, and as one of the arenas where the negotiation and development of polemical social representations around immigration take place" (de Rosa *et al.*, 2021: 1183).

Ever since the 1990s, Italy has been a major country of destination for immigrants coming from Eastern Europe first, and North Africa and Middle East then (especially because of the Arab Spring and the wars in Afghanistan and Syria). As a result, the 'immigration issue' has gained salience within both the Italian political and media spheres, entering the Italian political agenda as a threatening phenomenon challenging the (already precarious) socio-economic equilibrium of the country. The increasing attention paid to immigration in the news has obviously reflected the most important events happening on a global and local scale, hence influencing the public debate, the agenda-setting, and citizens' electoral behaviours alike (Urso, 2018).

Given its salience, immigration has attracted the attention of political parties from both the entire political spectrum, yet it has been the right-wing populist parties emphasising immigration as a top priority problem, envisaging exclusivist containment measures while spreading xenophobic and intolerant rhetoric (Krastev, 2017; Piacentini, 2020). A clear boost in this 'illiberal direction' has come from the *Northern League's* leader Matteo Salvini, whose use of his social media accounts have contributed to increase intolerance and nationalist feelings among the Italian population.

<sup>266</sup> Webpage: <https://www.eurofound.europa.eu/publications/article/2010/effects-of-economic-crisis-on-italian-economy>

### 1.2.5. The Populist zeitgeist

Because of the multiple crisis that featured the last two decades, populist parties have risen to power all over the European continent, making scholars talk about a ‘populist zeitgeist’ (Mudde, 2004). In this respect, social media largely contributed to the success of online populist communication, demonstrating to be particularly fit (Gerbaudo, 2018) thanks to the possibility of directly communicating with the audience/voters (Berti and Loner, 2021) while relying on personalisation and emotionalisation of politics (Bracciale and Martella, 2017).

Nevertheless, populist political parties are not a novelty in the Italian political landscape, and the ‘beginning’ of Italian populism has been marked by the creation of the Northern League in the late 1980s (see Biorcio, 2004), and by Silvio Berlusconi’s Forza Italia in the early 1990s. Thanks to online settings and social media communication, however, a number of populist parties and leaders, from both the right and the left, have recently gained the electoral support of a considerable percentage of the Italian population — till the point that scholars have described the Italian situation as ‘characterized by the presence of an “endemic populism” that overflows from strictly populist precincts into the general political discourse (Bobba and Roncarolo, 2018: 53).

In respect to ROs deliberative communication, it is worth to mention, among others, 1) the birth of the Five Star Movement — *Movimento 5 Stelle*, and 2) Matteo Salvini’s — leader of the Northern League (La Lega) — communication strategy on the social media platforms.

#### 1.2.5.1. The Five Star Movement

After a decade of activism as social movement beyond institutions, the Five Star Movement (5SM) was created as a political actor that aims to compete at the political election in 2009. The 5SM competed in several local and regional Italian elections before contending the general elections in 2013. As many other populist parties across Europe, the 5SM represented the popular response to the insecurity, disappointment and dissatisfaction stemming from and brought about the 2008 economic crisis (Bosco and Verney, 2012). Among others, in fact, a major consequence of the economic crisis concerned the countries’ party systems, ‘representing an opportunity for new political actors to capitalize on political dissatisfaction and anti-party sentiment, strengthening their positions in the political arena and weakening the consolidated dynamics of political competition’ (Mosca and Quaranta, 2017: 428). The so-called ‘movement parties’ — a hybrid between political parties and social movements, combined electoral representation with extra-institutional actions, displaying peculiar organizational and ideological features (ivi). In the case of Italy’s M5S, next to the economic crisis, also the corruption scandals, the resignation of Berlusconi’s government in 2011, and the subsequent formation of a technocratic government (Mosca, 2014), are among the factors which allowed for birth and rise to power of the Movement — which took advantage of the situation becoming the first Italian party in the general elections of 2013.

Besides displaying programmatic, biographical and geographical proximity with social movements (see Mosca, 2015; Mosca, Valeriani and Vaccari, 2016), the M5S established a peculiar relation with the digital technologies making of the digital and social media its main instrument of communication. Precisely, ‘digital media have not only been used as channels of communication, but also for facilitating members’ participation through an online platform called “Rousseau”, recalling one of the main theorists of direct democracy’ (Mosca and Quaranta, 2017: 433). Yet the roots of the 5SM — funded by the television comedian Beppe Grillo, are to be traced back to 2005 and to its leader’s counter-information blog. Ever since 2005, Grillo’s blog has grown in visibility and followers, leading first to anti-corruption protests and demonstrations

(such as the nationwide ‘V-Day’<sup>267</sup> in September 2007); and to the then birth of the mentioned 5SM, eventually engendering a ‘media–political circuit’ (Mosca and Quaranta, 2017: 433) which affects both the mainstream media and the societal fabric.

Considering our focus on ROs deliberative communication, it is fair to say that the M5S’s online setting and digital communication represented crucial resource for organization, decision-making, communication and identity-building (Mosca, Valeriani and Vaccari, 2016).

#### 1.2.5.2. Salvini’s social media communication

The case of Matteo Salvini, leader of the right-wing populist party Northern League (NL), has been considered a critical case study for populist social media communication, as it combines anti-immigration attitudes (Garzia, 2019) and exclusionary politics, anti-elitism (Berti, 2021), nationalism, and Euroscepticism (Ruzza, 2018), with disintermediation, personalisation, emotionality, and virality (Berti and Loner, 2021). Salvini’s communication strategy is, in fact, characterised by a heavy use of the social media (*Facebook*) to directly communicate with his voters, adopts emotionally charged contents (Bobba, 2018), and massively relies on personalisation. The NL leader does extensively use the social media to foster polarisation and antagonism, feeding and profiting from the insecurity and challenges posed by the refugee crisis (2015 onwards), hence making of anti-immigration attitudes his main political claim. In this respect, particularly the social media — with their algorithm-driven tendency to create bubbles, have ended to cement and amplify ‘a distorted perception of the percentage of immigrants actually present in the country’ (de Rosa *et al.*, 2021: 1172).

Considering our focus on ROs deliberative communication, it is once again fair to say that, while digital communication and social media may represent an opportunity for deliberative communication by reaching a wider audience; the unfiltered communication operated by the hand of right-wing populists may favour polarisation and extremisms, hence nationalism and illiberalism, conceptually at odds with liberal democracy.

#### 1.2.6. Pandemic SARS-CoV-2 (2019-ongoing)

Finally, a further critical juncture affecting the ROs for deliberative communication and democracy is represented by the spread of the pandemic Sars-Covid 19, which has become the media and institutional discourses’ main protagonist all over the globe. The emergence of the unknown virus, spread from China on a global scale, has represented an unprecedented threatening event, intensively discussed in public and private communication.

The first confirmed case of SARS-CoV-2 in Italy was identified in January 2020 and, ever since then, the virus has enormously spread — making of Italy one of the countries with the highest number of COVID-19 cases in the world. Among other issues, the pandemic refocused the media agenda, transferring citizens’ attention from immigration to health risk. As discussed by de Rosa and Mannarini (2020), Italian citizens have been exposed to a different set of institutional communication which, if on the one hand contributed to reassure the population — legitimising the recommendations and containment measures through rising awareness; on the other hand, increased uncertainty — as multiple discourses emerged.

##### 1.2.6.1. Infodemic

At the time of COVID pandemic, both tradition and new media represent essential tools for scientific updating; yet although providing great opportunities, particularly the social networks have created a very fertile ground for misinformation to spread. Digitalisation and technological developments allowed for synchronic and interactive communication, enlarged the communica-

<sup>267</sup> *Vaffanculo Day* - Fuck Off day.

tive flows, and allowed citizens to access an impressive amount of information, hence making of science too a key point of interest (de Rosa and Mannarini, 2020). At the same time, however, divergences in the communication strategies of scientists and politicians, alongside with the uncertainty intrinsic to the development of the pandemic, concurred to the spread of fake news, making very hard for the public to ‘distinguish reliable sources of information’ (de Rosa and Mannarini, 2020: 5.9).

Stereotypical explanations over nature and diffusion of the virus, suspicion for scientists and health authorities, as well as conspiracy theories, are likely to produce dangerous consequences for public health – potentially ‘undermining trust in health institutions and programs, especially when governments rely almost solely on empirical evidence for policy-making’ (Murri *et al.*, 2020: 3).

In this respect, the term *infodemic* has been coined to outline the perils of misinformation phenomena during the management of disease outbreaks, and the case of the COVID-19 shows the critical impact of this new information environment. As Cinelli *et al* explained (2020: 1), ‘the information spreading can strongly influence people’s behaviour and alter the effectiveness of the countermeasures deployed by governments. To this respect, models to forecast virus spreading are starting to account for the behavioural response of the population with respect to public health interventions and the communication dynamics behind content consumption’.

### 1.2.7. Electoral victory of “Brothers of Italy” [*Fratelli d’Italia*]

After Mario Draghi’s resignation – a year and a half after he was appointed as Italy’s head, the victory of the centre-right coalition in the elections of September 25 2022 has caused an earthquake in the heart of the European Union. Because that, Giorgia Meloni, head of the extreme-right “Brothers of Italy” (*Fratelli d’Italia*) party, became the first female prime minister in the country on 22 October of this year. The consolidation of the leadership of Brothers of Italy (*Fratelli d’Italia, FdI*) in the alpine country – a right-wing populist and national-conservative political party led by Giorgia Meloni - become the main risk for the deliberative communication in Italy and, also, for the stability of the liberal democracy of the country and the European Union. A result that can act as a precedent for other far-right parties in the rest of the countries of the European Union. A tendency to extremism that is positioned as the main risk for the development of the deliberative communication model proposed in the MEDIADELCOM project.

With this political context, the communication strategy of the current government may tend towards a more restrictive, polarized and instrumentalized application of the Communication and Media Regulation. These will face in the coming years a greater state interventionism in their journalistic practice. In addition, the risk of polarization increases among citizens due to models of political communication based on populism, fake news and hate speech. Deliberative communication is presented in Italy as the only option at a communicative level to achieve an increase in plural citizen participation and reduce social polarization.

## 1.3. Assessment of monitoring capabilities<sup>268</sup>

The legal and ethical regulation, journalism field, media usage patterns and media usage related competencies domains are covered and studied in an unbalanced and focused way. One reason why potential risks and opportunities in areas such as usage patterns and media competencies are more complex to analyse. Not so much so in the domains of journalism and legislation.

The legal and ethical regulation domain is well-researched by the Italian scholars during the last twenty years. Although we must consider that the legal and regulatory norms determine this

<sup>268</sup> Based on Case Study 1.

domain. Both at the legislative and administrative level (*Costituzione della Repubblica Italiana* and *Codice penale italiano*, *Autorità per le Garanzie nelle comunicazioni*, as main examples) and professional rules (e.g., *Ordine dei Giornalisti*, *Associazione Carta di Roma*). The domain of legal and ethical regulation is more studied in an academic level concerning the freedom of expression (defamation, privacy, disinformation, copyright, among others) and information (access to documents, the protection of journalistic sources, whistleblowing, trade secrets and transparency in media ownership, among others). One fifth (17%) of the research carried out on the four domains concerning deliberative communication in Italy focuses on this domain. Although the first legal and regulatory references and studies were raised from the Government at the legislative level (Constitution) and professional regulatory norms (*Ordine dei Giornalisti*), academic studies have been taking on greater relevance since 2013, becoming more noticeable in the last two years - A growth trend in research that is maintained in the four domains studied due to the greater number of high-impact publications that have been made in recent years. Not only at the national level, with special relevance universities located in Milan (Pierri, 2020; Splendore, 2016, 2017; Mazzoleni, 2006), Rome (Grisolia, 2020; Martino, 2021; Bentivegna, 2020), Turin (Scamuzzi, Belluati, Caielli, Cepernich, Patti, Stecca & Tipaldo, 2021), Bologna (Razzante, 2005), Perugia (Mancini, Mazzoni, Barbieri, Damiani & Gerli, 2021), among others; but also at the international level as Lugano (Porlezza, 2019; di Salvo, 2020; Puppis, 2007), Dublin (Cornia, 2016), Edinburgh (Craufurd Smith, 2021), New York (Molé, 2013).

The best researcher domain in Italy is the Journalism field. Specifically, dimensions as market condition, production, public service media, working conditions, organization, professional culture, journalistic competencies. More than half (56.4%) of the studies carried out on the four domains concerning deliberative communication in this country focuses on its domain. Although the reports that establish the professional regulatory standards in journalism published by journalists' associations (*Ordine dei Giornalisti*, *Carta di Roma*, AGCOM) stand out, academic studies have been taking on greater relevance in the last twenty years, especially since the beginning of the second decade of this millennium, for its constant growth and international relevance within the academic community.

In the study of journalism, highlight universities located in Italy like Milan (Mazzoleni, 2006; Splendore, 2016, 2020; Carlo & Mazzanti, 2020; Mattoni & Ceccobelli, 2018; Calliandro & Airolodi, 2016; Rega, 2017; Vigevani; Curini, 2020; Garusi & Oller, 2022), Rome (Cultrera, 2006; Grisolia, 2020; Giglioni, 2004; Bentivegna & Marchetti, 2018), Perugia (Mancini, Mazzoni, Barbieri, Damiani & Gerli, 2021; Gerli, Mazzoni & Mincigrucchi, 2018), Naples (Bifulco, Tirino & Castellano, 2022; Marrazzo, 2020; Avvisati, 2015), Pisa (Bracciale, 2020; De Gracia, 2013; Martella, 2016; Mattoni & Ceccobelli, 2018), Siena (Bentivegna & Rega, 2020), Florence (Sorrentino, 2002, 2022), Parma (Ferrandi, 2011), Udinese (Fortunati, 2010), Ferrara (Gardini, 2004, 2008), Catania (Nicolosi, 2019), Bologna (Barbieri, Campus & Mazzoni, 2019), Venice (Azzalini, 2015), Piemonte (Pogliano & Ponzo, 2019), Udine (Fortunati, 2021), among others.

However, other universities are in other countries, in cities like Lugano (Portezza, 2016; Richeri & Prario, 2016; Corchia & Bracciale, 2020; Prario, 2005; Evens, 2012), Zürich (Humprecht & Esser, 2018; Büchel, 2013; Zerback, 2020), Dublin (Cornia, 2016; O'Sullivan, Fortunati, Taipale & Barnhurst, 2017), Oregon (Russ-Mohl, 2012), Hamburg (Engesser & Brüggemann, 2016), Louvain (Standaert, 2021), Oxford (Örnebring, 2013) and London (Dalpiaz & Ravasi, 2010; Markova & McKay, 2013). This is mainly due to two aspects. First, because there are Italian researchers who study the journalistic context in Italy who work in universities abroad. Second, and taking on increasing prominence, the interest of universities from other countries and international comparative studies (WJS, Journalistic Role Performance, ECREA, PHARM, among others) have offered an external and comparative perspective of Italian journalism that has opened other interesting fields of study. At the international level, the role of Switzerland stands out, which has a not insignificant research production due to its language parity, geographical

proximity, and its professional link because a considerable number of Italian researchers work in Swiss universities (something that is reproduced in all analysed domains in this report).

The domain of Media usage patterns is well-researched in Italy since the second decade of this millennial, especially regarding access to media and diversity in the media system in universities in Rome (Mingo, 2009, 2015, 2018), Milan (Splendore, 2020; Mosca, 2017), Pisa (Bracciale, 2018; Andretta & Bracciale, 2017) and Bologna (Valeriani, 2018). The second variable more highlight is the relevance of public service media, especially in universities located in Ferrara (Gardini, 2004, 2008) and Milan (Orofino, 2011).

For its part, functionalities of media (Toraldò, Vergari & Toraldò, 2015 from University of Salento; Calenda & Mosca, 2007 from University of Florence; Tosoni & Tarantino, 2013 from Catholic University of Milan; Fortunati and Vaccari, 2016/2021 from University of Southampton), trust in media (Splendore & Curini, 2020 and Ricci & Splendore, 2021) from university of Milan; Memoli, 2014 from University of Catania; Lovari, 2020 from university of Cagliari; Stefani, Cavicchi and Romano, 2008 from university of Florence; Pogliano, 2015 from university of Piemonte; Bordignon & Ceccarini, 2020 from university of Urbino), and relevance of news media (Mosca & Quaranta, 2016 from university of Florence; Curini, 2020, Ceron & Splendore, 2018 from university of Milan; Bentivegna & Marchetti, 2019 from university of Rome; Steppat, Castro Herrero & Esser, 2021 from university of Zürich) according to users are maturing in the last decade.

Other fields of study as quality of news media (Corchia & Bracciale, 2020 from university of Pisa), media literacies policies (Doni, 2015 from university of Rome; Cappello & Rizzuto, 2020 from University of Palermo; Ranieri, Fabbro & Nardi, 2019 and Tirocchi, 2017 from university of Turin; Silva, 2017 from university of Verona) and access to media and channel preferences (Mosca & Quaranta, 2016 from university of Florence; Curini, 2020 from university of Milan) are incipient in Italy.

One fifth of the research carried out on the four domains concerning deliberative communication in Italy focuses on this domain (20.66%). Although the reports published by the *Autorità per le Garanzie nelle Comunicazioni* (AGCOM) stand out, academic studies have been taking on greater relevance since 2016. In the study of media usage patterns, highlight universities located in centre/north of Italy (Milan, Rome, Florence, Pisa, and Bologna). As in the rest of the domains studied, the Universities of Lugano (Richeri & Pario, 2016; Cola, 2012) and Zürich (Humprecht & Büchel, 2013; Castro-Herrero & Nir, 2018) maintains a strong link with Italy, systematically producing publications focused on this country in a comparative perspective.

The domain of media usage related competencies is analysed in a partial and unbalanced way, constituting itself as the least investigated research area. Only slightly more than five percent (5.9%) of the investigations carried out around the four domains concerning deliberative communication in Italy focus on this domain. Although there are some publications at the beginning of the second decade of this century, the truth is that it was not until 2017 when there began to be a certain systematization of these publications. Above all, by a small group of researchers who work, mainly, at the universities of Pisa (Andretta & Bracciale, 2017) and Rome (Mingo, 2018).

Similarly, some of the longitudinal data that exists for Italy around media usage related competencies comes from reports published by international institutes, mainly European (Bauer & Clemm von Hohenberg, 2021 from Mannheim Centre for European Social Research and European University Institute; Lessenski, 2021 from Open Society Institute; European Commission, 2012).

## 1.4. Critical Junctures highlighted and the deliberative communication in Italy

Each of the critical junctures we have highlighted so far have different kinds of effects upon the four domains the Mediadelcom project analyses. The table 1 summarizes those effects on each domain. The next paragraphs describe them going through each of the highlighted critical juncture.

Table 1. Critical junctures and their effects on studied domains in Italy

	Legal domain	Journalism Domain	Media Usage Domain	Media Related Domain
TV duopoly	Different laws to ensure pluralism	Increasing politicization	Continuity of TV consumption and slow adaptation to digital platforms	More capacity for plural participation and generation of opinion bubbles
Digitization	Laws to regulate the increasing complex market, but also deregulations	Increase in polarized content, as well as in pluralism and freedom of the expression	Change in the consumption patterns	More pluralism, more risks (Polarization, disinformation, hate speech)
Economic crisis	Revision of the support to PSB and to general media	Risk for professionalization, more precarity	Closure of companies, increase in unemployment, decrease in the economic capacity of citizens	Populism, euroscepticism
Migrant crisis	Laws to regulate the the migratory flow	New rules also about coverage (carta di Treviso)	Development of phenomena such as hate speech or fake news	Polarization
The populist zeitgeist	creation of the Northern League and Forza Italia	Endemic populism	Electoral support of the Italian population	Personalisation Emotionalisation Populist communication
Pandemic SARS-CoV-2	EU proposal against disinformation	Efforts to identify quality information, factchecking	Strengthening the use of digital media	Misinformation and polarization
Electoral victory of "Brothers of Italy" [ <i>Fratelli d'Italia</i> ]	Regulation of freedom and media	Media parallelism	Increase of hate speech and fake news	Decrease of plural participation, populism and social polarization

## 2. Risks and opportunities of legal and ethical regulation domain

### 2.1. Development and agency of change

The legal domain is the slowest to react at any change. Nevertheless, due to the different critical junctures highlighted during the two decades (2000-2020), many laws have been introduced in Italy and many other failed attempts to introduce brand new laws have been made to change the overall media scenario.

In principle, we can identify the various measures taken from the legal point of view as genuine attempts to strengthen deliberative communication. These attempts have been ambivalent in their results. Let's start with what we have defined as TV duopoly, in short, the structural lack of pluralism in what is still the media most used by Italian citizens: television. Although a change is

taking place in this regard. Slow but steady. Until 2020, the main source of information was television (48.2%), followed by the internet quite a distance (26.3%) (AGCOM, 2018). However, today, according to “2022 Digital News Report”, the media sector is now fully experiencing the impact of the digital transition. The main sources of information are online (75%) and TV (70%) and social media (47%).

Until Silvio Berlusconi (Calise 2004; Pasquino, 2004), owner of *Mediaset*, was not a direct participant in the political agone, the media scenario did not appear to be a problem (despite, as already noted, the *parallelism* of those TVs towards some prominent representatives of the so-called “First Republic”).

The Berlusconi’s media empire parabola was the most influent upon the legal domain. Especially in the first part of the time span we are here considering, a constant discussion about how to regulate such an anomaly was in place. The anomaly was precisely the ownership of an important part of the Italian media system by a politician who was a three-time prime minister. Since the overall mood that attributes to television a major impact on audience (see media related competences above) as owner of a huge part of the Italian media system (see Cornia, 2016; Mazzoleni, 2006), it appears that Berlusconi was able to gather consensus and gaining votes. Beyond the political debates, constantly focused on this issue, the Italian Parliament and the Italian Governments were able to produce some laws trying to mitigate the potential political support Silvio Berlusconi might have received from his media. One of the most debated was the “Gasparri Law” (3 May 2004, no.112) that enhances “Regulations and principles governing the set-up of the broadcasting system and the *RAI-Radiotelevisione italiana* S.p.a., authorizing the government to issue a consolidated broadcasting act”. The Gasparri Law and the ensuing Frattini law tried to provide a solution to guarantee pluralism of the media, avoiding the duopoly built on Rai and Mediaset, opening to other commercial actors and de-politicising RAI (i.e.: making it effectively independent from political parties and governments, a never-ending effort that has never been really realized).

In this sense, another peculiar law was the so-called “Par Condicio”, a rule that was created to stem conflicts of interest regarding media content. It is a law – it still rules in Italy – to ensure that candidates are treated equally and fairly, so they are meant to have the same amount of free airtime on public state broadcaster *RAI* as well as on commercial TV. Among other directives, “Par Condicio” prohibits the dissemination of opinion polls two weeks prior to a general election. Also in this case is *the Autorità per le Garanzie nelle Comunicazioni* (Authority for Communications Guarantees, AGCOM), the national communications industry authority, to get the role to supervise the respect of the law.

The digitization process, the transition from analogue to digital television, also crossed paths with the regulation due to Berlusconi's media power. Politics has been very sensitive at this passage, in those years of contest and political alternation, it represented an important stake. The political management of this transition resulted in a frequency planning aimed at maintaining the *status quo*. In short, the choices were aimed at not losing either *Rai* or *Mediaset* dominant positions (Mazzoleni, Vigevani and Splendore, 2011).

At the same time, the combination of Berlusconi's progressive distancing from the electoral contest and the further acceleration from a technological point of view (e.g., growth in the diffusion of the network, mobile connection, speeding up of data transmission) led to a phase of deregulation. Or rather, more correctly, Italy gradually adopts European laws on these issues, not imposing further regulations.

This same situation, Italy adopting the measures introduced by the European Union, seems to happen to the subsequent steps of digitization. The debate is widespread and involves all the six actors listed in the introduction. Furthermore, both the academic sphere and organizations

standing as government's branches constantly monitor and produce data to understand the effects on the use of digital media. Despite this, the legislative production was not extensive. In this sense it seems that the national legislative context is entrusting itself to the European Union. On the other hand, the relationship with moguls of the size of *Facebook*, *Google*, *Amazon* and *Apple* requires large-scale interventions both to counteract the effects in terms of disinformation, and to mitigate their dominant positions in economic terms. In this sense: "The European Commission, the executive arm of the European Union, has imposed a combined \$9.5 billion in antitrust fines against *Google* since 2017, and its boss hints *Amazon* and *Apple* might be next in line. *Facebook*, meanwhile, has been subject to probes from competition and data protection authorities across the EU since the region's strict new set of privacy rules called the General Data Protection Regulation (GDPR) went into effect last year"<sup>269</sup>.

The development of digital technologies, the change in the habits of Italian citizens in terms of use of the media, however, have mitigated the concerns related to the dominant position of Silvio Berlusconi in Italian television. This is certainly due to the understanding that the field is now global and that the effects of the media to be monitored are not only those of television.

## 2.2. Freedom of expression

The right and protection to freedom of expression is presented in the main legal documents that legislate the Republic of Italy, such as *Costituzione della Repubblica Italiana*, art. 21 of 1948 (Italian Constitution), *Codice Penale Italiana*, art. 595 de 1930 (Criminal Code) and legislative decrees (as No. 97 of 2016) and other laws (as Law No. 112 of 2004). The freedom of expression of media professionals and of all professionals is one of the rights that Italian law most vigorously protects. However, *Freedom of the Press* and *Reporters Sans Frontières* have been ranked Italy as a country where the level of freedom of the press is lower than its area and Western democracies in general. Due to these inconsistencies, the main risk for the freedom of the expression and press, in addition to being legislated directly and precisely, is the political parallelism between media and government, media oligopoly, the increase of populism and polarization, and the high level of corruption.

Regarding defamation, the *Costituzione della Repubblica Italiana* (1948) affirms that everyone has the right to express their thoughts freely in speech, writing and any other media; and the law recognizes honour and reputation. Besides, the press may not be subject to authorisation or censorship. If exist the "positive" part of the right to report the news, there is, also, a "negative", interspersed with the defence that the law recognises to honour (understood as including reputation). It is, therefore, in the "balancing of opposing interests" that the solution to the limits of the reciprocal expansion (Pacileo, 2013). In the event of default, if the offence is committed by means of the press or any other means of publicity, or in a public document, the penalty shall be imprisonment for a term of between six months and three years or a fine of not less than five hundred and sixteen euros (*Codice Penale italiano*, 1930).

The defamation law continues its discussion in the Constitutional Court and Italian Parliament (Article 19)<sup>270</sup>. In the journalistic and media Italian context this phenomenon is relevant because, according to the ISTAT, in 2017 alone, a total of 9,479 proceedings for defamation were initiated against journalists, of which 60% were dismissed after preliminary investigation and 6.6% went to trial. Resolution No. 157 of May 15, 2019, of the Council of the communication in

<sup>269</sup> Available at <https://www.cnn.com/2019/06/07/how-google-facebook-amazon-and-apple-faced-eu-tech-antitrust-rules.html> (last access 20 January 2022).

<sup>270</sup> Website of Article 19: <https://www.article19.org/resources/italy-decision-of-constitutional-court-on-prison-for-journalists/#:~:text=A%20year%20after%20the%20Constitutional.not%20compliant%20with%20the%20Constitution>

Italy, regulates containing provisions on respect for human dignity and the principle of non-discrimination and combating hate speech:

*Audio-visual and radio media service providers, in compliance with the principles of Article 3, and taking into account the provisions of the current Consolidated Law on the Duties of Journalists of the duties of journalists in force, observe a series of cautions and guidelines, paying particular attention to the identification of the specific context of reference with respect to possible stereotyped representations and generalisations which, through the use of hate speech, could generate prejudice against people who are associated with a certain category or group of people associated with a certain category or group subject to discrimination, thus offending human dignity and harming the rights of the individual (Art. 4).*

*Rai, in its role as manager of the public radio, television and multimedia service and multimedia, also in execution of the service contract, promotes the diffusion of contents that enhance the principles of respect for human dignity, non-discrimination, social principles of respect for human dignity, non-discrimination, inclusion and social cohesion, as well as combating incitement to violence and hatred (Art. 5).*

Equally, the article 13 on the Law of the Press no. 47/1948 points out that “personal freedom shall be inviolable and that “no one shall be detained, inspected, or searched nor otherwise restricted on one's personal liberty save by order of the judiciary for which the reason must be stated, and then only in such cases and in the manner as the law provides for”, (p. 4).

Defamation in Italy began to be part of the interest because the popularization of digital platforms as social media that gave citizens a greater voice and visibility at the beginning of this century. Reports such as “*News vs. Fake-news nell Sistema dell'informazione*”<sup>271</sup> shows that Italian national information system is seeing an increase in the volume of fake content. In this regard, “*Le strategie di disinformazione online e la filiera dei contenuti fake*” determines that the textual analysis of the fake content produced by disinformation sites in 2018 leads to the identification of 9 main topics: politics, rights, economy, health and environment, family and faith, news, foreign affairs, science and immigration. Both reports have been published by the *Autorità per le garanzie delle comunicazioni*.

According to the *Codice penale italiano* (1930), disinformation shall be punished, unless the act constitutes a more serious offence, with imprisonment of up to three months or a fine of up to €309. The disinformation is one of the main risk due to its highly detrimental connotations for the development of a deliberative democracy. To combat misinformation in Italy, the “*Testo unico dei doveri del giornalista*”<sup>272</sup> (Journalist's Text of Duties) propose a set of deontological rules relating to the processing of personal data in the exercise of journalistic activity (Ordine dei Giornalisti, 2021): the protection of personal data, the dissemination of the data and the protection of journalistic sources. In addition of this, according the *Ordine dei Giornalisti*, “journalists and editors are obliged to respect professional secrecy about the source of news, when required by the fiduciary nature of the news, and to promote a spirit of collaboration between colleagues, cooperation between journalists and editors, and trust between the press and readers” (Art. 1).

While the role played by copyright in protecting and encouraging the production of Italian journalistic articles has so far remained largely in the shadows, the advent of new forms of

<sup>271</sup> Interim Report Indagine Conoscitiva del. 309/16/cons (Autorità per le garanzie nelle comunicazioni): <https://www.agcom.it/documents/10179/3744102/Allegato+22-11-2018/3aff8790-8039-4456-8f9a-dae2497289a4>

<sup>272</sup> Ordine Dei Giornalisti. Consiglio Nazionale: <https://www.odg.it/testo-unico-dei-doveri-del-giornalista/24288>

online usage has put the spotlight on copyright protection as a possible panacea to the deep economic imbalances affecting the journalistic sector (Priora, 2021). There are legislative interventions in this direction, like the article 15 of the 2019 EU Directive on Copyright in the Digital Single Market that presents numerous critical issues, which make the prospects of effectiveness in the medium and long term uncertain.

The introduction of a new exclusive right represents a protectionist squeeze in favour of publisher-investors rather than a step towards sustainable regulation in step with the times. Although the obligation to redistribute the proceeds generated by the exploitation of related law in favour of individual authors remains a fundamental and long-awaited intervention in the contractual framework of copyright, Article 15 DSM Directive risks failing in the attempt to find the right balance between fundamental rights and freedoms of those who invest in the production and dissemination of journalistic content and of the users to whom it is intended. The arduous task to which the Italian legislator is called today is to remedy the weaknesses and flaws of the Community law, in favour of a regulatory approach capable of responding to the challenges of the times, sensitive to all the interests at stake and well calibrated - a task difficult, but not impossible.

### 2.3. Freedom of information

The *Costituzione della Repubblica Italiana* and the *Codice Penale Italiana* protect the freedom of information in Italy. The FOIA (Freedom of Information Act) legislation, introduced by Legislative Decree No. 97 of 2016, is an integral part of the public administration reform process, defined by Law No. 124 of 7 August 2015.

When right of information refers to the access to information/documents, there are several problems in obtaining data: (1) Data exist but are not available in open and digital format; (2) Data exist, are in table format, are accessible and open, but have unprocessable extensions (pdf, scanned images, closed format); and (3) Data exist, can be accessed, but are not provided in a tabular and structured format (Splendore 2016; Porlezza and Splendore 2019). These are the main risk to develop the freedom of information between citizens and communication professionals.

Talking about trade secrets, the *Codice penale italiano* (*Codice Rocco*, 1988) states that “if the news is indispensable for the purposes of proving the offence for which proceedings are being brought and its truthfulness can only be established by identifying the source of the news, the court orders the journalist to indicate the source of his information” (Art. 200).

The Italian law establishes, by general rules, that the means of financing the periodical press shall be disclosed (*Costituzione della Repubblica Italiana*, art. 21). Something related directly with the media ownership and transparency. In this sense, the Italian law offers greater prominence of audiovisual media services of general and public interest:

- Law No 112 of 2004 (the so-called Gasparri Law) redefined the tasks of public service broadcasting and of the concessionaire, defining when and how to start the privatisation process of RAI, modifying the duration of the concession and the composition and appointment procedures of RAI's bodies. These rules were then incorporated in the Testo Unico della Radiotelevisione.
- The tasks of the public broadcasting service and the public service tasks in the regional and provincial spheres are defined. The public broadcasting service must be guaranteed.
- Full coverage of the national territory

- An adequate number of hours of television and radio broadcasting devoted to education, information, training, cultural promotion and the implementation of distance learning activities.
- Access to programming in favour of political parties and groups, associations of local authorities, national trade unions, religious denominations, ethnic and linguistic groups, and other groups of major social interest who request it, and the free transmission of socially useful messages.
- The establishment of a company for the production, distribution and broadcasting of radio and television programmes abroad, aimed at the knowledge and enhancement of the Italian language, culture and enterprise.
- The broadcasting of radio and television programmes in German, Ladin, French and Slovene for the border regions and the enhancement and strengthening of decentralised production centres for the promotion of local cultures and language tools.
- The broadcasting, at appropriate times, of content specifically intended for minors.
- The preservation of historical radio and television archives.
- The allocation of at least 15% of total annual revenues to the production of European works.
- The protection of people with sensory disabilities.
- The law n. 112/2004, so-called Gasparri, decrees the resurgence of representatives of political parties in the Board of Directors of Italian public service corporation, the RAI. This change of the previous 1993 law along with the governance pattern of the corporation stated by the law call off its industrial nature and reduce pluralism in the Italian duopolistic market of broadcasting. The law represents a meeting of interests between the Government of the actual premier, owner of the private side of the TV duopoly, and the system of political parties, as represented in the Parliament, in watching the RAI in sight of its privatisation, also provided for by the law (in Spada, 2005).

The legal environment and implementation of the laws concerning freedom of expression and information could be an opportunity in Italy to protect the integrity of the citizens based on a theoretical and normative perspective and other instruments of media accountability. However, from a critical point of view, there is an excessive number of regulations that Italian journalism has adopted without effective sanctions (Splendore, 2017) and a dynamic fuelled by a widespread clientelism, a partisan news media, an alternative definition of public interest, and a weak professionalism (Patterson, Smith Fullerton & Tuñón Navarro (2017).

Defamation, as a defined crime, creates risks for freedom of expression and a paralyzing effect on journalistic discourse. Defamation laws that are too broad or protective can also have a negative effect on freedom of expression and even if these are far-reaching sanctions, including excessive fines or disproportionate compensation, they can similarly undermine freedom of expression. While excessive damages in civil cases can undermine freedom of expression, criminal sanctions (fines or imprisonment) have far greater chilling effects. The European Court of Human Rights (ECHR) has not openly called for the decriminalization of defamation. However, it has argued that the imposition of a prison sentence for a press offense will be compatible with the freedom of expression of journalists guaranteed by art. 10 of the European Convention on Human Rights (ECHR), only in exceptional circumstances, such as: when inciting violence or a case of hate speech. According to the ECHR, any requirement to prove the truth of value judgments is 'impossible' and therefore infringes freedom of opinion, which is a component of freedom of expression. The exercise of journalism in good faith and in order to provide information on a topic of public interest (defence of reasonable publication), adherence to journalistic ethics with a view to offering truthful and reliable information to the public, etc. Relevant defences are essential for defamation laws to meet standards consistent with Art. 10 ECHR.

In addition, a highly regulated system (Padovani et al, 2021), focused on aspects of misinformation between citizens and the government due to COVID-19 in the last two years (Lovari, 2020), migrants and media newsmaking practices (Gemi, Ulasiuk & Triandafyllidou, 2013; Arcila et al, 2021) can be a burden due to excessive bureaucratization.

## 2.4. Accountability system

### 2.4.1. Development and agency of change

The Register of Communication Operators (ROC)<sup>273</sup> in Italy is the instrument to which the institute law of the Authority entrusts guarantee functions, in terms of transparency and publicity of the ownership structures of communications operators. Keeping the ROC constitutes an essential fulfilment for the purpose of exercising a variety of institutional tasks such as, among other things, the protection of information pluralism, the verification of compliance with the limits set for shareholdings in foreign companies, activities relating to anti-concentration discipline. In the last year (2020), according to *“Relazione Annuale 2021. Sull’Attività svolta e sui programmi di lavoro”* published by AGCOM, the judicial litigation has concerned areas of intervention of the Authority, as well as the discipline of the proceedings. Here are the two of most relevant decisions: (a) Electronic communications, with reference to the obligations regarding universal service, the Council of State, with the sentence of 6 April 2021, n. 2790; (b) Audio-visual media services, regarding advertising crowding and the notion of cross-media group, the ordinance of March 25, 2021, n. 2504, with which the Council of State made a preliminary reference to the Court of Justice of the European Union<sup>274</sup>.

It is important to highlight that AGCOM represents in Italy a complex body, in terms of objectives assigned by law, assigned skills, functions performed, relationships with stakeholders and institutional networks to which it belongs at national and international level. In the last year, however, the administration has had to deal, on the one hand, with the health emergency and the related repercussions both on the markets of its competence and on its own organization, on the other hand, with the attribution of new skills and the beginning of a new cycle, as always happens at the start of a new Consiliatura (p. 179). In this context, the figure of the ombudsman offers the possibility of establishing a confidential dialogue environment and establishing a discussion with perspective and context. However, the role of ombudspersons as part of communication processes and journalism in Italy has hardly been on the agenda of the domestic media players (Splendore, 2017). Historically, Italian journalism has experienced only two ombudsmen initiatives and neither that of *Il Messaggero*, one of the most important dailies in the Italian central region, nor of *La Repubblica*, one of the most influential national newspapers, lasted. The basic problem facing ombudsmen is that they are perceived as an odd institution in the Italian political and cultural ecosystem.

### 2.4.2. Existing media accountability instruments and an evaluation of their effectiveness

The list of what can be considered instruments dealing with media accountability in Italy is long, detailed and puzzling. Italy is an assortment of a state-regulated domain, some self-regulation and a consistent mixture of the two (where public and private sectors jointly operate) (Puppis, 2007).

<sup>273</sup> Web page of Ministero dello sviluppo economico:

<https://www.mise.gov.it/index.php/it/comunicazioni/servizi-alle-imprese/registro-operatori-di-comunicazione-roc>

<sup>274</sup> In the matter of level playing field, the Lazio Regional Administrative Court, with the sentence of 2 December 2020, n. 12915, annulled the order-injunction (resolution no. 152/13 / CONS) with which the Authority sanctioned a national broadcaster for violation of the electoral level playing field (political elections 2013).

In terms of influence on Italian journalists' practices and behaviour, state law is unequivocally the most significant (Fengler, Eberwein, Mazzoleni, Porlezza and Russ-Mohl, 2014). The ethics and media responsibility are an areas of great interest to our analysis of deliberative communication because the difficulties that Italian journalism face to be accountable depend on the excessive number of regulations that Italian journalism has adopted without effective sanctions. The result is that in Italy even the simplest quarrels, that could be solved by a system of self-regulation, tend to be regulated by law (see Splendore 2017).

This has been so because the discourse about the press council and the code of ethics is extremely complex. The Italian equivalent to a press council is the *Ordine dei Giornalisti (OdG)*, which the Association of Journalists established by law, and to which all journalists must belong to see their profession publicly recognized. The OdG can be regarded as a press council, at least in the meaning of an institution established in the defence of press freedom, which is guaranteed by the Constitutional Law, and which should monitor the accordance of the content provided by media associates. When media practitioners become members of the OdG, they must, now being professional journalists, sign the OdG's code of ethics. The OdG has the legal ability to ensure the code is abided by. The journalistic code of ethics is thoroughly articulated (and generally based on co-regulation) (Splendore, 2017).

## 3. Risks and opportunities of journalism domain

### 3.1. Development and agency of change

If we look through each of the critical junctures, we can affirm that the journalism domain is the one that have been affected the most. Italian journalistic culture has famously been characterized with a weak development of a mass circulation press, a high level of political parallelism, a low level of professionalization, and a relentless state intervention in the media system (Hallin and Mancini, 2004). The first part of the time span we are here considering (that is unavoidably linked to Berlusconi), it goes without saying, has even exacerbated those characteristics. Political journalism appeared to be more and more *parallel* to politics. All Governments, regardless of if they were or not lead by Berlusconi, were even more invasive against the journalism domain.

Many of the actors that supervise the functioning of the field of deliberative communication highlighted frantically problems Italy was facing. From 2009 to 2013, the Freedom House ranked Italy among the ‘partly free’ countries, raising many concerns about the functioning of the media. AGCOM constantly warned media actors. Journalistic associations (among others FNSI – *Federazione Nazionale Stampa Italiana*, the most important Italian journalist’s association) denounced the pressures on journalism. Many scholars highlighted the diverse pressures the Italian media system was facing (among the plethora of publications two examples Durante and Knight 2012 about bias and political parallelism, Ciaglia et al. 2014 about the commercialization and popularization of the Italian media system). About politicization a comparative study explains also that news organizations appear to compose strategically political consistent newsrooms, providing incentives to journalists more aligned to the political line of newspapers (see Ceron *et al.*, 2020). The revision of the Public Service Broadcasting (i.e.: efforts to make it more independent, how to free journalists and make them more autonomous) has been constantly at the centre of the debate (see Gardini, 2004; Vigevani, 2012; Richeri, 2018).

Nonetheless, the end of the *Berlusconi era*, or at least its weakening, did not mean a new golden era for the Italian journalism. To some extent, the ongoing digital disruption (Eldridge & Broersma 2018) was even more effective and *disruptive* on Italian journalism. Italian journalism keeps a long history of political parallelism, Italian professional roles are almost entirely built upon autonomy on politics (see Sorrentino and Splendore, 2022), but the relations Italian journalism have been building with any technological innovation always were fragmented and conflictual (Agostini 2004). Italian journalism and Italian journalists found themselves to *reinvent* and *reshape* their professions. Many studies in Italy have investigated this ongoing process of adaptation (see among other Splendore 2017; Bentivegna and Marchetti, 2018). In this period the academic field has also increased and intensified its ability to monitor comparatively the role of Italian journalism (Örnebring and Mellado, 2018; Humprecht and Büchel, 2013). The wealth of this study makes difficult summarizing which main changes have taken place in the field. It is obvious, as well as worth to mention, that this change is deeply intertwined with global trajectories (commercialization and platformization of the press among others). What it is important to underline is the fact that the process of commercialization appears to be a sort of novelty for the Italian journalism, which is now driven also by economic aims rather than just political ones.

In this scenario, the combined effect of the economic crisis first and the global pandemic subsequently is further modifying and weakening (*disrupting*) journalism. These two events are further increasing the insecurity of journalists, leading to the death of many news media outlets and the need to reshape business models for many traditional companies. Global platforms drain large chunks of advertising revenue, and no alternative ways of making a profit have yet been found. Finally, the many discourses on disinformation, fake news, infodemics are obviously

also involving Italian journalism too, like many others it appeared unprepared to withstand this impact that erodes its foundations and its legitimacy.

### 3.2. Market conditions

About market condition in Italy, one of the highlight risk is the ownership diversity. In Italy leads to a media environment poorly supervised and therefore strongly influenced by both economic and political factors, that are often strictly intertwined (Cornia, 2016; Manchini et al., 2021). Specifically, Cornia (2016) suggests that in Italy the digital transition has led to only moderate changes within the Italian media system and generated limited implications for pluralism of information because although the new media, compared to the traditional media, have lower technological barriers inhibiting entry, market and political factors still hinder the entrance of newcomers: it is only legacy outlets, which are in a position to invest in innovation, that are able to reach a large audience. Cornia (ibid.) also highlights that pluralism is not the automatic result of technological developments.

According the Centres for Media, Data and Society (CMDS) (2020)<sup>275</sup>, the most important service operator in Italy are *Sky Italia* (Comcast Corporation), *RAI* (State-owned), *Mediaset* (Fininvest), *RCS* (Cairo Communications), *GEDI* (Exor), *Walt Disney* (Institutional investment companies), *Discovery Italia* (Discovery Group), *Gruppo 24 ORE* (Confindustria), *Caltagirone Editore* (Francesco Gaetano Caltagirone), *Viacom CBS Networks Italia* (Viacom CBS), *Società Editoriale Il Fatto* (No majority shareholder), *Ciaopeople Media Group* (Gianluca Cozzolino) and *Editoriale Nazionale* (Monrif) [more information in Index]. This distribution of operators shows that “the Italian media market is increasingly characterized by a strong cross-mediatlity” (p. 7). A tendency that present itself like an opportunity for the deliberative communication and the increase of the different points of view.

In this sense, it is remarkable like a real opportunity for the deliberative communication that in recent years the “new life” of regional and local information in Italy is a reality (Marrazzo, 2020; Splendore, 2020; Sorrentino; Carlo and Mazzanti, 2020; Pogliano and Ponzo, 2019; Bifulco, Tirino and Castellano, 2020; Ferrandi, 2011). The local information is acquiring new life thanks to the new dynamics of the digital information ecosystem, rediscovering a role that is no longer in the background in the continuous flow of information of social networks (Marrazzo, 2020).

News media income and the labour market define the journalistic ecosystem in Italy. Although television remains relatively stable in terms of popularity (dominated by the country’s two historical players, *RAI* and *Mediaset*), and online portals are steadily growing, the revenues in this segment are still only a fraction of the total media market. Moreover, online portals are increasingly dependent on intermediaries, the large tech companies. In 2018 alone, 41% of the advertising revenues generated by traditional online publishers was collected through programmatic advertising (CMDS, 2020). And online advertising revenues overtook television advertising revenues for the first time in 2019, and now represent almost half (49%) of overall advertising revenues in the Italian media sector (AGCOM, 2021)<sup>276</sup>.

In a fragmented profession like journalism, where the competition between the media increasingly voracious (Rea, 2010; Splendore, 2016), the growth of commercial logic among digital platforms and social media hurts journalists, users, and regular consumers (Curini, 2020; Mazzoleni and Sfardini, 2009; Curini, 2020; Dalpiaz and Ravasi, 2010; Porlezza and Splendore, 2016; Capra, 2003; Bifulco, Tirino and Castellano, 2020; Ferrandi, 2011; Schaiavazzi and Tallia, 2003) is an obvious risk in Italy. “Digital News Report of 2022”, published by Reuters Institute, point

<sup>275</sup> Website of CMDS: <https://www.ceu.edu/unit/cmds>.

<sup>276</sup> More information in the web page of AGCOM: <https://www.agcom.it/relazioni-annuali>

out that “in 2022, for the first time, a digital-born outlet, *Fanpage*, obtained the widest online reach in our survey (21%), surpassing established broadcasters, the main Italian news agency (ANSA), and the most important newspapers. Other digital-born outlets achieving good online results are *HuffPost* (9%), *Il Post.it* (7%), and *Open* (4%). Conversely, the offline news market is still dominated by the main Italian broadcasters (the public service broadcaster *RAI* and the commercial players *Mediaset*, *StyTg24*, and *TgLa7*), followed by established print outlets such as *La Repubblica* and *Il Corriere della Sera*” (p. 88).

The “overturn” that is occurring in the international media ecosystem during the last twenty years, increasingly influenced by transnational digital platforms, can become a risk or an opportunity for deliberative communication in Italy. An opportunity for the diversification of the media market and the plurality of information, but a risk for the economic sustainability model due to the increase in foreign competition and the large technological platforms.

### 3.3. Public service media

The autonomy of public media is seriously affected and threatened by competition and multiplication of platforms and media channels that follow commercial logic in Italy. The competition exacerbated by the multiplication of information channels due to the advent of the Web 2.0 and social media platforms have brought newspapers to slant the content of the news they produce.

In the case of Italian public media, the first decade of the 2000s is defined as a “performance measuring and assessing phase”, based on the digitalization processes and the new criteria for measuring and assessing achievement of the public sector organizations' performance objectives (Ducci, Materassi and Solito, 2020). However, their main objective today is to control their regular audience. This process has also led RAI, the Italian Public Service Broadcaster, to follow commercial logic to survive (Mazzoleni and Sfardini 2009). Moreover, because during the first nine months of 2020 total revenues for the Italian media sector fell by €780m, with considerable decreases observed in both the newspaper (-15%) and broadcasting sectors (-8%), while online advertising grew (+7%) (*Osservatorio sulle comunicazioni*, AGCOM, 2021).

The fear for the loss of autonomy of public media is a concern due to the parallelism between politicians and the media that has characterized Italian journalism since Berlusconi came to power. According to Ducci, Materassi and Solito (2020), in connected societies like Italy, some topics of reflection which to some extents have always accompanied the evolution of public communication – also in terms of its regulation – now become inevitable challenges and priorities. For these reasons, these authors propose the following aspects in the public communication review as part of deliberative communication: regulation, competences, training, coordination, listening, and languages.

The relevance of the financing of public service media is shown as a prominent level of Italian legislation because of the direct relationship between the independence of the public media and the strength of Italian democracy. The Gasparri law (Law No 112 of 2004) establishes the financing of the public broadcasting service, introducing the obligation for the concessionaire company to allocate the revenues deriving from the license fee only to the costs incurred for the provision of the public service, providing, to this end, for the keeping of separate accounts, subject to the control of an auditing company in an independent position.

### 3.4. Production conditions

The production conditions of the Italian media have been transformed due to the digitalization process during the last twenty years. Nonetheless, Italian journalism has generally been slow to adopt new technologies (Splendore, 2017). A reluctance to change that has caused that Internet,

and digital communications in general, have had a limited impact on the Italian market when compared with other European country markers (Richeri & Prario, 2016).

However, since the arrival of COVID-19 (2020), the entire media digitization process has accelerated. Hence, this trend towards studies on the digitization of the media and all communication processes is not surprising. It is even obvious, since the digital market reached 44.6 million users connected to the internet in December 2021; ranking the four global giants - *Google*, *Facebook*, *Amazon* and *Microsoft* - as platforms with the largest number of users; below are the rest of the Italian media companies - *RCS Media Group*, *ItaliaOnline*, *Governo Italiano*, *Mediaset*, *GEDI editorial group* and *Mondatori* (AGCOM, 2021).

In addition to digitization, the production conditions have been determined by the investigative resources. Beyond its traditional political parallelism (Hallin and Mancini, 2004), another reason why in Italy the economic and political factors that shape the media environment are often strictly intertwined regard the fact that since Italian newsrooms in many cases lack the necessary resources to promote independent coverage, they tend to heavily rely on institutional sources (Tiffen et al., 2014; Splendore, 2020).

Regarding to the foreign offices/correspondent despite enjoyed prestige and autonomy in their work traditionally and had had an important language and cultural translation functions, due to the crisis in the Italian journalistic sector the funding of these expensive foreign bureaus was cut (Splendore & Mazzoleni, 2008). Moreover, Italy has witnessed an increment in service due to increased competition from both foreign and domestic firms since the regulations were implemented (Richeri & Prario, 2016).

The relevant role of investigative journalism by Italian journalism, even with the Covid-19 pandemic, is shown in the “Piacenza Manifesto - Deontological Charter of Scientific Journalism” (2018) presented by the Union of Italian Scientific Journalists (UGIS). According this document, science and technology require a dedicated professional update in the Italian context, even more in this post-pandemic period.

### 3.5. Agency of journalists

Italian professional journalists have to be part of the *Ordine dei Giornalisti* [Order of Journalists] by law to legitimately practice the profession. An almost unique measure in the world that aims to protect journalists against the intrusion of other professionals and to provide it with a professional entity.

At the internal level, the organizational conditions of Italian media platforms directly affect their workforce (Comunello; 2015; Markova and McKay, 2013; Josephi and Oller Alonso, 2021). Especially regarding women, who continue to occupy lower positions in the hierarchical ladder (Azzalini, 2015; Comunello, 2015). The profile of the typical Italian journalist is almost in line with the Italian white-collar composition; the group of journalists also includes a similar percentage of women (42.4%) in comparison to other professions - such as doctors or lawyers (Splendore, 2016).

The perceived level of autonomy for Italian journalists is one of the lowest in the world (Hantzsch *at al.*, 2019). Specifically, journalists who do not hold positions of responsibility in the newsroom perceive less freedom in the selection of news and aspects to be emphasised. Those who work for private editors consider that have more freedom in the choice of topics and frames, especially if the online private media. Regarding journalists working for national newspapers, they feel less autonomous when they cover the news (Sorrentino & Splendore, 2022).

According WJS (2013-2016), most of the Italian journalists held a full-time position (62.9%), whereas 4.8 percent of the respondents indicated that they had part-time employments, and

32.3 percent worked as freelance journalists. These professionals held in average a professional experience of 16.84 years ( $s=9.79$  and  $median=15$ ), 67.7 percent worked on various topics, more than half (56.8%,  $s=0.8$ ) worked just for one newsroom and 27.5 percent held other jobs outside the area of journalism (in Splendore, 2016).

### 3.6. Journalists' working conditions

AGCOM has pointed out the economic crisis that affects the Italian media system and has repeatedly highlighted the lack of its pluralism. Circumstances because that among public opinion there is a lack of trust in the content publish by media mainstreams and the level of autonomy of journalists. Autonomy is a very important factor in the journalist's professional careers (Ceron et al., 2019), even more in an environment in which media polarization and political instrumentalization of journalists is a reality in Italy. A real risk to create the conditions for the construction of a deliberative communication model in the country.

The increase of precariousness during the last years of the condition of journalists inside of media newsrooms causes the reduction of the satisfaction of Italian with their working conditions. Even more, although in Italy the Ordine dei Giornalisti is a professional association in which journalists must join to be included by law and legitimately practice the profession, only six out of ten of them work full-time in a fragmented profession with profound differences between various segments (Rea, 2010).

All this occurs in a context of clear manifestation, in one site, of the political polarization e instrumentalization of the public media – a tendency that influences the left-leaning and right-leaning editors (Ceron, Splendore, Hanitzsch and Thurman, 2019) - and, in another site, the commercialization of the journalism and the concentration of the traditional media mainstream and the extremely fierce competition by the multiplication of information channels due the advent of the Web 2.0 and social media platforms (Curini, 2020; Mazzoleni and Sfardini, 2009; Splendore and Curini, 2020; Mancini, 2013, 2020).

There are two aspects that the law contemplates as fundamental about the conditions of Italian journalists. The first, education and training (Splendore, Di Salvo, Eberwein, Groenhart, Kus and Porlezza, 2016), which gives access to the journalistic profession (Art. 32 of Law No. 69/1963); the second, which has taken fervent interest in recent years, the threats/harassment/hate against journalist (Garusi, Splendore and Oller, 2022) due to the number of incidents of intimidation against them recorded by the Ministry of the Interior's Observatory that has risen by 21 per cent. Almost one threat in two (47 per cent) comes via the web and social networks (Federazione Nazionale Stampa Italiana, FNSI, 2021). Specialized journalists who work on specific issues, such as migration, suffer from hate speech (crime) on a recurring basis (according results from PHARM<sup>277</sup>).

It is worth mentioning that the publication by Elda Brogi (2018), with the investigation of the Application of Media Pluralism Monitor 2017 in the European Union (MPM), describes the alarming situation of journalists in the area of basic protection (36%), considering this item in crisis in terms of “working conditions, professionalization, autonomy, the independence of journalism and of Italian journalists”, (p. 4), all this with a growth in threats to journalists (“19 of them with protection through the use of armed escorts”), (p. 4), caused by death threats from the mafia and populist groups of the extreme right.

“The basic protection indicators measure: the possible risks, the existence and effectiveness of the implementation of regulatory guarantees for freedom of expression and the right to information, the protection of journalists, the ability to work, the effectiveness of the organizations

<sup>277</sup> Web page of PHARM: <https://pharmproject.usal.es/?lang=es>

national regulators that have the competence to regulate the media sector and the scope of traditional media and internet access”, (ibid, p. 6).

### 3.7. Intra-organizational diversity of human resources

The profile of the typical Italian journalist is a man (only 42% are women) and they are and they are in their thirties and forties (media of age is 42.98 years old and median is 43 years with an standart deviation of 10.54) (Splendore, 2017). Professional values and rules of the Italian journalists are legitimised by a wide range of normative guidelines that were previously ignored (Örnebring, 2013; Splendore, 2017; Sorrentino and Splendore, 2022). Based on these professional and legal guidelines the knowledge and ability of journalists are tested based on the regulated training they must have before entering the profession (Örnebring and Mellado, 2018; Pogliano, 2019; Pogliano and Ponzo, 2019). Because that, in an educational level, according WJS (2013-2016), Italian journalists generally are well educated (72.9% of the sample got at least a college degree; 24.5% got a university degree). Just half of them (50.1%) hold a degree in journalism or communication. Regarding this subject, since journalists covering immigration often lack the specific skills to put the events they report on into the broader context, even greater power to define the situation is given to actors from the political field (Pogliano 2019; Pogliano e Ponzo 2019).

### 3.8. Journalistic competencies, education and training

According to data obtained from the Atlas of Professions (permanent observation of the professions [www.atlantedelleprofessioni.it](http://www.atlantedelleprofessioni.it)) in Italy. The 3 most important activities that a journalist must perform to fulfill their role are the following: 1) Collect information, 2) Carry out journalistic reporting 3) Transmit information from press releases. To carry out these activities, a journalist must possess several skills. First, you must identify and contact representatives and experts of the sector to collect information about the subject or object of the service by analyzing documents and, materials on the subject being investigated. Secondly, you must define what you plan to create to specify what information to look for and thus interact with other professionals to be supported in some phases (for example, by the photographer, the filmmaker, the sound engineer among others) and finally you must prepare and transmit press releases publicizing events and news related to the institution to which you belong organizing press conferences, promoting the image of it and therefore solve possible problems from a communicative point of view.

To become a professional journalist in Italy there are two options: Firstly, complete 18 months of internship (Article 34 of Law No. 69/1963 and interpretative criteria at [www.odg.it/leggi-e-documenti](http://www.odg.it/leggi-e-documenti)) and, in addition, attend one of the theoretical preparation courses, including “distance learning” courses, lasting at least 45 hours, promoted by the National Council or Regional Councils of the Order. Secondly, obtain a title from an official school of journalism, attending for two years one of the schools of journalism recognised by the National Council of the Order of Journalists ([www.odg.it/scuole-di-giornalismo](http://www.odg.it/scuole-di-giornalismo)) and passing the examination of professional suitability (Article 32 of Law no. 69/1963).

Once the process that regulates the National Council of the order of journalists is completed, you get the journalist card that guarantees you to be able to practice the profession but there are two types: publicists and professionals. The difference between a publicist and a professional is due to the fact that the former not only carry’s out journalistic activities and receives a salary, but also has with the possibility of exercising other professions or work activities at the same time; while the latter exercises the profession exclusively. (it.indeed.com)

Although no specific qualification is required, to obtain eligibility as a publicist or professional it is necessary to follow certain paths, regulated by law n. 69 of February 3, 1963, which also established the Order of Journalists (ODG) as a representative public body of the category.

The strict regulation, and according to WJS (2013-2016), makes Italian journalists well educated as they have at least a university degree (Splendore, 2017). However, the discrepancy between the normative ideals and practice is transparent as to the possibility of fulfilling a surveillance function in Italy is threatened by the instrumentalisation of the media by external agents, the weakness of the written press market and the low level of professionalism (Genli, Mazzoni and Mincigrucci, 2018).

### 3.9. Professional culture and role perception

In Italy there is little cooperation, if any, between journalists. For example, although this country is one of the few countries around the world that has a national association of journalists (*Ordine dei Giornalisti*), the main purpose of which is to supervise and protect its members, his codes of practice and social norms are fought over, challenged, not unanimously recognised or legitimised even by journalists themselves (Splendore, 2017a).

In recent years, the media and the journalistic profession in Italy have been marked by the digitization process that the profession is undergoing and the changes that journalism is undergoing due to periods of crisis, political interests, market demands and the evolution of the professional profiles and roles of journalists (Splendore and Brambilla, 2021; Standaert, 2021; Sorrentino and Splendore, 2022).

Most Italian journalists identify with the monitoring role and consider especially important to report things as they are. The results from WJS study (2013-2016) about professional role orientations show that Italian journalists found it most important to report things as they are (mean=4.60 and s=0.71), to be a detached observer (mean=4.47 and s=0.81), to provide analysis of current affairs (mean=4.13 and s=0.89), and to let people express their views (mean=3.82 and s=1.17). The relevance of roles like the first two (“to report things as they are” and “to be a detached observer”) are common in Western journalism, nevertheless they are in contrast with the typical representations of Italian journalism. Conversely, it is less common within Western journalism that “let people express their view” covered a massive support as in the Italian case. The two items that carry the lowest level of support are “Support national development” (mean=1.32 and s=0.67) and “Support government policy” (mean=1.32 and s=0.65).

Fulfil a watchdog role in Italy is threatened by the instrumentalization of the media outlets by ‘external’ actors, the weakness of the print press market and the low level of professionalism - understood as the self-censorship of journalists (Gerli, Mazzoni and Mincigruci, 2018). In line with the perception of the role declared by Italian journalists, there is an objectivism characterised by “limiting oneself to reporting reality as it appears”. However, the youngest journalists are the ones who differ the most from this evidence (Sorrentino and Splendore, 2022).

## 4. Risks and opportunities of media usage patterns domain

### 4.1. Development and agency of change

Developing a context of deliberative democracy presupposes that citizen are well-informed about the topics that politicians and other relevant actors discuss in the public sphere. In the first decade of the period, we analyse here, the TV news and traditional newspapers were the media sources most used to obtain news about politics and daily news (Mazzoleni, Vigevani and Splendore, 2011). As mentioned, the television landscape, including news, was dominated by

the public service broadcaster RAI and by Mediaset. As far as the Italian press is concerned, there was a period of high concentration in the market, with the first four newspapers – *Corriere della Sera*, *Repubblica*, *Gazzetta dello Sport* and *La Stampa* – covering over 35% of the overall sales volumes (Fabbri, 2002). At that time the use of the internet for information was already widespread (Mazzoleni, Vigevani and Splendore 2011), more than half of the users who consulted the internet for news still obtained information by going to the websites of the most popular newspapers in Italy.

A critical juncture related to media consumption, on the other hand, undoubtedly concerns the advent of digitalization and “platformization”, which occurred during the second decade of the new millennium. People today are more likely to get the news they want, when, how, and where they want it. According to several authors, this has fragmented the media ecology, resulting in a much more complex flow of communication than in the past, which poses a serious threat to the gatekeeper role hitherto played solely by the traditional media (e.g., Benkler, 2006). Social media have been described as environments characterised by an abundance of choice and therefore exclusively dominated by dynamics of “selective exposure”, including to news (e.g., Stroud, 2007; Prior, 2007). However, an empirical study conducted in Italy shows that accidental exposure to news on social media is a very frequent experience that is likely to reduce the gap in online engagement between citizens with high and low interest in politics, also potentially broadening the range of voices that make themselves heard (Valeriani and Vaccari, 2016). Nevertheless, since the Italian journalism has traditionally been very reluctant to use alternative sources (Curran *et al.*, 2013; Splendore, 2017), it emerges that the range of information consumed by citizens may not grow as social media platforms become widespread.

During the pandemic spread of the coronavirus, several studies show that, in contexts where the amount of false or problematic information in circulation is very high, opinion-building processes become more complex for citizens and, at the same time, confusion, cynicism, a reduced sense of efficacy, but also distrust in the others and institutions spread (Balmas, 2014; Faris *et al.*, 2017; Humprecht *et al.*, 2020). The Italian debate about the Sars-Cov-2 pandemic was characterised by a lack of scientific knowledge on the virus, disagreement between experts and politicians, and an abundant circulation of contradictory, problematic, and sometimes even false information (Battistelli and Galantino, 2020).

One of the many consequences of this situation is undoubtedly the unprecedented increase in the population's demand for information: all media, from television to the web, saw a real surge in the search for news (Scaglioni and Sfaridini, 2021). Nevertheless, it is still the television to cover a leading role in the dynamics of accessing and acquiring information of public and social interest. Television consumption of information has increased considerably thanks to the diversification of the information offered in terms of genres, languages, and tones of voice used in the various programmes.

## 4.2. Agency of media-users and analysts

Italian media suffer due to market concentration and economic crisis. In terms of consumption, audiovisual media are the main source of information in the country, while it is known that newspapers have considerably decreased the number of readers, compared to a growing consumption of online news. According to Brogi (2017), the Government of Matteo Renzi promoted reforms that affected the media sector, some of these were: the reform of the governance of the Public Service Media (PSM), the reform of the freedom of information law and the introduction of a Freedom of Information Act (FOIA), the reform of public press financing, and the introduction of a “fund for pluralism”, (p. 2).

The concentration of ownership of the Italian media is 54%, affecting the media market in the last thirty years, since their management is polarized in a few people who control them, such as: the audiovisual market, which is dominated by the two main operators in Italy. This combined with political ownership of one of the major media companies has contributed as a negative feature of the Italian media system.

According to data from the Centre for Social Investment Studies (CENSIS), a socioeconomic research institute in research on the media and the construction of identity.

The results show that the five main sources of information used by Italians include traditional tools such as: news broadcasts, news television networks and paper newspapers, along with the innovation provided by the most widespread social platform, Facebook, and by Internet search engines, such as Google. that allow in seconds to add results by keywords or topics. The news maintains its leadership: they are the programs that Italians use the most to inform themselves (59.1%). The appreciation is widespread, but increases with age: from 40.4% of the very young to 72.9% of those over 65. There is also a high degree of favoritism towards televisions dedicated to continuous information 24 hours a day.

Another aspect analyzed by CENSIS shows that national politics is the queen of programming. Users compose a custom mix of fonts, online and offline. It is recorded that interest in the political sphere represents 42.4% of the population: the events of governments and political parties represent the most popular type of news. They even exceed by more than 10 percentage points the classic games of the informative schedules, such as sport (29.4%) or police (26.1%) and pink press (18.2%).

According to CENSIS projections, it is foreseen that the majority of Italians are convinced that in the future Italy will lose its economic and political weight on the international stage (57.5%) and the European Union will not be strengthened (55.3%). But there is no need to fear the risk of liberal democracies entering into crisis (14.8%). We will carry out most of our daily activities through the internet (67.4%). For many, however, paper media (newspapers, magazines, books) are doomed to extinction (49.6%) and information will be less free than today (42.4%). In general, it is above all people more familiar with personal means who show a more positive attitude towards the future. Not only young people, but also the most cultured subjects and inhabitants of large cities.

### 4.3. Access to news and other media content

Regarding media access and diversity in Italy, should be highlighted three main risks for the deliberative communication: firstly, the important level of ownership concentration for free broadcast TV that has now persisted for over 20 years. Two companies control 87.2% the Italian broadcast television market: the public *RAI* and the Berlusconi's family's *Mediaset*. Secondly, the high concentration of advertising investment in the field of television. For several years, Italian television has received over half of the total advertising investments made. Thirdly, the political corporate relationship in Italy. A prime example of this was the invest founder Silvio Berlusconi, who served as prime minister three times: in 1994, from 2001 to 2006, and again from 2008 to 2011 (Richeri & Prario, 2016).

In addition, the media have an increasingly closer link with social networks. According to Valeriani and Vaccari (2016), inadvertent encounters with political content on social media are likely to reduce the gap in online engagement between citizens with high and low interest in politics, potentially broadening the range of voices that make themselves heard. In line with this result, a study by Mosca and Quaranta (2016) finds that social movements and protesters use online platforms extensively to inform and mobilize other citizen's by-passing the gatekeeping function of traditional media. For all these reasons, and despite the high level of media concen-

tration in Italy, an opportunity for the deliberative communication is a growing proliferation of media options to consume news (Castro et al., 2021). Specifically, Italian media users have full access to media and preferred channel (97.4%) and offer high relevance to media news because 94.9% of them watch/read news on their average day (AGCOM, 2018). However, this opportunity could become a serious risk because, according to Castro *et al.* (2021), a considerable proportion of Italian users opt-out of news use or have a low-source and low-frequency news media diet.

#### 4.4. Relevance of news media

The *Autorità per le Garanzie nelle Comunicazioni* (AGCOM), as independent Italian regulatory and guarantee administrative authority, watches over the General Public Broadcasting Service based on the principles laid down by the Italian Constitution and by the European Union. It is important because, for example, the public canal *RAI* is the television news program with the highest number of publics (AGCOM, 2020). Hence, AGCOM not only regulates aspects in that area, but also establishes itself as the main regulatory body for aspects such as the relevance, access, preferences, quality, and functionalities of news media.

The mission of the General Public Broadcasting Service is based on the principles laid down by the Italian Constitution and by the European Union in the TV without Frontiers Directive of 1989 and subsequent amendments, the 9th Protocol on Public Television annexed to the Treaty of Amsterdam of 1993 and the subsequent Communication of the Commission of the European Communities 2009/C 257/01 published in the Official Journal of the European Union of 27 October 2009.

Public service obligations are defined by Law No. 249 of 31 July 1997, Law No. 112 of 3 May 2004, the Consolidated Law on Audiovisual and Radio Broadcasting Media Services, approved by Legislative Decree No. 177 of 31 July 2005, and the Service Contract signed with the Ministry of Communications. According to Article 45 of the Consolidated Law on Audiovisual and Radio Broadcasting Media Services, the public service broadcasting must guarantee the following, thus setting the minimum mandatory content, which may be supplemented through the Service Contract:

- a. the broadcasting of all public service television and radio transmissions with full coverage of the national territory, insofar as science and technology allow;
- b. an adequate number of hours of television and radio broadcasts devoted to education, information, training and cultural promotion, with particular regard to the promotion of theatrical, cinematographic, television, including original language, and musical works recognised as being of a high artistic level or more innovative; this number of hours shall be defined every three years by resolution of the Authority; entertainment broadcasts for minors shall be excluded from the calculation of such hours
- c. the broadcasting of the transmissions referred to in subparagraph (b), in a proportionate manner, in all time slots, including those with a high audience, and on all television and radio programmes;
- d. access to programming, within the limits and according to the modalities indicated by the law, in favour of parties and groups represented in Parliament and in regional assemblies and councils, of the associative organisations of local autonomies, of national trade unions, of religious denominations, of political movements, of political and cultural bodies and associations, of legally recognised national associations of the cooperative movement, of associations of social promotion registered in the national and regional registers, of ethnic and linguistic groups and of other groups of relevant social interest that request it;

- e. the establishment of a company for the production, distribution and broadcasting of radio and television programs abroad, aimed at the knowledge and enhancement of the Italian language, culture and enterprise through the use of the programs and the diffusion of the most significant productions of the national audiovisual panorama;
- f. the broadcasting of radio and television programs in German and Ladin for the autonomous province of Bolzano, in Ladin for the autonomous province of Trento, in French for the autonomous region of Valle d'Aosta and in Slovene for the autonomous region of Friuli-Venezia Giulia;
- g. the broadcasting, free of charge, of messages of social utility or of public interest that are requested by the Presidency of the Council of Ministers and the broadcasting of appropriate information on the viability of Italian roads and motorways
- h. the broadcasting, at appropriate times, of content specifically intended for minors, taking into account the needs and sensitivity of early childhood and developmental age;
- i. the preservation of the historical radio and television archives, guaranteeing public access to them;
- j. the allocation of at least 15% of total annual revenues to the production of European works, including those made by independent producers;
- k. the realization, within the deadlines provided for by law no. 112 of 3 May 2004, of the infrastructures for radio and television broadcasting on terrestrial frequencies in digital mode;
- l. the implementation of digital interactive services of public utility;
- m. compliance with the advertising crowding limits provided for by article 38 of the Consolidated Law;
- n. the articulation of the concessionaire company in one or more national seats and in seats in each region and, for the Trentino-Alto Adige region, in the autonomous provinces of Trento and Bolzano;
- o. the adoption of appropriate measures to protect people with sensory disabilities;
- p. the enhancement and strengthening of decentralized production centres;
- q. the implementation of distance teaching activities.

Also, *RAI* is committed to guaranteeing an offer dedicated to the country's linguistic minorities. Based on the agreements currently in force, *RAI* guarantees television and radio programming for the following linguistic minorities in the German and Ladin-speaking areas of Italy, in the provinces of Bolzano and Trento, Slovenian in Friuli-Venezia Giulia, and French in Valle D'Aosta.

In Italy there is uncertainty within the functionalities of media. The excessive fragmentation of the market and strong competition without proper regulation will discourage investment. The sector is moving to grow high-speed broadband networks and to diversify its offerings, but it is still unclear as to who will undertake the requisite infrastructure investments (Fortunati and O'Sullivan, 2021). Until 2020, according to the "*Rapporto sul consumo di informazione*" published by AGCOM<sup>278</sup>, the main sources of information were television (48.2%), internet (26.3%), newspapers (17.1%) and radio (8.4%). And, until before the Covid-19 pandemic, 94.9% of Italians watch/read news on their average day (AGCOM, 2018).

Today, according to the data from "2022 Digital News Report", the media sector is now fully experiencing the impact of the digital transition. The main sources of information are online (75%) and TV (70%), social media (47%) and newspapers (15% in free fall for years). The social networks most popular for news are *Facebook*, *WhatsApp* and *YouTube* [*TikTok* (4%)].

<sup>278</sup> Link to download this report: <https://images.agi.it/pdf/agi/agi/2018/02/19/124325678-b198b2cb-affe-4842-b6b8-4e297aba9a82.pdf>

However, the economic model of online media in Italy is still undergoing restructuring, since the percentage of users willing to pay for news is also low (12%).

And, of course, the functionality of the media in Italy is directly related to the quality of news media and the emergence of a marked cross-media phenomenon. This phenomenon causes fewer and fewer users to access the media for information purposes, which now concerns more than three-quarters of the Italian population. Only television still resists as a medium with its own pool (about 8% of the population) of exclusive users (the so-called “television” of the population). Finally, there remains a niche of Italians (about 5%) who do not get informed at all (at least not through the mass media) (Corchia and Bracciale, 2020). In Brogi's MPM research (2018), it is highlighted that the indicator of transparency in media ownership in Italy has a medium risk (50%), which shows that it is partially transparent.

#### 4.5. Trust in media

Despite the relevance of the media as information services in Italy, the level of trust that users place in them is particularly low in Italy. Organization for Economic Cooperation and Development (2020)<sup>279</sup> confirm that the level of trust in the Italian government is 35/100, one of the lowest in the world. According to Reuters Institute (2020), after an 11-percentage point fall in 2020, trust recovered all that this year but is still relatively low. The most trusted brands are generally those that are known for lower levels of political partisanship (ANSA, SkyTG24 and Il Sole 24 ore). The main risk is that least trusted are outlets with a pronounced partisan bias and the popular digital-born outlet (Fanpage, Libero Quotidiano and Il Giornale). A situation that, rather than decreasing, is currently increasing: On average, just 13% and 15% of users believe that the Italian media are independent of undue political and commercial influences, respectively (Digital News Report, 2022).

The partisan nature of Italian journalism (Splendore and Curini, 2020) and the strong influence of political and business interests on news organizations (Memoli and Splendore, 2014) cause the brands that are most trusted are generally those that are known for lower levels of political partisanship. Among these, the least trusted is the popular digital-born website *Fanpage* (Lovari, 2020).

What is clear from the European Union about freedom of expression on a comparative level in all European countries is that the lack of freedom and pluralism of the media can represent a further serious obstacle to freedom of expression as well as to that of receiving and disseminating information and creating, by weakening public trust in the media, a vulnerability to democracy (Servizio Ricerca del Parlamento europeo, 2019), and a polarization of Italian audiences.

<sup>279</sup> Website of OECD: <https://www.oecd.org/italy/>

## 5. Risks and opportunities of media related competencies domain

### 5.1. Development and agency of change

The reconstruction of this domain with respect to the critical junctures displays a very clear pattern. Throughout the first part of the new millennium, those who used the traditional media, those who sought information and tried to participate in the public debate, did not suffer pressures with respect to their ability to deal with the media content. Consumption habits were historically rooted and incorporated. (i.e., people were very familiar with those media). It is hard to find pieces of research that measure the satisfaction of Italians with media, but if we just consider the level of consumption of TV as well as newspapers sold at kiosks, we may affirm that Italians generally were satisfied with the news offer, or at least they were more likely to use those two media. One of the effects of the critical juncture due to the combination of TV duopoly and the presence of Berlusconi was the fact that Italians witnessed an increase in the polarization that revolved around the figure of Silvio Berlusconi. Indeed, polarization had never been a main characteristic of the Italian contest, historically dominated by a multi-party that found its equilibrium at the centre of the political spectrum.

By contrast, the last decade was dominated, as in any liberal democracy, by process that regard an increase in polarization, circulation of misinformation, online hate speech, spread of conspiracy theories (see among others Van Aelst *et al.*, 2021; Teocharis *et al.*, 2021, Humprecht *et al.*, 2021). This scenario, that was already emerging from the widespread of social media, was even reinforced by the Coronavirus.

It is obviously difficult to briefly describe these processes and it is even more difficult to trace them back as Italian peculiarities. As Bentivegna and Boccia Artieri affirm: “The public space of deliberative communication is now a background noise, built on conversations that are more and more partisan” (2021: 158). The information environment is now characterised by increased choice as well as fragmentation and multiplication of the ways of consuming information. The two Italian authors talk about an interrelated public debate where convergence and divergence are at stage.

If we said that at the end of the last millennium the Italian population seemed to know the affordances of the media system in which it was involved, the digitization processes have brought it into a scenario where the necessary skills to gather adequate information have increased. However, there is no empirical evidence that leads to say that this process is different in Italy than in other countries. The growth of disinformation, online hate speech, polarization appear characteristics of the global media system.

### 5.2. Overview of media related competencies in policy documents

Social inclusion is the area that presents the greatest risk in Italy. Social inclusion is understood as the access by various groups of society to the media. 1 Its area of analysis includes indicators to assess media policies and access to them by minorities, communities, women, people with disabilities or specific groups, in the context of media literacy. This indicator in Italy is the highest in the MPM for Italy, (Brogi, 2017, p. 8), since media literacy represents 88%. Media access by minorities is scored at 42%: “The Italian media landscape is characterized by a very high number of local radio and television stations, which provide viewers with a relatively wide variety of content which is also addressed to minorities”, (idem, p. 8).

The polarized pluralist communication model presented by the Italian media has been referenced (Hallin and Mancini, 2004), which integrates the media with party politics and a weak

level of professionalization of journalism (Campos-Domínguez & Redondo- García, 2015, p. 188), noting that "newspapers were run by a small elite, with politicized content and a low print run that was complemented by a strong influence of the audio-visual media on public opinion." Which are in a constant search for economic profitability by the media, with a frivolization of information and a continuous loss of readers as a result of journalistic manipulation and power relations between the media and the financial.

The role of the receiver as a passive agent in the communication process influences the content creation paradigm, where users play a leading role. Where three models of journalism have been typified: participatory journalism (the media assumes the information of its citizens), citizen journalism (amateur and non-professional) and user-generated content (generated by the user in the digital sphere and not necessarily journalistic); Barred, 2013.

In the results of the investigations by Campos-Domínguez & Redondo-García, 2015, a weak advance towards media transparency can be seen, mainly in the public and private financed media in Italy, where the progression is uneven, verticalized and without being able to locate a clear strategy for connecting with citizens to recover media credibility through accountability.

### 5.3. Information about the media literacy programs in formal and/or in non-formal education

Media literacy is related to all media whether digital or not, with this we include radio, television, film, recorded music, print media, internet and digital media of information and communication technologies, for which constitutes an essential factor for the media literacy of citizens, whether young or old. According to Silver (2009), media literacy is "the ability to access the media, to understand and critically evaluate its content and create communications in a variety of contexts", (p. 12), which is based on three elements: 1) access to media and media content; 2) critical approach, ability to decipher media messages, knowledge of how media work; 3) creativity, communication and production skills. The European definition of media literacy is understood by Silver (2009), as "the ability to access the media, understand and critically evaluate different aspects of the media and their content, and create communications in a variety of contexts" (p. 13); this does not exclude any medium and focuses on three fundamental areas: media literacy for commercial communication, media literacy for audiovisual works and media literacy for online channels. Therefore, the commission proposes the development and exchange of good practices in digital environments through programs that encourage initiative and research.

In Italy, the National Digital School Plan (PNSD), is provided for in the law 'La Buona Scuola' (Law 107/2015), which contemplates the strategies of media literacy in the country, focused on innovation in the school system and the opportunities of digital education. This Plan creates the conditions to make the 'Right to the Internet' a reality and that all schools have access to the information society, encompassing the entire chain of digital access in schools, to enable digital teaching, access to digital tools, connectivity with the deployment of ultra-broadband fiber to the door of each school, the internal wiring of all school spaces and the connectivity fee, (EACEA, 2022).

The PNSD includes a teacher appointed by the school to support the director in the planning and implementation of digital innovation projects. Their tasks include:

*Stimulate internal training within the school in the areas of the PNSD through the organization of online or face-to-face courses, as a trainer or as a training organizer, encouraging the participation of the school community both in internal workshops as well as those organized by the axes and areas of training, encouraging participation and stimulating the role of students in the organization of workshops*

*and other activities, even structured, on PNSD issues, also through training moments open to families and other actors in the territory, for the creation of a shared digital culture, the creation of innovative solutions: identification of sustainable methodological and technological solutions to be disseminated within school environments (for example, use of particular didactic tools with which the school has been equipped; the practice of a common methodology; information on existing innovations in another s schools; a coding workshop for all students), in line with the analysis of the needs of the school, also in synergy with the technical assistance activities carried out by other figures. (ibim, p. 2)*

#### **5.4. Actors and agents of media related competencies: risks and opportunities**

In the study carried out by Suárez-Villegas (2015), some features of journalistic practice in traditional media and digital natives are described, highlighting as the most important: 1) the verification of news and citizen contributions where "native digital media are more open to public participation than traditional ones" (p. 392); 2) there are two informative environments or two professional cultures: conventional journalism and digital journalism, where there is a generalized view that digital media are more informative, more up-to-date, and favour citizen participation to a greater extent ( in terms of a critical view of them), where public debate and democracy are promoted, enabling greater transparency and accountability, all linked not to the professional journalist (the one who is entitled or has a contractual relationship), but ethics and journalistic quality.

As elements of risk in digital media, it was evidenced that the immediacy of digital information affects the ability to verify information and sources, as well as delve into that information and contextualize it, where there is a greater tendency to sensationalism, associated with the need to gain followers, and where an excess of information can reduce the differences between what is important, what is banal or what is anecdotal, fundamentally predominating a culture of "free", which makes it difficult to monetize business models on the network, making it difficult to carry out journalism of quality, these digital media have a greater possibility of manipulating the information of the digital media.

Digital media journalists place more emphasis on the importance of economic viability and transparency when it comes to knowing the media's sources of funding, as factors that can guarantee a more professional and less ideological editorial line. Quite the contrary, it happens in traditional media where journalists feel conditioned to their superiors when carrying out their informative work and the commercial interests of the owners of the medium, which is why they show a less critical spirit and greater complacency.

It cannot be denied that there are opportunities and novelties for journalism in digital environments that cannot be ignored and that have constituted an evident change in the interaction between professionals and citizens, as well as in information resources and rhythms, warning that the overabundance of information can trap the journalist in news synthesis and not in tasks of verifying information and its sources and far from constituting an opportunity to be informed, a conflict may arise since it is not possible to guarantee the truth of the information.

The investigation of Suárez-Villegas (2015), summarizes that journalists from traditional media show: convinced of the importance of participation for the functioning of the democratic system, the real effects of the role of users, more demanding in terms of requirements that must comply with public participation in the media, (p. 395).

## 5.5. Assessment of media related competencies among citizens

In the Italian society, deliberative communication strongly depends on the news media's ability to provide truthful information and to carry out argumentative discussions to solve problems and reach agreement (Van Der Wurff *et al.*, 2016). Understanding the mechanisms of diffusion of inaccurate and false news contents – among media, digital platforms, and social media – is key to knowing the individual mechanisms by which Italian citizens believe in those news (Vegetti and Mancosu, 2020). In a similar vein, Bauer and Clemm von Hohenberg (2020) argue that even though the increasing spread of fake news represents one of the greatest challenges societies face in the 21st century, there is little understanding of how sources influence whether people believe and share what they read. Analyses of this kind would be particularly useful in Italy, where the level of media literacy is relatively low. Also, in the specifics of the school system, the situation could be improved. As noted by Doni (2015), despite some valuable attempts to introduce Media Education in Italian schools, unfortunately, non-systematicity, non-organicity, and poor interdisciplinarity still shape the educational and teaching practices.

For all these reasons, Ferro Allodola (2020) underlies the urgent need to spread “media resilience”, that is the ability to be aware of the risks of false, incomplete, and obsolete information to which we are subjected on a daily basis and to be able to cope with it in order to be able to exercise control over our choices, decisions, and actions, both in personal relationships and in the political and Italian social life. As pointed out by Bracciale (2017), in Italy new forms of social “ghettoization” are taking shape for those excluded from the circuits that allow them to exercise their rights of political and cultural citizenship, which are less and less linked to the relations of production, but more dependent on the effective capacity to manage information flows in the information society.

Ferro Allodola (2020) continues by stating that the empowerment of Italian citizens through media resilience is only feasible if free and sustainable access to the information and infrastructures of the digital society is guaranteed. As a matter of fact, deliberative communication in Italy could be based on the utopia of the democratizing narrative, based on the idea of the Internet and social media platforms as tools capable of guaranteeing more solid rights of citizenship; more intense collective participation, thanks to the simplification in the processes of accountability made possible by the technological infrastructure; and the redistribution of decision-making power into the hands of citizens is strongly dependent on the level of digital inclusion in the various territorial and socio-cultural contexts (Andretta and Bracciale, 2017).

There is a paradox inside Italian society, in which risks and opportunities converge for the creation and strengthening of deliberative communication. On one hand, the deep transformation of Italian democracy itself - will be put to the test with the current government led by a president of extreme right-wing ideology, the new discourses and narratives that take place within a pluralised public sphere, the processes of mediation that are closely linked to technological affordances, and the emergence of a downsizing of the pre-conceived opportunities for participation that sharpens the distance between elites and non-elites (*ibid.*).

In this context, the case of Italy is peculiar because the country suffers from digital backwardness due to the more conspicuous presence of citizens who belong to the group of *information have nots* compared to other European countries; which results into the inability to fully exploit the benefits of digitalisation (Bracciale and Mingo, 2015; Mingo e Bracciale, 2018).

Although the digital divide has further grown during the covid-19 health crisis, the pandemic has contributed to increase the salience of the topic in the public debate and shifting the axis of the discourse from an economic frame to a more politicised one concerned with socio-economic imbalances (Selva, 2020). Whether this shift will only be temporary, it seems anyway to represent a good starting point.

## 7. Conclusion

In this report, Italian team provides an analysis of critical junctures that have determined the transformation processes in Italy during the last twenty years (2000-2020). Based on the in-depth analysis of the changes in the legal and ethical regulation, journalism, media usage patterns and media-related competencies of users [four domains that systematize the paradigm of deliberative communication proposed by Mediadecom], we can conclude that the background [political, social, media, education, and economic system; technology] influences the risks and opportunities (ROs) around the stability of the democracy in Italy<sup>280</sup>.

In Italy, the legal framework is in most respects in accordance with European standards of freedom of expression and information, but a significant degree of conflicting legislation, especially regarding various defamation offences. Frequent legislative changes are seen in the media field, attesting to the fact that it has still not stabilized into a coherent policy-led system. Evidence of hybridity of media systems is seen in media practices, which take place in a diverse yet highly concentrated media system, most like the “Mediterranean polarized pluralist” media system model from the Hallin and Mancini (2004) typology. Media related competences and media literacy appear to better in some areas and population groups than in others.

The journalism market is subject to economic constrictions as well as pressures in the form of many SLAPP lawsuits. Even though the free market and the technological development of the Italian media have allowed access to more - and varied - actors - journalists, communicators, technicians, and platforms - digital and analog, the TV duopoly - public service broadcaster *RAI* and by *Mediaset*, the private broadcaster controlled by the former Prime Minister Silvio Berlusconi - remains solid. A clear risk to the independence of the media, journalism and, above all, the constitutional powers themselves due to the strong parallelism between journalists and political actors.

The digitization process of all Italian public and private institutions, and of course the media and journalism, has accelerated in recent years. Even more so since the start of the pandemic caused by COVID-19, which forced the structures and processes of millions of professionals to change. It was not just teleworking, but a whole paradigm shift and way of understanding the journalistic exercise. Due to the parallelism mentioned in the previous paragraph, phenomena such as the “mediatisation of politics”, digital transition, audience atomization, new online setting, among other, the Italian political scene has become the ideal space for digital confrontation with the help of the media, political and media actors, and users in general. The social media platforms mobilize followers/voters, polarise messages - including “cybermobbing”, “shitstorms” -, and manipulate information. This has been done before, but never with this level of diffusion and repercussion.

As a result of this conglomerate, the rise of the extreme right has been favored to lead the Italian government in the coming years. Boosted by two critical junctures like the economic crisis of 2018, that impacted Italy’s socio-political fabric and the populist parties, and migrant crisis in 2013, that created a “powerful ‘echo chamber’ of the institutional and political discourse in institutional and informal platform as social media.

The deliberative communication in Italy is established by the populist zeitgeist based on the creation of the *Northern League* in the late 1980s (see Biorcio, 2004), and by Silvio Berlusconi’s *Forza Italia*. In respect to ROs deliberative communication, it is worth to mention, among others,

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<sup>280</sup> This research in Italy is more necessary today than ever before after the victory of the extreme right in the elections in Italy the September 25, 2022. The centre-right coalition has obtained about 43% of the votes, led by the post-fascist “The Brothers of Italy” (*Fratelli d’Italia*) with 26.2%. Her leader, Giorgia Meloni, will be the first woman to hold the post of prime minister.

1) the birth of the Five Star Movement — *Movimento 5 Stelle*, and 2) Matteo Salvini's — leader of the Northern League (*La Lega*) — communication strategy on the social media platforms; and the 3) consolidation of the leadership of Brothers of Italy (*Fratelli d'Italia, FdI*), a right-wing populist and national-conservative political party led by Giorgia Meloni that become the largest party in the 2022 Italian general election.

The Five Star Movement represents to the electorate an opportunity for new political actors to capitalize on political dissatisfaction and anti-party sentiment. But there is a risk that play a main role paralleli: Salvini and her populist strategy base on the social media communication. There for, while digital communication and social media may represent an opportunity for deliberative communication by reaching a wider audience; the unfiltered communication operated by the hand of right-wing populists may favour polarisation and extremisms, hence nationalism and illiberalism, conceptually at odds with liberal democracy.

The pandemic has been another trigger that must be considered as a critical juncture, since due to the confinement of citizens due to the measures taken to counteract the spread of COVID-19, people - and professionals - were forced to change their daily and work routines and adapt to a greater extent to the digital environment. A change that, initially, was an opportunity to innovate and advance in the implementation of new technologies in the work environment of Italian citizens. But that, however, has become a risk due to the spread of negative communicative flows and misinformation phenomena. We can even say that two epidemics took place in parallel in Italy: COVID-19 and the infodemic.

In the case of the **legal domain in Italy**, the evaluation of risk and opportunities in Italy regarding to deliberative communication must shift from the conflict between open data to privacy protection. Another aspect to be considered is the excessive production of rules which paradoxically makes harder to enhance and improve the media performances. Although different laws ensure the pluralism of media ecosystem, the television duopoly is the best example of the oligopoly in matters of communication system – public and private, analogic and digital platforms and citizen initiatives. To the point that laws to regulate the media system – and the journalistic exercise – complex the market, but also the deregulations. Both are determined by the high rate of bureaucratization of state processes and structures. Hence, Laws to regulate the migratory flow, which at first could be an opportunity to generate a consensus communication model, could become a tool for tension and polarization.

The difficult economic situation that the country is going through has worsened since 2008 and COVID-19. Both critical junctures that focus on the sustainability of public service broadcasting, and the general media. The autonomy of the public media due to cutbacks in funding, the political parallelism - personalized in Berlusconi, and the creation and consolidation of parties such as the Northern League, Forza Italia, and Brothers of Italy - with their communicative practices of disinformation, manipulation and fake news - is seriously at risk. Even more so after the rise to power of a far-right party like the Brothers of Italy in 2022.

ii) The **journalistic domain** is featured by a clear conflict between various actors trying to define the field of ROs in Italy. The result is a divergence of analysis and solutions running the risk of transforming opportunities into further risks. For example, the increase of politicization of journalism and media discourses, and the increase in polarized and interested content, as well as in pluralism and freedom of the expression and information. Another risk for the journalism in a macrolevel is the level of professionalism. Since although due to the strong legal and associationism component that the journalistic profession in Italy has, we could think that it is assured, but the increase in the professional precariousness of Italian journalists can become a risk. Something to which are added new rules are attached about coverage – as *carta di Treviso*, and that the phenomena of populism has become endemic. In recent years, media work on factchecking has become more and more necessary due to the increase of disinformation and

fake news. This is an opportunity to identify the quality information, but the increase in citizens' distrust -as detailed in international reports- means that, once again, it could become a reason for risk to the credibility of Italian journalists and media.

iii) The **media usage domain** in Italy is that one where the production of analysis and data is most present, as we are witnessing an adaptation of the production of information content to the logic of the new media, also featured by an increased attention for the mechanisms of diffusion of inaccurate/false news contents. However, the continuity of television consumption and the slow adaptation to digital platforms of the journalists and media is producing a gap between the different actors and media platforms. Therefore, something that at first is an opportunity to combine a traditional business model with new opportunities becomes a risk of increasing competitiveness and generating oligopolistic business niches. An aspect that together with the closure of media companies, the increase in unemployment, and the decrease in the economic capacity of citizens has change the production patterns of journalists and the consumption patterns of citizens.

Political actors are playing a leading role in the media use of content. Communication has become a strategic asset for the parties with the most extreme tendencies in search of the electoral support of the Italian population. However, and despite the fact that television retains a prominent role in the information/communication process of citizens, the truth is that, as studies such as Reuters show, the strengthening of the use of digital media is changing the rules of the political game.

iv) The **media-related competencies domain** emerged as the field in which the academic intervenes the least, and other actors are absent too. One reason why analysis at this level is difficult. Despite there is more capacity for a plural participation, something that is an opportunity, are being generated opinion bubbles that facilitate the consolidation of resonance boxes between the different population strata. Hence, greater pluralization of the media, journalists and content does not automatically mean a greater ability for Italian citizens to access higher quality content. Even the lack of media literacy is causing them to fall more heavily into environments and discourses loaded with polarization, disinformation, hate speech and populism. Phenomena of which the parties of extreme ideology are becoming creditors through the personalization and emotionalization of its propaganda and communicative strategy.

Although up to now we have mainly dealt with the supply of information regarding the media related competencies domain, it is however necessary to understand and investigate what the "media repertoire" of citizens are. The offer of information in its absence or presence of pluralism can represent a risk, determined only by how that content is used.

The premise is that, within a hybrid media system (Chadwick, 2013) people have developed several ways to be involved in media communication. Indeed, also in the Italian media landscape a move toward a high media choice environment has been accomplished (see Castro et al. 2021). According to Lewis (2012), in the contemporary media environment makes easier for individuals to participate in the creation and distribution of media, on a scale and with a reach unimaginable in earlier times, mainly because of the rise of Web 2.0 and social media platforms. In this regard, the author (*ibid.*) speaks about a tension between the "professional logic" of journalism, built around an elitist perspective of exclusion that emphasises the specific skills possessed by journalists, and the "participatory logic" promoted by the advent of Web 2.0 and the social media platforms, which "encompasses the idea system of distributing control over content to end-users for the normative purpose of achieving a more engaged, representative, and collectively intelligent society" (848).

Now it remains to analyze what is to come from what is presented as one of the most important critical junctures in Italy of the last 80 years: the rise to power of the extreme right.

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# LATVIA

## Critical junctures in the media transformation process

By Anda Rožukalne, Ilva Skulte, Alnis Stakle – Rīga Stradiņš University

### Executive summary

Based on the bibliographic data of media studies, this paper analyses the most important areas of media development-related risks and opportunities for deliberative democracy. Accessing data in political, economic, social, and technology development from 2000 to 2020 in Latvia, the most important critical junctures have been defined as follows: first, the media legislation development during the first decade of the new millennium did not prevent politicians from influencing the independence of the media authority and, secondly, the state of journalism was affected by changes in the structure of the public communication environment in the early 2000s (the PR field and digital communication expanded) and during the economic crisis (2008-2010), which caused the restructuring of education in journalism (the demand for education in journalism decreased), and the relatively low salaries in media companies reduced the prestige of journalism as a profession; third, the technological development, digitisation and advent of social media contributed to the change of audience structure, media repertoires, uses and trust in news media; fourth, inclusion of media literacy in general education and public discourse as a response to the annexation of Crimea by Russia in 2014.

*Keywords: media system development, Latvia, politics, media regulation, journalism, media use, media competencies.*

### 1. Introduction

Several decades after re-gaining national independence in 1991 and entering the EU in 2004, the Latvian media system has been described as typical for CEE countries in the late phase of transition - as hybrid liberal (Dobek - Ostrowska, 2015, 2019) or hybrid and suffering from the lack of dominant paradigm (Skudra, Šulmane, Dreijere, 2015, 214-215). Elements of liberal (free market as primarily regulating force), democratic corporate (weak media professionalisation, attempts to strengthen PSM) and polarised pluralistic model (researchers especially stress the relatively strong political parallelism (Rožukalne, 2012) are characteristic for the Latvian media environment. The role of language in preferences for channel choice and media discourse is rather important since the Latvian audience is mainly divided between two language groups - mother tongue 60.8%, and Russian, 36% of the population. (CSP, 2019).

In 2016, the introduction of Mass Media Policy Guidelines (Cabinet of Ministers of LR, 2016) – the country's first general media policy document – following the directions in the development of media field are emphasised – diversity of media environment, quality of media and responsibility, importance of the education of media professionals, media literacy and reliability and is strongly orientated to fight political influence, especially in regional and local media. The policy paper was created in close collaboration with media experts and based on conclusions from their research of the field and possible trends of future development.

However, the analysis of the bibliographic data collected and analysed within the framework of Mediadelcom research shows that the media and journalism landscape in Latvia has only been studied in a fragmented manner. Thus, the most risks for deliberative communication are related to the low level of research and subsequent understanding of the field and its changes, the small number of experts, sporadic and non-continuity of data, lack of original and creative approaches in the research field, weak international networking, and exchange. Here the recent developments in the field (media policy, more structured science funding system, increasing level of requirements for scientific publications, increasing participation in the international projects, young doctors in the field) are indicating the opportunities.

Further analysis is based on the evaluation of the bibliographic content compiled for the study.

An evaluation of the most important events and processes during the years since the Republic of Latvia regained its independence in terms of how the Latvian media developed can be divided into the following segments of time:

- (1) The period from 1991 to 2003 can be divided into two major sub-periods. The first sub-period is characterised by the process of transformation of the former Soviet media system into the free market and lasted right up until the late 1990s. The new millennium marked the start of the second sub-period when the media environment achieved stability and development.
- (2) Next period from 2004 to 2008 begins with Latvia's accession to the European Union, but it was also a time of a rapid development in the media environment - international contacts, journalist education and re-organisation of media business. This was also a time when the internet increasingly changed the media market and its contents.
- (3) Period from 2009 to 2013 is marked by a deep economic recession that led to shrinkage in advertising resources by nearly 50%. The deep economic crisis that started in 2008 and 2009, when Latvia's GDP decreased by 25%, unemployment increased (17%), a big wave of emigration began. These processes affected the media market, increasing the level of concentration (Jastramskis et al., 2016) and commercialisation trends (Rožukalne, 2013) in media activity.

In 2010, the new law on the broadcasting media was adopted and the digitalisation process of TV finalised with all the terrestrial analogue stations stopping broadcasting. The same year, the second NGO for journalists - the Latvian Association of Journalists was established along with the Latvian Society of Journalists, which dates to the Soviet era.

A new period in the Latvian media environment started when Russia annexed Crimea in 2014; geopolitical crises occurred in Latvia and the region, which affected the development of public communication and media policy. Geopolitical events fuelled concerns about hostilities in the region and the potential threat to Latvia's security. These processes determined the faster establishment of the first Latvian media policy, which was adopted at the end of 2016. These events affected the development of the Latvian media environment as follows: The Media Support Fund was established, with the help of which projects provide support to commercial media for the creation of high-quality journalism content, media literacy education activities were developed, and public media were strengthened. In 2020, the Latvian PSM exited the advertising market, and a new Law on Public Electronic Mass Media and Administration Thereof was adopted, which entered into force in 2021.

### *Social and Political Change*

After the Soviet regime collapsed in 1991, the newly born state of Latvia was in a great need of legitimisation - the discourse battle of different ideologies and values played a crucial role. The more stable the new regime became - the less important discourse type legitimisation of author-

ity decisions became. Masses became de-politicised, but it was not at the price of increasing welfare as it was in the core industrial countries.

In the 1990s, Latvia made progress in stabilising its economy and pursuing market-orientated reforms. Its currency was strong enough to appreciate steadily in a free foreign currency market. But with the slowing of re-industrialisation the growing labour market relationships and unemployment of wage-laboured population, the social tensions increase, overplayed by political players into an ethnic gap between Latvian Latvians and the so-called Russian speaking population. Social responsibility and activity were not encouraged in discourses of the elites (Ījābs, Kruks, 2008).

The new millennium came with the need to harmonise all areas of social life with European standards as joining the European Union became the state's primal foreign policy. But society lacked the experience and legally established and socially adopted procedures to influence the decision-making process. This caused widespread corruption (Karklins, 2005). Therefore, in almost every parliamentary election in the last 20 years, a new coming political party with a strong anti-corruption message broke through into parliament.

In general, Latvia's economic development (2000-2020) shows a positive development, during the time of which Latvia's GDP has increased by four times. The country's economic development was severely affected by the global economic crisis of 2008, when Latvia's GDP fell from 35.76 billion in 2008 to 26.32 billion in 2009. In 2009, the annual inflation rate was 18%, GDP had fallen by 20%, and unemployment rose to 23%, the highest in the EU. However, the strategy of internal devaluation used by the government was successful. The Latvian economy grew by 5.5% in 2011, by 5.6% in 2012, reaching the highest rate of growth in Europe. The Latvian economy has not yet recovered from this shock, as GDP in 2020 is lower than in 2008.

The level of inequality in Latvian society is characterised by a relatively high Gini index, which reached its highest level in 2005, but has not changed during the study period.

During the period of post-Communist transition, which began in the late 1980s and continued after the restoration of Latvia's independence in 1991, the mass media were the most important social mechanism in facilitating changes and helping society to understand and discuss the new ideas that were appearing.

A media system that was based on market logic emerged in Latvia during the 1990s, and the public media could have played a role in harmonising the influence of the market. Latvia's public media, however, could not develop fully because of unstable and insufficient funding. Typical priorities of Latvia's political culture have included attempts to influence authority institution and the content of the public media, as well as low levels of financing (which reflect political decisions).

The development of Latvia's media market involved several major events and complicated processes. During the first half of the 1990s, immediately after the restoration of the country's independence, there was a boom in the establishment of new media outlets. Later, the development of the media market was influenced by the country's economic situation, particularly during two major economic crises - Russia's economic recession in 1988 and 1999, and then the crisis which erupted in late 2008 and continued until 2012. The global crisis coincided with the bursting of the real estate bubble in Latvia.

Regional newspapers in the early part of the 2010s (after the economic recession) have been among the healthiest papers in financial and qualitative terms in Latvia, because their revenue structure does not depend on advertising. Instead, revenues mostly come from subscriptions and classified ads. The best regional newspapers are not just businesses. They are democratic institutions which are vital in local political debate. The greatest threat against the development

of the regional media in Latvia relates to shrinking population numbers, with audiences literally dying off or emigrating from the country. Another problem is that many local governments have their own, free informative publications. These are financed by taxpayers and are aimed at providing information to all residents of the relevant local government territory.

The long-running struggle for municipal information to distort competition in 2020 was marked by changes in several laws. Amendments to the Law “On Local Governments” stipulate that local governments issue an informative publication not more than once a month. Municipalities will not have the right to establish and publish media, and municipal “newspapers” registered in the media register will have to be excluded from the register.

Media and democracy became an important part of civic and professional education in around 2000 when the media market stabilised, media outlets became modernised Western-style companies and the normative model of social responsibility was more and more inserted into relationships between actors inside the media environment. However, even after becoming a member of the EU, Latvia is characterised as a country with low performance in many aspects of deliberative communication.

Thus, despite the aligned legislation and diversity of media as the biggest risks for democracy in the field of public communication, researchers see two separate information spaces, the dependence of PSM on government funding, lack of a body defending journalism ethics, lack of transparency of media ownership, weakness of media providing quality, specialised, cultural and investigative/analytical journalism, lack of knowledge about the role of media in democratic society by audiences, whereas possible solutions include the introduction of subscription fees to PSM, guarantees of independence of the National Broadcasting Council of Latvia from political influence, creation of a self-regulatory body for journalists and a common ethical code as well as the creation of a civic organisation for reviewing individual complaints about the violation of an ethical code against a person. (Kruks, Šulmane, 2005, 147-148).

### *Assessment of monitoring capabilities*

Based on Case 1 data evaluation, we can conclude that the media and journalism landscape in Latvia has been studied in a fragmented manner. The quality of media studies and communication research in Latvia is low. Due to a lack of resources, the number of studies is limited, and the scale of internationally referenced publications is small, studies cover a limited range of media and journalism problems.

The risks of deliberative communication are related to the gaps in knowledge and lack of impact of the research on both media policy and the public. This is a result of the low level of research, small number of experts, sporadic and non-continuity of data, lack of original and creative approaches in the research field, weak international networking, and exchange. The recent developments in the field (more structured science funding system, requirements for scientific publications, young doctors in the field) are indicating the opportunities to diminish risks. However, this is not possible without strengthening research in the areas of media law, media economy and management as well as new challenges for journalism caused by technological development.

Until the turn of the millennium, the only institution that offered communication and journalism studies and research in these fields was the University of Latvia. At the beginning of the 21<sup>st</sup> century, there were no doctoral level communication study programmes in Latvia and no doctoral level researchers with a Latvian degree in this specific field – first, communication science doctors had to defend their theses in other countries and universities. Nevertheless, starting from the last years of the 1990s, study programmes and departments of communication emerged at four other universities in Latvia.

However, even if the number of institutions and persons involved in the research on media and journalism may seem significant for a small country like Latvia, the lack of proper and continuous funding did not allow one to cover all areas of the media field and build up a network of expertise centres specialising in each different area. National Network of Science at the Academy of Science that is issuing expert rights of the Latvian Council of Science to researchers based on their applications is currently counting 13 experts in the field of media and communication (LZP, 2022).

Rather sporadic research is a result of both short-term grant provision and a lack of proper strategy in organisation and planning in the media research field. The fact that there was never funding for an academic journal for media and communication studies in Latvia, and the publishing opportunities that are rather poor is an important factor influencing both national and international competitiveness of media scholars of Latvia. Even if some government funded research programmes allowed one to include media and journalism study, this field of research virtually “disappears” between humanities and political science/sociology on the landscape of science in Latvia.

Among the domains of Mediadatelcom, media regulation is the least studied, and also the domain of journalism, especially the professional environment and working conditions of journalism, have been studied fragmentarily, mostly as part of individual projects and within the framework of EU-level international studies. The domain of media competences includes a small number of studies, since the field is very new and it is mostly studied in the context of pedagogy in Latvia.

More regular is the research of media usage patterns. Here, the main players are commercial companies mainly creating data for the commercial interests of media outlets and advertisers. However, parts of the quantitative surveys relevant for audience research are done on a regular basis by both domestic and European statistical data providers and public opinion monitoring bodies (CBS, Eurostat, Eurobarometer).

Other areas of media and journalism research and, especially, if the research involves qualitative methodology, are mainly studied on the bases of particular projects funded by the EU, Open Society Foundations and several other NGOs, with sporadic support by state institutions universities and with no additional support. The existing funding system implies a lack of a targeted, regular and well-organised funding for the monitoring and research of all main important domains of communication, media and journalism in the context of deliberative communication and democracy. All areas are not sufficiently covered. The gaps in the research scope(s) are based on no or insufficient project funding or no (or lack of) researcher availability, because particular project calls and individual research experiences and interests are main factors having an impact on project-based fundraising and following this - developing research areas.

The main **risks** in the context of media for deliberative democracy are connected to the aspects as follows:

- relative economic instability,
- low effectiveness of media in investigation, analysis and critical evaluation of government and authorities in general,
- mediocre level of lack of support for a diversity of opinions and standpoints of society in media,
- lack of proper understanding of the role of mass media in contemporary society,
- lowering levels of value for press freedom,
- consumerism tendencies.

The main **opportunities** include reforms introduced, PSM regulation reform, media policy development, support to media literacy.

## 2. Risks and opportunities of legal and ethical regulation

### 2.1. Development and agency of change

In the field of media regulation, two time periods are significant in Latvia. First, the beginning of the 1990s after regaining independence, because the Constitution of Latvia (adopted during the first independence in 1922) was renewed and the Law on the Press and other mass media adopted in December 1990 still forms the basis of media regulation. The second period refers to Latvia's preparation to join the EU (from 2004), during which the Latvian regulatory system was harmonised with the EU's requirements; Latvia accepted important international agreements that refer to human rights, thus also addressing issues of freedom of expression and freedom of the media. In both periods, the main agents of change were the Parliament of Latvia and the national government, as well as legal experts (who mostly represented the University of Latvia); at the international level it was the EU and the EC, as well as the International Court of Human Rights.

During this time, the foundations of Latvian media regulation were created, which meet international standards and in general create a liberal regulatory environment, where there are no serious barriers to entry to the media market and thresholds for working in journalism. Important media regulation acts deal with strict concentration limits in the field of electronic media and the criminalisation of defamation.

Latvian media regulation structure is based on the Law on the Press and Other Media (1990) and the Law on Electronic Mass Media (2010). Unfortunately, these laws are outdated because their norms and definitions do not match the diversity and complexity of today's media and public communications environment.

An important turning point in media regulation was the adoption of the Latvian Media Policy in 2016. The objective of the mass media policy of Latvia is a strong, diverse, professional, transparent, sustainable, and stable mass media environment. The objective of the Guidelines and the action directions arising therefrom are based on five main fundamental principles of the mass media policy of Latvia: diversity of mass media environment; quality and responsibility of mass media environment, education of professionals of the mass media sector; mass media literacy, security of the mass media environment.

There is very little research on Latvian media regulation and ethics; thus, further analysis is based on information evaluated in the EC Media Pluralism Monitor (MPM) project's reports, an unpublished analysis of media regulation prepared for the Latvian Media Ethics Council by Sorainen Law Office (Tauriņš et.al., 2020), as well as media publications on individual cases of media regulation.

#### 2.1.1. Most important issues of media regulation

Media regulatory acts in Latvia are characterised by inconsistencies in terminology. For example, the Criminal Law includes the term "mass media", referring to the media as internet sites, radio, television, the press, etc. In turn, in the Law on the Press and Other Mass Media, the term 'information means' has been used. The law explains that the mass media are newspapers, magazines, newsletters, and other periodicals (published at least once every three months, a single circulation of more than 100 copies), as well as electronic media, cinema chronicles, news agency announcements, audio-visual recordings for public distribution. The website can also be registered as a media outlet.

In the Electronic Mass Media Law (EMML), the term "electronic media" is interpreted as an individual agent to whom a broadcasting permit or a retransmission permit has been issued in accordance with the procedures prescribed by law or who has submitted the National Electron-

ic Media a notice to the Media Council (NEMMC) regarding the provision of on-demand electronic media services. Consequently, electronic media are media that provide audio and audiovisual electronic media services, such as television and radio.

The law does not impose the same obligations and rights on all segments of the media, and it does not include a duty to register internet media. The amendments introducing the right of a website portal to register in the Media Register were adopted in 2011 to ensure the rights and protection of journalists for news sites that operated as a media outlet for professional journalistic work. However, there are still websites in Latvia that have chosen not to register, but in fact operate as mass media. According to the Sorainen analysis, the Supreme Court has ruled that the fact of registration is not a mandatory feature of the media. Consequently, the Law on the Press and Other Mass Media also applies to news portals that are not registered but are identical to registered news portals. This means that unregistered media have the same responsibilities as registered media but have fewer rights.

## 2.2. Freedom of expression (FoE)

FoE is included in Constitutional Law in Latvia; it is clearly defined in accordance with international human rights standards. The restrictions to freedom of expression, which address privacy protection issues, are proportionate to the legitimate aim pursued, as per MPM analysis.

The Law on Press and the other mass media defines the limitation of information not for publishing. It is prohibited to publish information which is an official secret or other secret especially protected by law, information that promotes violence and the overthrow of the prevailing order, advocates war, cruelty, racial, national, or religious superiority and intolerance, and incites the commission of some other crime, materials from pre-trial investigations without the written permission of the prosecutor or the investigator, and materials that violate the presumption of innocence.

The Law on The Press and Other Mass Media defines freedom of the press as the main basis for the activities of the media, includes the basic principles of the establishment and operation of the media organisations, the rights, and obligations of journalists, protecting sources of information of journalists. In mid-2011, Section 16 of the Law on The Press and Other Mass Media was amended with the following norm to ensure the need to emphasise media freedom: “An editor (editor-in-chief), when performing his or her duties, shall be editorially independent.”

Journalist’s legal status. The Sorainen analysis points out that in the Latvian legal framework, the interpretation of the concept of a journalist corresponds to the institutional approach rather than the functional one, thus unreasonably narrowing and simplifying the scope of the concept, i.e., any person who collects, compiles, edits or otherwise prepares materials for the media and who has thereby entered into an employment contract or performs this work on behalf of the mass media, as well as a member of a journalists' association. As a functional approach is more appropriate in today's media environment and case law, the definition of journalist should be based on the definition of a journalist as a person who collects, compiles, edits or otherwise produces material in any format at regular intervals to inform or promote the public debate in accordance with the professional standards of ethics and responsibility recognised in the media industry, as per Sorainen.

Individual content creators (influencers, bloggers, bloggers). According to the current definition of journalists contained in Latvian legislation, individual content creators are not considered journalists. They are therefore not directly subject to the rights and obligations of journalists. However, individual content creators often perform the same functions as journalists in the classical sense, thus contributing to the availability and protection of the right to freedom of

expression, as well as to strengthening freedom and diversity of information, as per the Sorainen legal experts.

Journalist's responsibility. According to the Sorainen analysis, for example, for published information defamatory of a person, action may be brought against both the mass media and the editor at the same time, without the journalist being held liable. The media is primarily responsible for publication and damages, the editor is responsible for the content of the material to be published in the media and the journalist is responsible for providing truthful information and respecting the rights and legitimate interests of individuals and companies.

Separation of editorial and individual responsibility. The Law on the Press and Other Mass Media stipulates that the editor is responsible for the content of materials published in the media. At the same time, the law imposes a duty on journalists to provide truthful information and respect the rights and legitimate interests of the state and stipulates that a journalist is responsible for information provided by him or her that is published and insults the honour and dignity of a person or the privacy of a person. Natural or legal persons have the right to request the media to withdraw false information, with the medium obliged to compensate the person for the damage caused. A journalist is obliged to comply with the prohibitions specified in the Criminal Law. Journalists are prohibited from publishing information that is a state secret or other secret specially protected by law.

Protection of journalistic sources. Article 22 of the Law on the Press and Other Mass Media regulates the secrecy of the source of information.

The right not to disclose the source of the information is not absolute and is subject to restrictions. To protect the essential interests of an individual or society, only a court may instruct a media journalist or editor to indicate the source of the information published.

Legal protection of journalists (against disruption of work, attacks, harassment). The Sorainen analysis shows that, in Latvia, law enforcement authorities do not pay enough attention to the special status of victims of persecution - journalists, unable to react effectively and insufficiently assessing the factual circumstances of the case.

Restrictions on freedom of expression and journalists' rights, their justification (prohibition of discrimination, hate speech, importance of published content in society, observance of personal rights). Freedom of expression may be restricted, given that freedom of expression may conflict with defamation and hate speech, but restrictions must be such so as not to unduly restrict or jeopardise journalists' right to freedom of expression and the public's right to information. Article 96 of the Constitution envisages a significant restriction, namely, everyone has the right to the inviolability of private life, home, and correspondence.

Sorainen legal experts' analysis suggest that the rights of journalists are also restricted by the increased aggression of public space and hate speech today. In this regard, the media must be able to simultaneously respect the principle of freedom of expression and limit the emergence of all forms of discriminatory content as far as possible (based on international agreements binding on Latvia prohibiting discrimination and incitement to hatred against, disability, racial or ethnic origin, nationality, or other circumstances).

Sorainen specialists concluded that the rights of journalists are not disproportionately or excessively restricted, considering the fact that the restrictions on the rights of journalists mainly result from the fundamental human rights included in the Constitution.

According to the Electronic Mass Media Law (2010), the National Electronic Mass Media Council (NEMMC) was at the same time a regulator of commercial media and performing the functions of supervision of public media and holder of capital shares of Latvian Radio and Latvian Television. This conflict of interest was only resolved in 2021, when the Law on Public Electronic Mass

Media and Administration Thereof was enacted and the Public Media Council was established. The EMLL does not, however, address the long-lasting problem of financing for Latvia's public media. It still depends on decisions by politicians because financing for the public media comes from the national budget.

Latvia has still not decriminalised defamation in mass media. Under Article 157 of the Latvian Criminal Code, defamation is defined as [knowingly committing] the intentional distribution of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly. Law on the Press and Other Mass Media states that media are prohibited from publishing information that injures the honour and dignity of natural persons and legal persons. Art. 27 specifies that media that disseminate information which injures human honour and dignity shall be held liable in accordance with the laws of the Republic of Latvia. Article No. 21 provides detailed procedures for media organisations in the case of defamation. The Criminal Law makes a distinction between defamation and degrading harm, that is, between cases, when it is not defamation, which is resolved through Civil Law, and cases, when deliberate and public defamation occurs. It can be concluded that defamation is qualified in relation to the expressed facts.

Data and publications on defamation in Latvia are available in separate international databases, the purpose of which is to monitor cases of defamation or to analyse the compliance of Latvian regulations with international standards. As already mentioned, there is a lack of academic research on this issue. For example, several cases of defamation have been recorded in the International Press Institute database<sup>281</sup>. The European Commission against Racism and Intolerance (ECRI) fifth monitoring report on Latvia (the first conducted in 1997) was available during the study period. The report praises the work on the recognition and investigation of hate crimes, the authors of reports admit that the integration of refugees and asylum seekers has been carried out, but the report highlights serious shortcomings, pointing to the following (ECRI, 2018): Latvia's criminal, civil and administrative law is not yet fully in line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination; despite previous recommendations to this effect ECRI notes that the State Police does not have a dedicated team tasked with reaching out to vulnerable groups in the context of combatting hate crime. There is also a lack of promotion of counter-speech among high-level political representatives and other public figures in response to racist and homo-/transphobic hate speech. ECRI also notes that the support activities for refugees and beneficiaries of subsidiary protection (alternative status) are not sufficient, especially in the areas of language training and integration into the labour market. Furthermore, ECRI is seriously concerned about incidents of alleged discrimination against refugees/persons with alternative status when trying to access health care services.

No academic research on the SLAPP problem in Latvia was found during the research.

### 2.3. Freedom of information

Similarly to FoE, regulation of the **protection of the right to information** in Latvia is guaranteed by a legal framework, which generally is in line with international standards. A new regulation has been developed for the adaptation of personal data protection and GDPR in Latvia (White & Case, 13 November 2019); however, there is a lack of academic research on these issues. Educational information on data protection and GDPR is offered to the public by news media and several state institutions, as well as in-depth analysis of those issues is provided by the Ombudsman on its website (Tiesībsargs, n.d.).

<sup>281</sup> See example here: <http://legaldb.freemedia.at/2014/09/30/latvian-journalist-fights-off-criminal-libel-charges-with-help->

Freedom of Information Law defines all the aspects of information access. The Latvian Administrative Violations Code regulates appeal mechanisms and the other citizen and state institution related conflicts, including, information accessibility issues.

The regulation of transparency of media owners in Latvia differs depending on the media segment. There is no specific regulation for digital native media companies in terms of publicly accessible data on the beneficial and ultimate owners. All media must disclose the owners and beneficial owners for the Register of Companies and public authority (audio-visual media), but this does not have to be disclosed to the public. Electronic media must provide ownership information when receiving a licence. This information is available on the authority National Electronic Mass Media Council website. If the title of the media outlet is known, since 2020 the basic data, including information on the owners, can be found in the Register of Companies database Lursoft without payment. Obtaining detailed information (for example, historical data on former owners and managers) is a paid service.

According to MPM 2022 data, at the beginning of 2022, a new whistleblowing law to transpose the EU Directive on Whistleblowing has been adopted in Latvia. The annual report on whistleblowing statistics in Latvia shows that out of the 517 applications processed as whistle-blower reports, 122 applications were identified as whistle-blower reports.

## 2.4. Accountability system

### 2.4.1. Development and agency of change

Issues of professional ethics are not addressed in the regulation of Latvian media. The analysis of publications dedicated to professional ethics shows that ethical issues are interpreted generally, introducing the most important ethical principles of media and journalism. There is a lack of data-based publication or research projects in this domain. The literature in the bibliography compiled by the project covers media regulation and self-regulation at a very limited level, as, firstly, there are very few studies, and, secondly, publications are descriptive and there is a lack of data on media regulation or media ethics.

Since 2010, when the Association of Latvian Journalists was established, it is considered one of the most important agents in the field of media responsibility. The association has created and is developing a journalistic code of ethics, and its Ethics Commission examines submissions related to the work of individual journalists.

It should be clarified that the concept of media ethics does not appear in the regulatory enactments regulating media work, the EMMML only states that information must comply with “generally accepted ethical principles of journalism” (Article 24). Thus, in accordance with the media policy implementation plan, the Latvian Media Ethics Council (Latvian Media Ethics Council, 2022) was established in Latvia in 2018. It is a complaints body set up by media companies whose decisions concern its members, but it can express an opinion on media ethics issues that affect other players in the media environment and society.

### 2.4.2. Existing media accountability instruments and an evaluation of their effectiveness

In most of the Latvian media environment in the period covered by the study, self-regulation issues have been addressed liberally, without imposing an obligation on the media or journalists to observe the norms of professional ethics. Since 2000, or even before, some serious media companies have developed their own codes of ethics. The situation is different in the public media organisations Latvian Radio and Latvian Television. They both have codes of ethics and conduct that are regularly developed. Ethics commissions have been set up in the organisations to deal with complaints.

The two journalists' organisations in Latvia with their own codes of ethics. The problem is that only a small part of media professionals are members of one of the professional NGOs (see Journalism section in this report).

The situation in the discourse of media ethics changed in 2017, when the Media Support Fund was established in 2016, where regulations of the project competition developed by the Media Policy Division of the Ministry of Culture stipulated that the applicant must comply with basic professional principles and submit a code of ethics with their project or certify that the project's employees have adhered to a code of ethics of a professional organisation.

The Latvian Media Ethics Council was founded on 12 December 2018, by a total of fifteen media industry associations and companies. Members of the association represent all forms and types of media, media associations and organisations that are active in media research. The Media Ethics council's activities are based on a comprehensive media ethics code that protects media values such as freedom of expression, diversity of information and views, editorial independence, media credibility, autonomy, journalist rights, integrity (objectivity), human rights, in particular the rights of children and minors, equality and the prohibition of discrimination, audience education, media, and audiences' mutual trust.

In the system of Latvian non-governmental organisations, there is no serious agent whose focus would be media responsibility. The professional associations of journalists and the Media Ethics council has become a major agent of change over the years, particularly in commercial media accountability.

In Latvia, there is no discussion about the ethics of the media and journalism, because no format has been created in which such discussions could take place. There are also no regular formats in public media programmes that have discussed media ethics.

### *Critical junctures*

In the field of media regulation, it is difficult to separate specific stages, because in general the regulatory process is very incomplete, and the norms of media regulation do not meet the requirements of today's media environment. One of the most important milestones in the regulation of electronic media was the development of EMMML between 2009 and 2010, which, firstly, did not prevent politicians from influencing the independence of the media authority and, secondly, did not adequately strengthen the independence of public service media, ensuring an appropriate funding model.

Similar processes took place between 2016 and 2020, when the Law on Public Electronic Mass Media and Administration Thereof was developed, which did not resolve the issue of independent financing of public media.

Risks and opportunities related to deliberative democracy are as follows:

The main risks are related to the insufficient development of media regulation, as the current regulation does not offer definitions of modern media and journalistic activities that emphasise their role in democracy. In the context of media regulation, the protection of journalists against attacks that could affect their autonomy and promote self-censorship is insufficiently addressed.

The main opportunities related to the adoption on the Law on Public Electronic Mass Media and Administration Thereof in 2020, which envisages the establishment of a Public Media Council and the Ombudsman.

Therefore, the following **risks and opportunities** can be defined.

- There is no effective public organisation for the protection of the media audience in Latvia, the system of media self-regulation is relatively new and fragmented. This

could be one of the reasons why some members of Latvian society do not understand the essence of the mission of independent media and the role of quality media in democracy.

- Superficial knowledge of the ethics of media and journalism in the professional environment, which does not allow one to integrate professional approaches such as balance, objectivity, neutrality into everyday practice at a high level, reflecting reality and striving to reveal the truth. It promotes a declarative approach to professional ethics.
- Distrust of self-regulatory mechanisms and their potential, underestimating the effectiveness of media ethics councils or media criticism, overestimating normative and more restrictive self-regulatory mechanisms such as organisational codes and regulations (laws).
- Commercialisation of the common media environment and prioritisation of media business interests over professional interests and tasks.
- Undeveloped tradition of professional discussion and lack of discussion format to discuss issues of professional ethics and get an opportunity for honest and open self-reflection on professional ethics dilemmas.
- Lack of detail in codes of professional ethics and conduct to address new ethical issues (stereotyping, attacks on journalists, impact of social media communication, coverage of vulnerable groups, science communication, disinformation etc.).
- Fragmented or non-existent communication with external audiences about media and journalism ethics.
- Detailed and high-quality codes of ethics and conduct have been developed in public media organisations, most of which are made up of professional ethics. An internal Ethics Commission (LTV) or a commission formed by the Board (LR) has been established to comply with them. Public media employees have a much higher understanding of professional ethics than their colleagues from commercial media environment. Professional ethics are generally respected, aimed at strengthening independence and promoting excellence.
- A comparison of Media Ethics and other codes of professional ethics shows that this Code is appropriate for the needs of media companies. It is not very detailed and defines the main ethical principles.

## 3. Risks and opportunities of journalism domain

### 3.1. Development and agency of change

The journalistic professional field has been studied in a fragmented manner in Latvia. There are few studies of journalists' professional environment during the period covered by the Mediadecom project. Further analysis is based on quantitative and qualitative studies conducted by Ilze Šulmane (2011) and Vita Zelče (2018), summarised in the monograph "Latvian Media Diversity", as well as research data of Worlds of Journalism Study and MPM analysis.

The data show that in the development of journalism and professional standards, as well as in the understanding of journalistic roles, media owners have had a significant agency influence, both in the field of commercial and public media. For example, until 2008, when the Swedish media company Bonnier AB sold Latvia's largest media company "Diena Mediji" to unknown owners, the newspaper "Diena" was the most important agent of change in the field of modern journalistic professional principles. At the same time, PSM forms a large part of the journalistic labour market and a platform for innovations in journalism. Thus, Latvian Radio and Latvian Television are considered important agents.

### 3.2. Market conditions

The liberal structure of Latvian media regulation allowed a diverse media system to develop. At the same time, the media environment is characterised by oligopolistic competition and a high level of concentration (Jastramskis et.al, 2017). The Latvian media environment is characterised as diverse both in terms of the number of players, the number of media available in each media segment, and the content and media language offered (Zelče, 2018). At the same time, there is a high degree of concentration in the media environment; some media (newspapers and commercial radio) are under direct or indirect political influence (CMPMF, 2021).

During the Mediadelcom research period, the Latvian media environment has experienced significant changes. First, the structure of media owners changed as a result of the economic crisis, and many national media companies were sold to foreign business representatives. Secondly, the digital media environment and digital journalism evolved. Thus, the duties of journalists and the labour market were restructured. Thirdly, the influence of newspapers decreased while the influence of news portals increased in daily news consumption.

### 3.3. Public service media (PSM)

PSM in Latvia have always been in the centre of political influence (Beitika, 2016). PSM regulation (the parliament's obligation to elect the media supervisory board) and the funding model (PSM are financed from the state budget) have determined that Latvian PSM is one of the lowest funded in the EU; its technological development has lagged behind the possibilities of commercial media. However, Latvian Television and Latvian Radio are the largest media organisations; they make up a significant part of the journalist labour market and influence the development of journalism in Latvia. The PSM of Latvia has been developing several investigative and analytical journalism projects since 2015. The programme based on the experiments of journalists, in the production of which hidden recordings and a hidden camera are used, "Forbidden technique", is one of the most popular formats of Latvian Television. Since 2019, an investigative journalism section has been established at Latvian Radio; it offers the programme "Open Files".

The attitude of the Latvian audience towards the PSM and PSM use can be explained by using the general tendencies of media consumption. Media choices in Latvia are mostly determined by ethnicity and the geographical location. According to a study by *Latvijas Fakti* (2018), more than two-thirds of the respondents consume media in Latvian. The study indicates the impact of Russia-originating (including all media platforms) media in Latvia, as 38% of the respondents consumed Russian media.

The data from 2018 shows that 58% of Latvians trust national news sources (LTV1, LR, LNT, TV3, TV24) (LF 2018). A sufficiently high level of trust (42%) is attributed to Western media (e.g., CNN, BBC, Euronews), with Russian media having the lowest trust level (22%). However, for different ethnic groups the trust ranking order is in reverse: 41% of Russian-speakers trust Russian media, 34% Latvian media and only 19% Western media.

As with media generally, the trust in PSM is also highly impacted by the differences in the attitudes of various ethnic groups. There are obvious differences in the trust evaluations of Latvian speakers and non-Latvian speakers regarding LTV. Among Latvian speakers 70% trust LTV, whereas a mere 35% of non-Latvian speakers do (GfK 2014-2016).

The situation has changed a great deal in five years. Data from 2020 (LF 2020) shows that 90% of Latvian speakers and 63% of non-Latvian speakers consume Latvian PSM. To a large extent, the respondents who consume PSM content trust it. 88% of Latvian speakers and 81% of non-Latvian speakers trust Latvian Television, 85% of Latvians and 77% of non-Latvian speakers trust Latvian Radio, and 80% of Latvians and 63% of non-Latvian speakers trust LSM.LV.

Although the data is fragmented and not always comparable, we can conclude that Latvian society's confidence in public media institutions is stable. The level of trust is related to two indicators – media use in general and the familiarity of the audience with the content of a specific medium or channel.

In summary, Latvian PSM has failed to attract two significant audience segments – young people and Russian-speakers. However, the small percentage of Russian viewers and listeners could result from political decisions that have prevented the production of more Russian-language content. Interestingly, recent data suggest that the LSM.LV news site, which offers content in Latvian, Russian and English, could change the attitudes of various generations and ethnic groups towards PSM. All the generations agree that PSM helps to strengthen democracy in Latvia and promotes the development of Latvian culture (Juzefovičs 2019). However, there are strong differences in the assessment of these factors among the various ethnic groups. The Russian speakers have less faith in the potential of the PSM as a democracy-reinforcing institution (73% Latvians, but only 47% Russian speakers, believe so). However, regardless of ethnicity, the population unanimously believes that PSM plays an important role in strengthening and advancing Latvian culture (88% of Latvian speakers and 70% of Russian speakers agree).

### **3.4. Production conditions (multiplatform journalism, digital resources, investigative resources, and foreign correspondents) Professional autonomy, external and internal pressures on journalists**

Latvian journalists assessed their own autonomy level as high (87% of respondents think so) (Ozolīna 2016); however, interviews revealed that, naming the most painful problems, and assessing the independence of journalists, the media professionals evaluated the political pressure as high. The discourses of the interviews conducted at the end of 2017 also reflect the journalists' and editors' concerns about the impact of sponsors and advertisers on editorial decisions and content (Zelče, 2018). Some of the interviewed journalists consider the service of political parties, contracts for information support for politicians to be acceptable practices for newspapers to improve their financial situation in the pre-election period. Representatives of the regional media also highlighted the existence of free municipal gazettes as a growing problem, which not only causes financial losses to regional media, but also affects public awareness about journalism in general. In recent years, journalists have acknowledged that political pressure is vague, but that commercialisation affects all aspects of media content creation, developing self-censorship (Rožukalne, 2020).

On other production conditions related issues there are no studies available.

### **3.5. Agency of journalists**

**Journalism population structure.** The number of Latvian journalists is not really known. In the 2014 WJS study (Ozolīna, 2016), 300 journalists were interviewed, suggesting that 600 journalists work in Latvia. In the 2017 study (Zelče, 2018), using the data of the State Revenue Service, a larger number of journalists, editors, TV and radio broadcasters and video operators were found, including 1114 people in the database (1152 people in 2015). The data of the media employee survey (Ozolīna, 2016) in 2014 show that most journalists are full-time employees (87%), who have a permanent working relationship in one of the media organisations. Latvia's journalists are experienced, with an average working experience of 16.3 years. The education level of journalists can be assessed as relatively high. In 2014, 41% of journalists have had a college or bachelor's degree, and almost 38% of respondents have a master's degree. There is no need to obtain special licences in Latvia or to be educated in journalism, to get a job in the profession. This is why the openness of the profession in media pluralism research rated as high

(CMPF 2017, 17), but some countries noted that free and easy access profession can lead to low quality journalism. The 2014 study also confirms the historical situation that Latvian journalism is still dominated by women (Ozoliņa 2016; Zelče, 2018).

There are no mechanisms granting social protection to journalists in the case of changes of ownership or editorial line of media companies in Latvia. Even more there are no regulatory safeguards, including self-regulatory instruments, which seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. The same is true of other measures of journalist independence, there are no laws and/or self-regulatory measures to strengthen the obligation of journalists and/or media outlets not to be influenced by commercial interests. Although the codes of professional ethics of journalists' organisations clearly define that the profession of journalist is incompatible with operating in the advertising market, in some media journalists are involved in providing services to advertisers.

**Professional organisations.** The Latvian Union of Journalists (LUJ) was established in Latvia after the restoration of Latvia's independence. It was the heir to a Soviet organisation of journalists, and it operated both as a non-governmental organisation and as a trade union. After years of passivity, the union lost its influence, and it did not really pursue any of its supposed functions. A second organisation, the Latvian Association of Journalists (LAJ), was established in 2010. Both professional organisations of journalists have codes of ethics, but they only apply to their own members.

The existence of two organisations shows the fragmentation of the Latvian journalistic environment. LAJ has more than 120 members, but the LUJ does not disclose the number of its members. The effectiveness of professional associations and unions has been assessed as mediocre in most EU media pluralism studies, mainly because associations do not represent all journalists. A survey conducted by L. Ozoliņa in 2014 states that 73.4% of the surveyed journalists admitted that they are not involved in any professional organisation. Also in 2017, most journalists and editors surveyed (80%) admitted that they are not members of any journalistic organisation (Zelče, 2018). Several regional media journalists have acknowledged that media professionals are very alienated from each other, not only personally, but also in the pursuit of common goals.

### 3.6. Journalist's working conditions

The average salary of journalists has never been extremely high or low in comparison with other professions. However, there is a difference that includes a risk of losing qualified professionals from journalism to PR: according to 2016 data, the average salary of a professional working in the field evaluated on the level of EUR 700-800 (editors), and of EUR 600-700 (journalists) compared to 800-850 for specialists working in the field of public relations) (Zelče 2018). In 2017, there was not a significant change; however, while the salaries of public relations specialists have been slightly rising (EUR 815-950 per month), in 2017 the average salary of a journalist was EUR 627 (Zelče, 2018).

The main problem in the working environment of Latvian journalists is insufficient social protection, as many media organisations offer a salary consisting of two parts - basic wage, from which social insurance contributions are paid, and fees for publications that are not subject to social security taxes. This situation leads to a high level of social insecurity in the case of journalists' illness and maternity leave, and in the longer term low social security payments result in a low pension level and the potential risk of poverty.

### 3.7. Intra-organisational diversity of human resources

The tradition that journalism is a feminine field in Latvia has been preserved from the Soviet period; about 60% of those working in journalism are women, 40% are men (Rožukalne, 2016; Zelče, 2018). This situation could explain the relatively low salaries in the media field and the low prestige of the profession. With the development of digital media, a large number of men work in internet news portals. Although there are many women in leadership positions in media organisations, the management and ownership of media organisations are predominantly men.

### 3.8. Journalistic competencies, education, and training

There are no studies in Latvia that analyse the level of education and competence of journalists. However, WJS data show that Latvian journalists are relatively educated (Ozoliņa, 2016): two-thirds have higher education in journalism, and every sixth has a master's degree.

### 3.9. Professional culture and role perception

Studies on journalistic roles (Ozoliņa, 2016) show that the understanding and attitudes of Latvian journalists against freedom of expression, professional ethics, and other professional issues are in general similar to media professionals representing other Western or Eastern European countries. The majority of Latvian journalists consider their most important role to be a neutral observer; the roles of an informer and educator are important.

According to data by Worlds of Journalism (Wofj) research (Ozolina, 2016), journalists from Latvia are nearly unanimous in the opinion that they act as detached observers. Altogether, journalists are confident in the importance of professional ethics. However, a fraction of WoFJ data shows the presence of double standards. Nearly half of the interviewed journalists claim that ethical decisions depend on personal evaluation, whereas a third agrees that they could disregard moral standards if extraordinary circumstances were to require it (Ozolina, 2016). These data refer to conclusions made by Ilze Šulmane (2011), who elaborated on a longitudinal research project and concluded that the professional identity of journalists is unclear and lacking a shared universal set of professional values. Instead, journalists in Latvia are used to adapt to the political logic of media owners, as opposed to professional logic.

Recent research project on ethical decision-making process in newsrooms (Buholcs, 2020) concluded that the editors of Latvian media tend to believe that shared standards of ethics do exist. Most of them agreed on the relevance of basic and general principles, but only a minority of interviewees demonstrated awareness of the limitations of these abstract concepts or shared dilemmas they have faced. When discussing the factors of professional influence, the editors mention the business interests of their media companies and the influence of the audience on the decision-making process. Some of the editors involved in the study perceive professional ethics as rather unclear, as they consider professional ethics to be a continuation of the moral decision-making process, which is determined by family, education, and the surrounding society. This study is mirroring the findings of the WJS study that journalists' and editors' views on professional ethics differ from real practice and the ability to make ethical decisions. This research has shown that media editors do not recognise the difference between journalistic ethics and other considerations that influence their decision-making. They talk about ethics in relation to the professional ideals they seek to pursue, but their ethical considerations are closely linked to their need to balance the practical interests and power relations of the various parties involved.

The controversial development of Latvian journalism is characterised by the state of investigative journalism. At the beginning of the research period, there were only a few media organisa-

tions in Latvia (mostly daily newspapers or weekly magazines) that were able to develop investigative journalism projects. However, the subsequent development of investigative journalism is related to the characteristics of the media system. Gerli et al. (2018), studying examples of investigative journalism in several countries, including Latvia, identified two very specific functions that characterise pseudo-investigative journalism: on the one hand, the media is a tool in the hands of owners to attack their (political or economic) opponents, and on the other hand, those economic and political groups which are close to the interests of the owners. In this context, investigative journalism provides a process that the authors of the study define as a “mud machine” because it is used to damage the reputation of political (or other) opponents.

The aims and forms of such journalism can lead to a highly 'guerrilla-type' investigative journalism, which often depends on direct personal interests and has no connection with the public interest, important socio-political issues, and the principle of social responsibility. In Central and Eastern European countries, “pseudo-investigative journalism” is more prevalent (Stetka and Örnebring, 2013), in which journalists publish compromising news through illusory investigations. It has been described as a form of media instrumentalisation based on the needs of a small number of 'influential' individuals who have access to a wide range of financial and political resources and who use the media to achieve specific goals.

As party influence diminished and societal secularisation intensified, the links between the media and political ideologies gradually replaced forms of media “partisanism” that were less ideological and more related to potential interests (political but also increasingly economic) (Mancini, 2012). In Latvia, few hybrid media (pietiek.com; kompromat.lv; puaro.lv) were created, the operation of which reflects the demand for compromising information and communication with the aim of damaging the reputation of political opponents or economic competitors.

But in the last period of the research, there is also a trend in investigative journalism, when an independent investigative journalism centre Re: Baltica is established, which is involved in international investigative journalism networks and projects. In addition to the goal of exposing political corruption, investigative journalists focus on uncovering social and economic problems. PSM also develops investigative journalism projects and formats.

The following **critical junctures** can be taken in summarising the situation in journalism:

- In the early 2000s, the fields of public relations and digital communication developed rapidly, attracting many professionals and greater investment compared to media organisations. As a result of these processes, both the labour market and the structure of education in journalism gradually restructured (the demand for education in journalism decreased), and the relatively low salaries in media companies reduced the prestige of journalism as a profession.
- After the economic recession of 2008/2009, which severely affected the Latvian media environment, the number of employees in the editorial offices was reduced and journalists' salaries have been cut, and some journalists left the profession. This had an impact on the quality of journalism.
- The impact of platformisation, as a result of which the media industry has lost approximately 50% of the advertising market (CMPMF, 2021).

The main **risks**:

- low level of social insurance for journalism professionals;
- high level of commercialisation of media content, which affects the professional quality of journalists' work;
- low wages compared to the level of remuneration in other areas of public communication professions;

- low level of involvement of journalists in professional organisations, limited influence of these organisations;
- double standards in the understanding of professional ethics, relying on general moral considerations and ethical decisions on a case-by-case basis;

**Key opportunities:**

- relatively high educational level of journalists;
- opportunities offered by the Media Support Fund and other external donors to develop serious analytical and research journalism projects;
- the growing role of public service media in the journalism labour market.

## 4. Risks and opportunities of media usage domain

### 4.1. Development and agency of change

Latvia is a country with a small media market, linguistically divided audience, and a strong influence from neighbouring Russia's media. Official statistics state that at the end of second decade of the 21<sup>st</sup> century there are 1.92 million inhabitants (68% form the urban population in total, 33% - the inhabitants of the capital Riga) (Central Statistical Bureau, 2019). 62% of the population are Latvian, 25% Russian, 3.2% Belarusian, 2.2% Ukrainian, 2.1% Polish, 4% form other ethnic minorities. 61% of the Latvian population speak Latvian as the first language, 36% - Russian, 3% - other, with a clear difference between, from one side, the capital Riga (where a majority of 56% speak Russian at home) and Eastern region Latgale (60% speak Russian at home) and other rural areas and smaller cities of Latvia (where 75% - 91% speak Latvian at home) (Central Statistical Bureau, 2018).

Given the ethnic structure of the audience, one of the main tasks for researchers of media and communication during the time scope of the Mediadelcom research, but, especially, during the first phase before entering the EU in 2004, was connected to the social integration issues and inclusion of minority groups via media access and agenda. Even if the existence of two information spaces in the country was recorded as one of the main risks for democracy (Kruks, Šulmane, 2005), analysis of media content was showing that there were a lot of opportunities for the common agenda (Kruks, 2001). Diversity in media content was sized to support tolerance and dialogue in society supported by the media and serious attention was directed to it in the education of journalists, because even if in the year 2009, the percentage of people satisfied with diversity in media was more than half, it was still lower than in the EU in general (Zandovska – Odiņa, Petrenko, 2011, 7).

The researchers have identified the most important problems that potentially endanger the functionality of media, such as

- blurred line between political communication and journalism (journalists becoming politicians and politicians working as journalists);
- changes in the ownership structure that endanger the diversity of opinions (dropping internal and external diversity of Latvian daily newspapers, its influence and reputation, consolidation of Russian press);
- lack of quality social and political information due to decreased diversity, influence and audiences for quality content;
- influence of political public relations in journalism;
- influence of private and state controlled Russian media;
- hate speech and informative noise on social media hindering rational discussion;

- small market as a cause of the lack of quality media content and investigative and analytical journalism (Skudra, Šulmane, Dreijere, 2015, 216).

During the twenty year long period of time from 2000 to 2020, the most important critical turning points that contributed to the change of audience structure, media repertoires, uses and trust of news creating risks and opportunities for deliberative democracy are connected:

- (1) the technological development, digitisation and advent of social media gave wider access to and new forms of information and communication (for example, social media site “draugiem.lv” - the Latvian alternative to Facebook was created as early as 2004 and contributed to the relatively high usage of social media in all generational groups, especially, the younger generation); however, the usage of internet media is rather passive and piratic uses and tolerance towards usage of content without respecting copyrights in the country remain high (Zelče, 2018), and the introduction of new media rather stimulated attitudes of consumerism, entertainment seeking and depoliticisation of the public sphere,
- (2) entering into the EU and the social integration challenges that changed the normative framework of media usage, was also a factor in turning away part of the audience from traditional ways of using it,
- (3) economic crisis that influenced the ability of users to pay for media content, but was also followed by a decrease in the advertisement market and emigration of a significant part of the population<sup>282</sup>,
- (4) change of geopolitical context with the annexation of Crimea by Russia in 2014 that started the discussion on propaganda in the context of usage of Russia’s media in Latvia and on media literacy of the audience, but also rather deepened the gap between two information spaces in Latvia - Russian media users and users of Latvian and Western media (Zelče, 2018) (followed by closing the distribution of Russian media representing state propaganda in 2022),
- (5) advent of populist politics (between parliamentary election campaigns in 2014 and 2018) that is connected with further segmentation of the audience and widening and deepening of the gap between different social groups according to the ideological divide and discourse,
- (6) introduction of media policy in 2016 (Cabinet of Ministers, 2016) that through various instruments provided strong support to diversity, access for minorities and cultural and journalistic quality, and encouraged the research and development of media literacy,
- (7) Covid-19 pandemic that changed lifestyles and media usage patterns of the Latvian population increasing the audience for news and analysis in media content, but also endorsing news avoidance and fatigue (Rožukalne, Strode, Murinska, 2022).

Media usage and audience data are mainly collected for commercial purposes, and there are two main directions of data gathering – opinion polls and uses of media. For quantitative research there are datasets on media usage and audience preferences available from both commercial and non-commercial providers covering both the national (CSB, 2020; Latvijas Fakti, 2017; 2018; TNS/ Kantar 1991-2020; Gemius, 1999-2020) and international comparative (Eurobarometer, Eurostat) level that are further used for commercial and academic research. More focused quantitative data are collected by social research companies like SKDS in Omnibus surveys and used for academic research projects (for example, Rožukalne & Skulte, 2016; Rožukalne et. al, 2020). Qualitative research is more irregular, done almost exclusively by individual academic and – to a lesser extent – non-academic (NGO based)

<sup>282</sup> The number of emigrants from Latvia in the period from 2000-2014 was 246700 (10.9% of the population in 2000) and it almost doubled in the years after 2008 (to compare: 22911 in 2000, 39651 in 2010) (CSP, 2022)

researchers and research groups and therefore depends on interests of researchers or goals of particular projects.

## 4.2. Agency of media-users and analysts

In general, the Latvian audience is not active in the usage of media (Zelče, 2018, 509); even internet and social media usage among the young doesn't show the habits of active, creative and deliberative communication (Rožukalne and Skulte, 2016, 177).

The gender aspect in media usage is rather neglected by researchers; the age factor is taken into account mostly to describe differences in media consumption of younger generations (less traditional media, more - 100% use of internet under 19, usage of the content of other media through internet access and archives) (Zelče, 2018). Researchers acknowledge that the lack of qualitative in-depth and critical analysis of audience exposure leads to non-critical use by the audience that mostly stick to conservative habits (Zelče, 2018).

Ethnic group, language preferences, geographical and age factors largely predict the choice of media channels. Latvians use the media in Latvian (over 90%, *Latvijas Fakti*, 2018), whereas the Russian-speaking audience – in Russian, less frequently (44% listen to the radio in Latvian, 38% watch TV, 35% use news portals on the internet, 34% read the press, and 24% use social media) in Latvian (*Latvijas Fakti*, 2018), preferring the TV channels controlled by the Russian government (*Latvijas Fakti*, 2017, 2018, *CMPMF*, 2020). The attitude towards both traditional forms of access to information - traditional (print, radio, television) media and internet (both news and social media) differs significantly among age groups. However, the last years of the two decades show the fast increase in the usage of internet media in the older generation (Zelče, 2018).

The perceived fact that Russian media exposure can create threats to national and social security was directing the capacity of research towards comparing Latvian and Russian speaking audiences as different; however, it might also be treated as a base for bias, since the generational and gender differences in media usage, especially, taking the advent of social media into account, are not well analysed and interpreted.

## 4.3. Access to news and other media content

At the end of the second decade of the 21<sup>st</sup> century, TV is the most popular medium among the Latvian population (*Latvijas Fakti*, 2017, 2018, 2020). It has a stable position with a slight oscillation of percentages under 90% (88% 2018, 90% 2019, 89% 2020). 84% of the population view television at least once a week, 60% - every or almost every day. The level of viewing time of a little over 4 hours a day was also relatively stable before – study comparing the 12-year period (2005, 2010, 2015, 2016, 2017) shows that there is no significant change (Zelče, 2018, 492).

Internet news portals and radio are next in the popularity ratings; they are used by an equal percentage of the audience – 80%, however, news portals are used more frequently (73% every week, 47% every or almost every day) than radio (67% every week, 45% every or almost every day) (*Latvijas Fakti*, 2020).

Internet was studied in several research works, but surveys state that the creative use of new digital tools even by young audiences is rather very limited (Skulte, 2014). Instead of implementing their own projects, the majority of people use the internet for the consumption of goods and entertainment (similar to TV and radio usage). In recent years, relative stable usage was achieved by online streaming services – video (31% in total, 19% weekly, 7% daily) and audio (30% in total, 19% weekly, 7% daily). The factor influencing media choice is the age of a

user, with younger audiences preferring internet news media, social media, and digital platforms (in the age group from 16 to 30 more than 90% use social media at least once a week, and more than half – one of the on-line streaming services) whereas older generations are traditional media users (TV and radio) (Latvijas Fakti, 2020).

The number of users of printed media is still decreasing (in total 73% in 2020, from 77% in 2019, 87% in 2017 and 98.2% in 2005). Now, almost half of the population reads press at least once a week (49%) and only 11% - every or almost every day, but instead of daily press tabloid media, women's magazines and entertaining papers with a strong stress on TV schedules (especially for the Russian speaking audience) are leading the rankings (Latvijas Fakti, 2020, CSP, Kantar, Zelče, 2018). The economic crisis has seriously damaged the newspaper industry in terms of a declining circulation and loss of trust (due to changes in ownership structure).

Public Service Media (PSM) are used by approximately the same percentage of media audience in Latvia as the news portals and radio – 80.5% (less in audiences such as young, non-Latvians and inhabitants of Latgale) recognise themselves as PSM users (Latvijas Fakti, 2020). Public TV is viewed by 68% of population with older viewers on a more regular basis. The Public Radio (6 stations including one, LR4, in Russian) is used by more than half of the population (54%, 4% less than in the year 2019) (Latvijas Fakti, 2020).

#### 4.4. Relevance of news media

The audience is divided along the language and ethnical line - the majority of the population (87%) state that it is important for them to use media in their mother tongue, and from them 87% Latvians and 81% non-Latvians (Latvijas Fakti, 2020). But there is a lack of direct evidence about the relevance of news media. The general tendency of Latvian audience preferences shows commercialisation (top ratings have TV shows such as X factor and media rituals like big sport events or annual addresses by LR president, adult music formats with short news and women's/yellow magazines for the Latvian audience and weekly papers including TV programmes – for the Russian audience (Kantar, 2018-2020). However, the monthly research of television made by KANTAR shows that among the TOP 10 of the programmes, almost every month there are at least two evening news programmes, as well as a Sunday night PSM investigative journalism project (Kantar, 2018-2020).

The indicators for trust in media show that the Latvian population values news as a source of trustful information (see part 4.5 for detailed information).

Researchers analysing the attitude of the Latvian population towards news have identified risks connected to news avoidance and fatigue during the COVID-19 outbreak. The data show Latvian society as rather split into almost equal groups of those stating that they are following the latest information (55%) and those who feel tired and state the loss of interest for news (53%); another (32%) turns away and avoids the news on COVID-19. They conclude that the data show the danger of losing part of the audience who are not informed (about COVID-19 related issues) (Rožukalne, Strode, Murinska, 2022).

#### 4.5. Trust in media

Traditionally levels of trust in Latvia are low for the political parties, the Saeima parliament and the government, high for the army and police, and rather high levels of trust are recorded towards the media (Zelče, 2018). As reported based on the Eurobarometer trust in media, at the end of the period included, Latvia along with the majority of European countries belongs to countries where radio is considered as the most trusted medium; people don't believe in social media and there is medium trust in national news (even if less are satisfied than the average in

the EU with democracy in the country, people in Latvia are slightly more satisfied with information provided by the national media). (Fernandez Quijada, 2019) In 2018, 58% of Latvians trust national news sources, 42% Western media (e.g., CNN, BBC, Euronews), 22% - Russian media. In the Russian speaking audience, 41% trust Russian media, 34% Latvian media and only 19% Western media. The most trusted content (TOP 5) in 2017 comes from two major news portals (Delfi (18%) and Tvnet (8%)) and PSM, especially television (LTV1 (11%). This is quite different for the non-Latvian population in Latvia – the TOP 5 trusted sources of news beside Delfi and Panorama include the Russian channels PBK (and its news programme) and RTR Rosija (Zelče, 2018, 513).

68% of the respondents believe in the reliability of the media they consume. But the level of trust is lower in younger audiences and non-Latvian audiences. The youngest people are critical to Latvian media (46% trust the media), as they are aged 25–34 (42%). In non-Latvian-speaking audiences, the level of trust is lower – 63% (Latvijas Fakti, 2018, Jõesaar, Rožukalne, Jastramskis, 2022).

The most trusted medium is radio, following by TV and the internet; however, the level of trust is sinking from 2007 to 2017 (Zelče, 2018, 511). Printed media are trusted the same as the EU average (approx. 41%). Latvia's respondents also state that they trust social media (21%-27%) more than the population of the EU on average (around 20%) (Standard Eurobarometer, 2014, 2015, 2016, 2017, 2018; Statista 2019; CMPMF, 2020).

Most of the users of PSM are satisfied with the quality of content in different PSM channels (Latvijas Fakti, 2020). Users are mostly satisfied with news and cultural content, less – with programming for children and young people (Latvijas Fakti, 2020). The level of trust in PSM is stable and high (it is the leader comparing to other types of media) (Latvijas Fakti, 2020). However, compared to the situation in other Baltic countries, PMS in Latvia are less trusted (Jõesaar, Rožukalne, Jastramskis, 2022).

Analysing the Latvian audience and its media usage patterns at the end of the 2<sup>nd</sup> decade of the 21<sup>st</sup> century, researchers conclude that there are three main problems – presence and usage of Russian TV channels in the Latvian media market, piracy, and lack of media literacy. Professor Vita Zelče summarises that the most important good feature is a sufficient diversity in form, content and language of audience media repertoires, but dangers are connected to the above-mentioned problems and a lack of quality content and conservative (passive) habits of the population. She also notes that there is no analytical, high-quality and data-based research on the Latvian media audience. (Zelče, 2018). The COVID-19 related audience research showed that the audience is even more vulnerable in terms of strength of trust and ability to discern, analyse and properly use media.

The main **risks** from the side of audience research:

- the presence in the market, exposure, and trust in Russia's media, especially TV by the significant part of (mainly Russian speaking) the audience,
- divided audience and contradictory tendencies along divisions of language use and age,
- lack of strong products of information and analysis that would attract audiences,
- low level of media literacy,
- uncritical, conservative, and passive usage of social media (for consuming and entertainment only) that lead to exposure to populist messages,
- not sufficient quantity and level of quality of the research on media audiences.

The main **opportunities** include:

- the relative strength in terms of exposure and trust in PSM even if less expressed than in other Baltic countries (Jõesaar, Rožukalne, Jastramskis, 2022);
- media policy that is ensuring the development of quality content and media and encouraging initiatives for media literacy development.

## 5. Risks and opportunities of media related competencies domain

### 5.1. Development and agency of change

Since 2000, several equally important and interrelated critical junctures have been identified in the domain of media competence, mainly related to significant global geopolitical developments in the EU or in the neighbouring countries around Latvia, the emerging tendencies in the technology availability and development, as well as the political planning decisions binding on the Latvian education system and science.

### 5.2. Overview of media related competences in policy documents

Major and/or more frequently quoted documents in scientific publications and policy planning documents from 2000 to 2010 in the field of media competence indicate the need for media competence at all levels of education, with a particular emphasis on innovations that ought to be incorporated in teacher education (Grünwald Declaration on Media Education, 1982; Paris Agenda, 2007).

The UNESCO projects in teacher education significantly contributed to the incorporation of media competence in teacher education courses and to the growth of topical research on media competence in Latvia. The 12 recommendations developed by UNESCO for media education feature several references to teacher education, indicating that initial teacher training is a key element that should be based on theoretical dimensions and practical skills in media education and that teachers should be familiar with the strategies of media consumption used by the youth (Paris Agenda, 2007; European Parliament, 2008). Due to the fact that the media are more related to people's everyday life, entertainment, communication, etc., it is recommended that the teaching methods for learning media competence be changed, which would not only allow for teaching on the basis of ready-made approaches but would also encourage the involvement of students in the development of the study process, the use of group work, creative and critical thinking, inter-disciplinarity, research and problem-based approach as well as would improve teacher and student cooperation (Buckingham, 2001; Bokova, 2009; Paris Agenda, 2007). However, a comparative study on media competence in the EU concerning Latvian education established that "There is no media education as an official subject in the curriculum, and it is also not officially integrated in other subjects" (EMEDUS project, 2014).

It should be noted that since Latvia's accession to NATO and the EU, Russia's understanding of its national security has undergone significant changes. For instance, the Russian National Security Strategy and the Plan for the Development of Culture and Mass Communication (Министерство культуры Российской Федерации, 2006) call for the need to maintain and strengthen Russia's informative presence in the Baltic countries. However, the 2014 political crisis in Ukraine and the subsequent annexation of Crimea, which also brought cyber-security and disinformation issues into the limelight in Eastern Europe, should be considered an important critical stage for the research and implementation of media competence in basic and secondary education in Latvia. The Plan for Implementation of the Mass Media Policy Guidelines of Latvia 2016-2020 (hereinafter – the Plan) (Cabinet of Ministers, 2016) is focused on featuring

such content in the mass media that contributes to the development of media literacy, supporting the growth of the genre of mass media criticism and the ability of society to critically perceive and assess the content and quality of mass media.

The Plan also aims to develop pre-school children and elementary school pupils' media literacy and to organise events for pupils and youth promoting media literacy and educating them in media literacy by using the debate method. In line with the Plan, seminars for teachers on media literacy were organised and materials for teachers on media literacy issues were drafted. According to the report of the project "Mapping of media literacy practices and actions in EU-28" (European Audiovisual Observatory, 2016), the 20 major projects in Latvia focusing on the development of media competences since 2010 were mainly related to research (9 projects) and end user engagement (4 projects).

The projects mainly focused on strengthening the awareness of issues such as critical thinking and media usage, audio visual content creation, online security risks and the functioning of the media industry across different audiences (professionals – 4 projects, adolescents, and students – 2 projects, children – 2 projects, seniors – 1 project, parents – 1 project and society as a whole – 2 projects).

### 5.3. Information about media literacy programmes in formal and/or in non-formal education

The final critical phase in the domain of media competence began in 2016 when the National Centre for Education implemented the project entitled "Competency-based approach to education" (Skola2030), the overarching aim of which is to refocus the content of education and the approach to teaching in competence education across all levels of education from pre-school up to secondary school. As part of the project, for the first time in the history of Latvian education criteria, the acquisition of media competence in basic education and secondary education were formulated. Since 2018, media competence as a mandatory part of the curriculum has been included in the State General Secondary Education Standard (Cabinet of Ministers, 2019) and State Basic Education Standard (Cabinet of Ministers, 2018). The acquisition of media competence is integrated in the curricula of different subjects and is based on traditional interpretations of media competence, primarily related to critical thinking, protection of private data and the digital skills of content creation.

### 5.4. Actors and agents of media related competences: risks and opportunities

**Risks:** There are still no centralised criteria for the acquisition of media literacy in teacher education, which means that media literacy could be defined very differently in different teacher education programmes.

**Opportunities:** Media literacy is included in the standards of the state basic education and secondary education, integrating it into different subjects.

### 5.5. Assessment of media related competencies among citizens

Since 2016, the Plan (Cabinet of Ministers, 2016), has been developed, with specific activities focused on comparable and regular studies of the level of media literacy (Latvijas Fakti, 2017; Latvijas Fakti, 2020), establishing the UNESCO Chair on Media and Information and improving

the understanding of media literacy across different social groups, including mentors, librarians, youth and children, specialists in youth affairs of local governments.

## 6. Analytical conclusions

In the following table (1), the risks and opportunities identified by analysing separate domains are collected and compared along with main actors and agents identified to find out risk tendencies.

**Table 1. Risk tendencies in the Latvian media environment (risks, opportunities, actors, and agents identified).**

Risks	Opportunities
<ul style="list-style-type: none"> <li>✦ the context of changing political landscape and relative economic instability,</li> <li>✦ the low critical, investigative and analytical attitude of media towards government and authorities in general,</li> <li>✦ mediocre level or lack of support for diversity of opinions and standpoints of society in media,</li> <li>✦ lack of proper understanding of the role of mass media and therefore, lower value for press freedom,</li> <li>✦ insufficient development of media regulation,</li> <li>✦ no effective public organisation for the protection of the media audience,</li> <li>✦ weak system of media self-regulation, distrust of self-regulatory mechanisms, superficial knowledge of ethics in the professional environment and lack of detailed codes of ethics,</li> <li>✦ consumerism and commercialisation of the media environment,</li> <li>✦ undeveloped tradition of professional discussion and lack of discussion format to discuss issues of professional ethics,</li> <li>✦ low level of wages and social insurance for journalism professionals,</li> <li>✦ low level of involvement of journalists in professional organisations, limited influence of these organisations,</li> <li>✦ presence in the market, exposure and trust in Russia's media, especially TV by the significant part of (mainly Russian speaking) the audience, lack of strong products of news and analysis that would attract audiences, especially for the younger audience,</li> <li>✦ low level of media literacy,</li> <li>✦ insufficient research on media audiences,</li> <li>✦ overall concept of media literacy included in the standards of primary and secondary education is not clear,</li> <li>✦ no centralised criteria for the acquisition of media literacy in teacher education.</li> </ul>	<ul style="list-style-type: none"> <li>✦ reforms introduced (PSM reform, media policy, support to media literacy),</li> <li>✦ adoption of the Law on Public Electronic Mass Media and Administration Thereof in 2020, which envisages the establishment of a Public Electronic Mass Media Council and Ombudsperson,</li> <li>✦ detailed and high-quality codes of ethics and conduct in PSM,</li> <li>✦ relatively high educational level of journalists,</li> <li>✦ Media Support Fund and other external donors organised to develop serious analytical and research journalism projects,</li> <li>✦ growing role of public service media in the journalism labour,</li> <li>✦ relative strength in terms of exposure and trust to PSM,</li> <li>✦ media policy is ensuring the development of quality content and media and encouraging initiatives for media literacy development,</li> <li>✦ media literacy is included in the standard, integrating it into different subjects.</li> </ul>
<p><b>Actors:</b> parliament, government institutions (e.g., Ministries), National Electronic Mass Media Council of Latvia (NEPLP), courts, media organisations, advertisers, Centre of Educational Content, Public Media Council (+ PSM Ombudsperson from 2022)</p>	

**Agents:**

*primary:* individual journalists, politicians, media owners, educators, individual social media users (influencers)

*corporate:* LJA, various organisations in support of media literacy (libraries, archives, NGOs), political PR specialists, social media groups and platforms, e.g., manabalss.lv

**Risk tendencies:**

- ✦ the level of understanding and implementation of legal and ethical norms has until now been relatively low;
- ✦ media concentration and commercialisation, clientele-like relationship between journalists and their sources;
- ✦ civic engagement, consumerism and inter-passivity of the audience;
- ✦ low level and recognition of media role in social life and narrowed understanding of media literacy in front of populist strategic communication.

**Opportunity tendencies:**

- ✦ media policy supports
- ✦ Council of Media Ethics (2018);
- ✦ PSM ombudsperson (2022); support to media literacy in primary education.

It can be seen that, in the last 20 years, Latvia has finalised the democratic reforms in the media environment started after 1991 and has built up the formal structures needed to support deliberative communication as well as a network of actors involved (and observed) to ensure it includes parliament, government institutions, National Electronic Mass Media Council of Latvia, courts, media organisations, PR companies & advertisers, Centre of Educational Content, Public Media Council (last but not least, the position of PSM Ombudsperson was introduced in 2022). It is largely up to the implementation of this framework, e.g., acting of different agents revealed shortages and weaknesses resulting in risks arising. Primary agents such as individual journalists, politicians, media owners, educators, individual social media users (especially, more and more professionalised field of influencers) can be successful in supporting deliberative communication, but as the research of the field is limited it is difficult to conclude that this agency has used such properly to meet the goal (of deliberative communication). Even more, the context of commercialisation and clientelism in journalism, influence of political PR actively using social media and the low level of media literacy and understanding of its importance, don't allow primary agents to increase their capacity. Corporate agents such as, for example, journalist organisations LAJ and LUJ, various organisations in support of media literacy (libraries, archives, NGOs), PR industry, social media groups and platforms provide sporadic and mal-coordinated support in this situation.

Main three risk tendencies identified include:

1. In spite of formal elaboration of the legal and ethical system, the level of understanding and implementation of legal and ethical norms has until now been relatively low;
2. High level of media concentration and commercialisation, which leads to clientele-like relationship between journalists and their sources;
3. Low civic engagement, consumerism and inter-passivity of the audience connected to a low level and recognition of the media's role in social life (functionality of news is not very much studied, but related research shows a more consumerist attitude to both traditional and social media), and narrowed understanding of media literacy (as digital literacy only) with a risk of appeal of the global wave of populist engagement based on the usage of social media.
4. However, the positive developments are related to the development of media policy and establishment of the Council of Media Ethics (2018) and PSM ombudsperson (2022), as well as support to media literacy in primary education.

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# POLAND

## Critical junctures in the media transformation process

By Michał Głowacki, Katarzyna Gajlewicz-Korab, Jacek Mikucki, Łukasz Szurmiński and Maria Łoszevska-Ołowska – University of Warsaw

### Executive summary

This report discusses the cultural conditions for media and democracy monitoring abilities considering Poland's critical junctures. Through an in-depth examination of the turning points in media technology, politics, and culture from 2000–2020, evidence of the cultural blend of political power and the media as a mismatch between democratic law-making (standards setting) and standards implementation (self-regulation included). The highly interwoven social layers of media transformations prove a high level of political parallelism, the multiplication of codes of journalistic and societal polarisation, the most critical risks in Poland's trajectory of media freedom.

Following the Mediadelcom methodology, opportunities and risks for media and democracy are analysed in connection with 1) Legal regulations and ethics, 2) Journalism studies, 3) Media usage patterns and 4) Media education and literacy. The report highlights the most critical knowledge share gaps, which include looking at media from the perspective of agency of change (actors + time) and collaboration between the media industry and scholars. To this end, this study calls for the cultural contexts alongside in-depth research on organisations (working conditions, workplace diversity, management systems and structures) and the culture of media and democracy stakeholders (people and their values, pride, satisfaction, and motivation).

## 1. Introduction

This report aims to illustrate critical cultural conditions for monitoring capabilities (research and data) and media stakeholders (researchers, policymakers, media industries, non-governmental organisations, and so on) to measure and secure democracy and media freedom in Poland. We begin with mapping the so-called critical junctures, our umbrella term for highly interwoven changes in technology, politics and society/culture in the period studied (2000–2020). Mapping media organisations and scholarly responses follow the key moments of media and societal transformation. The final part of the report presents findings on the agency of change, highlighting the role of critical stakeholders alongside risks and opportunities in each Mediadelcom domain; 1) Legal regulations and ethics, 2) Journalism studies, 3) Media usage patterns, and 4) Media education and literacy.

## 1.1. The Cultural Side of Research and Data Capabilities

Findings from the Mediadelcom project have mapped the potential of research and data as monitoring capabilities of media and democracy in Europe (see: Case Studies 1). Poland's database of 1000 publications from 2000–2020 has proven the orientations and expertise in changes in journalism and users' behaviours considering the digital and online-born media transformations (adaptation of the legacy media included). On the surface, there has been an observable development of media users and journalism research in the early 2010s and post-2015, reflecting changes in technology and politics alongside communications and media research autonomy and the community of scholars. This includes the clash of Polish society's liberal vs conservative visions (Bajomi-Lázár, 2013) and observable business parallelism to address the blend of politics and media ownership (Zielonka, 2015).

Findings from the scholarly database have proven the dominance of theory-driven and Western tools (and methodologies), with many studies mappings the potentials and pitfalls of implementing media and democracy in Poland. On the other hand, the mismatch of policy setting (freedom of speech, freedom of information, media law and media accountability) requires an in-depth examination of existing cultural practices and the cultural path dependencies of all the stakeholders involved.

Poland's Mediadelcom interviewees have argued for cultural research, highlighting people, values, and mindsets as prerequisites for healthy policymaking and professional journalism. This includes, above all, advancing monitoring capabilities regarding the rule of law, working conditions, workforce diversity (gender, age, class, and so on) and users' abilities (including users' ethics and media preferences). The existing knowledge risks and gaps further call for more academic engagement in supporting democratic media law and accountability and drawing potential solutions in high political parallelism and journalism (and societal) polarisation (media scholar, Gdańsk, September 23, 2022).

According to our experts, monitoring media and democracy require multistakeholder collaboration acting as the democratic checks and balances. One of the interviewees noted that the success and effectiveness of regulation and self-regulation depend on high-quality data and scholarship to support civic and media education:

*“Healthy democracy is based on two critical factors. Firstly, the quality and competencies of media as cultural institutions. Secondly, media literacy and education. So, the critical question is why don't we educate our kids as they do in the Nordic countries?” (media scholar, interview in Gdańsk, September 23, 2022).*

## 1.2. Methodology

This report builds on the state-of-the-art and the literature review in line with methodological Mediadelcom foundations (data from 2000–2020). We look at the agency of change via the proposal of critical cultural junctures of Poland's media and democracy (policymaking, media accountability and research). Four semi-structured interviews augment the potential of media regulation, self-regulation and scholarly contributions via the potential risks and opportunities in each Mediadelcom domain: 1) Legal regulations and ethics, 2) Journalism studies, 3) Media usage patterns, and 4) Media education and literacy. The interviews with media scholars, media managers and policymakers were conducted in September–October 2022. The interviews were anonymised and transcribed, with the authors' translation into English.

## 2. The Critical Junctures: Technology, Politics and Culture

The study of democracy and media transformations in Poland begins with identifying key moments of technological, political, and cultural change in the period studied (2000–2020). Figure 1 serves as a departure point to understand the fabric of media transformations in Poland alongside the risks and opportunities (in four domains). Poland’s Mediadelcom interviewees in Poland have widely argued that capturing media change in times of data-driven media, filter bubbles and societal polarisation call for joint action of media, policymakers, and scholars (media scholar, interview in Gdańsk, September 23, 2022; media manager, interview in Sopot, September 23, 2022);

*“So, how do we react to a departure of democratic media models, preceded by extreme and radical societal and cultural polarisation. Which is also a subject to the economic influence of external media stakeholders” (media scholar, interview in Gdańsk, September 23, 2022).*

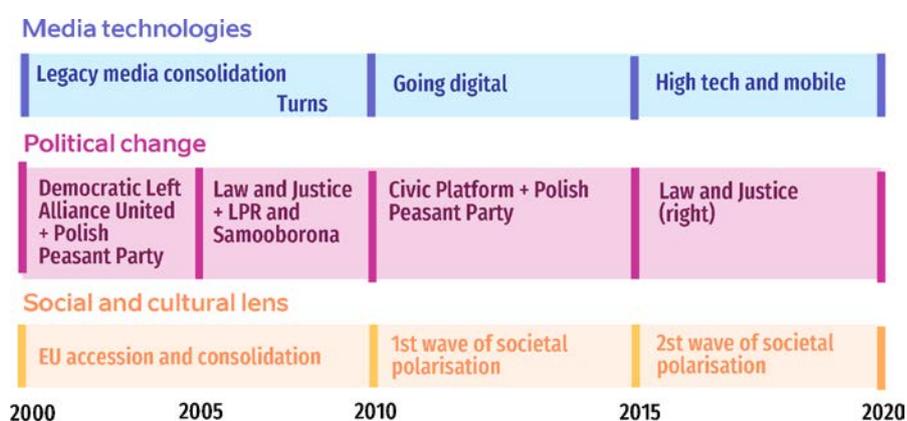


Figure 1. Critical Junctures in Poland (the proposed model)

Source: Authors.

### 2.1. Media Transformations

Poland’s media reform and market structure relate to the outcomes of post-1989 political and cultural democratisation (Price, Rozumilowicz, and Verhulst, 2002; Jakubowicz, 2006). The early transition from the authoritarian media regime toward democratic media in the 1990s resulted in the media market’s consolidation and democratic media law. Poland has guaranteed press freedom in the 1997 Constitution, followed by adopting human rights and democratic media policies via membership in the Council of Europe (since 1991) and the European Union (since 2004).

The abolition of censorship, followed by media policies of the early 1990s, opened a space for private investments in legacy media, such as the press and broadcasting (Szynol, 2016). The media law transformed state radio and television into public service media (PSM) to support human rights, democracy, and internal pluralism in the media (Klimkiewicz, 2017). However, 2000–2020 is full of examples of the clash between democratic media reform and counterreformation (illiberal turns) regarding policymaking, setting journalistic standards and corporate strategies (adaptation and media change). Dynamic political changes with media freedom and a high level of political parallelism (see the following paragraphs) are connected to rapid high-technologies development and changes in users’ behaviours.

The mid-1990s show the early signs of traditional press erosion and shrink in Poland's readership numbers (Filas, 2022). This tendency continued in the early 2000s, with the consolidation of broadcasting media and a noticeable shift towards social platforms and media in the following decade (2010s). Looking at the dynamics of media transformations, we observe critical stages concerning media users' and technology change:

- **Until 2010:** Market consolidation; the dominant role of broadcasting, the emergence of social media and a systematic shrink of the press.
- **2010–2015:** Legacy media adaptation towards digital production and content with the consolidation of internet-born media.
- **2015 onwards:** The rise of creative, high tech and data-driven industries (startups and SMEs), with accompanying dominance of digital TV, online and mobile media (and related struggles of the legacy media organisational change).

Similarly to other countries, one of the most critical moments for media transformations in the period studied has been the rise of digital and online media. Since 2005 Poland has experienced the rise of online news portals and social networking sites, both when it comes to national (naszaklasa.pl; grono.pl) and global internet companies (Google, Microsoft, Apple). Significantly, 2010–2020 has proven the importance of the digital era, which has been widely reflected in the scholarly traditions, analysing changes in communication and the outcomes of convergence, user-generated content, citizen journalism and information bubbles (Szpunar, 2018). Communication in this period has become multi and intermedial with time and place-shifting (VOD, IP, geolocation) as new strategies and offers of the Polish media firms. In the mid-2010s, we also observed the new era of non-linear services such as video on demand, Amazon Prime and Netflix, exemplified by mobile applications. A shift towards the Fourth Industrial Revolution or the 5G technology, the Internet of Things, and smart cities are still future critical points (Mikucki, 2021).

The stages of media transformations highlighted above naturally reflect organisational adaptation to digital and data-driven tendencies. On the one hand, Poland opened to online media and behaviours in the early 2000s. On the other hand, legacy media firms still adapt to user-driven co-creation alongside collaborative accountability and transparency practices that build on their hierarchical management structures and other potential barriers to organisational change (including strategies and mindsets).

For instance, Sehl, Corina and Nielsen (2016) have noticed the delays in the Polish public service media's user-driven practices compared to other European PSMs (including case studies of Finland, Germany, Italy and the United Kingdom). Additionally, research by Głowacki and Jackson (2019) has evidenced late organisational response towards the organisational shift of the Polish PSM via the rise of entrepreneurial practices in high technologies and creative industries. On the surface, long-term post-industrial transformations toward an agile, entrepreneurial community (startups and SMEs) have not become a subject of a systemic investigation to date. Studies on media transformations in Poland tend to focus on external dimensions, covering the cultural dynamics of media and politics.

## 2.2. Political Change

There is widespread research on the impact of policies and politics at different stages of Poland's media transformation. In the transition stages of the early 1990s, political authorities played a significant role in setting freedom of expression standards as a part of the broader democratisation process (Jakubowicz, 2004). The path towards democratic media, launched and further supported by the first (June 1989–October 1991) and the second (November 1991–May 1993) terms of the Polish Parliament, led to the abolishing of authoritarian mechanisms, such as the Office for Press, Publications, and Performances. This move was followed by amendments to the Press Law of 1984, alongside the adoption of the Broadcasting Act (1992). The latter established the National Broadcasting Council (NBC) – the regulatory authority of electronic media – and further opened up for private cross-media conglomerates alongside the creation of the Polish Radio (Polskie Radio – PR) and the Polish Television (Telewizja Polska – TVP). Both PR and TVP joined the European Broadcasting Union in 1993.

The political change studies on Polish media transformations need to address a classical distinction between media policy and politics. On the one hand, understanding political change and its implications on Poland's media need to include the dynamics and ongoing interplay of democratic and illiberal reforms, as laid down in democratic theories and the Western-based normative models. On the other hand, what seems to be critical is highlighting the importance of politics and related cultural path-dependencies, such as the vision of media controlled by the Government, a mindset potentially inherited from the past (Głowacki, 2020; Donders, 2021).

The studies on media-political relations in Poland widely illustrate a high level of political parallelism alongside media Italianisation, typified by weak journalism culture and the importance of informal relationships (Dobek-Ostrowska, 2012). The examples of clientelism, nepotism and the overall “mutual exchange of ‘favours’ between patrons and clients” (Bajomi-Lázár, 2019, p. 259) have been explained via the systemic path-dependencies where a country's system of Government is translated into a corresponding method of media policy and governance (Jakubowicz, 2008). In line with this, one of the interviewees recalled political bias and low journalistic professionalisation as the critical challenges for Poland's media and democracy:

*“(...) and solid journalistic solid polarisation aligns with political corruption. Today's journalists lack training, education, and a proper understanding of media accountability. And you can find them in the media defined as public services” (media scholar, interview in Gdańsk, September 24, 2022).*

Polish media are prone to political interference and earthquakes after political elections (Głowacki, 2020). Bearing in mind that Polish media and related policies have never been entirely free from politics (Dobek-Ostrowska & Głowacki, 2015), we see the overall political change connected to conservative vs liberal power over the media. The clash of values in the Polish context can be illustrated in media change dynamics under the Law and Justice (right-wing conservative) and the Civic Platform (centre-liberal) Governments:

- **2005–2007:** The first Law and Justice Government (Prawo i Sprawiedliwość – PiS), changes in the National Broadcasting Council's appointment and related governance structures of the Polish PSMs, with the first wave of the media freedom decline.
- **20017–2015:** the Government of the Civic Platforms (Platforma Obywatelska – PO) and the People's Peasant Party (Polskie Stronnictwo Ludowe – PSL) coalition, typified by the improvement of Poland's position in the global media freedom ranks.
- **2015 onwards:** The second and the third Law and Justice Governments (The United Right) with the controversial rule of law attitudes, governmentalisation of public service media (2015 onwards) and the policies of media repolonisation (2019 onwards).

The analysis of different Government and media-politics dynamics in Poland dates to 2005 when the right-wing-oriented PiS created its first conservative coalition and passed the Broadcasting Act of December 25, 2005. The new broadcasting law reduced the composition of the National Broadcasting Council from nine to five members. More importantly, the continuity of the institution's operation was interrupted, with the terms of office of NBC terminated. This step has widely opened the media for the governmental influence over supervisory and management bodies of PR and TVP, which were then naturally systemically reduced during the Government of the PO and PSL coalition. The Civic Platform (PO) won political elections twice, in 2007 and 2011.

PiS (in a coalition of two other parties) returned to power in 2015 with the majority Government coalition with two smaller political parties under the umbrella of the United Right movement. One of the first decisions undertaken by the new conservative majority was the amendment to the Broadcasting Act of 2016, which allowed the Government (The Ministry of Treasury) to appoint Director Generals of TVP and PR. The media policies, which – above all – resulted in selecting Jacek Kurski – a former PiS member, as the head of public service television, have been criticised by international organisations, such as the Council of Europe, Freedom House and the European Commission. Moreover, changes in the broadcasting regulation have resulted in more than 200 PSM employees leaving their jobs at TVP and PR due to politics and many anti-governmental manifestations.

The interplay between media and politics in Poland affects the founding models and entrepreneurial policies to support the press. For instance, the Governments of the PO and PSL coalition took relatively invisible and market-oriented policies toward the licence fee as a source of PSM funding. With the poor collection of the broadcasting fees (31% of the households in 2018), the PiS Government decided that public (state budget) funds need to compensate for the potential financial loss. The current estimations put the state-funded public service media compensation to 980 million PLN in 2018 to 1,95 million PLN in 2021 (Gajlewicz-Korab and Szurmiński, 2022).

At the same time, a challenge to democratic transformation in the aftermath of 2015 has been the Broadcasting Act of 2016, which established the Council for National Media (Rada Mediów Narodowych – RMN) to safeguard the governance and remit of the Polish PSMs. The RMN taking over the responsibilities concerning public service media from the NBC in dismissing members of the management and supervisory bodies of public broadcasters has been seen as contrary to the National Broadcasting Council competencies (Węglińska, Szurmiński, and Wąsicka-Sroczyńska, 2021). The interviewees noted that policymaking in the aftermath of the 2015 elections had been a significant turning point for the rule of law and multiplication of discourses regarding today's democracy (media scholar, interview in Gdańsk, September 24, 2022; policymaker, interview in Warsaw, October 25, 2022).

The impact of the United Right Government policies and politics has gone beyond changes in the governance and funding systems, as laid down in the media regulation and law. Changes in PSM regulation alongside regulatory and supervisory media bodies, such as the National Broadcasting Council, the Council of National Media, and the Office of Electronic Communications, have impacted the rise of Poland's conservative societal agenda. For instance, the content analysis of news programmes in public service TVP privately-owned media has proven the dominance of the pro-governmental plan during the local 2018 elections (Kopeć-Ziemczyk, 2021). In addition, the conservative vision of public service media translated by the Government has resulted in supportive Catholic Church news reporting, with the women's rights and LGBT+ movements addressed as dangers for the traditional family foundations (Donders, 2021).

The second term of the United Right Government, launched in the Fall of 2019, has started to push the policies of media repolonisation. According to the Government agendas, limiting the

number of international media shares of the legacy media has been a way to improve ownership pluralism and protect the national public interest. In line with this, on December 7, 2020, the German-owned company Polska Press was sold to the state-owned ORLEN – the Polish tycoon on the fuel market, indirectly controlled by politicians from the ruling party. Taking control over the most influential local newspapers resulted in appointing several new editors-in-chief, representing mainly the pro-governmental and conservative agenda. Similarly to the earlier situations in public service media, many journalists from the local media decided to leave in a protest against media politicisation (Pacula, 2021).

At the same time, the Government has widely recalled its rhetoric on the negative impact of ‘internationally-owned media’; as noted during one of the interviews:

*“What matters in media and politics here is the international investments and the interplay of the free market and national business connections. Managing media has become insanely difficult, especially for those who criticise the ruling parties” (media manager, interview in Sopot, September 23, 2022).*

One of the most current controversies was the project of media law that would enable the Government to take control of TVN, Poland’s leading American Discovery-owned TV network. The so-called „Lex TVN” bill, which would result in the discontinuation of TVN as a non-European media enterprise, passed the Parliament in December 2021 and generated social protests calling for “free media” across the country. On December 27, 2021, President Andrzej Duda vetoed the controversial media law, framed by international organisations as a “fundamental threat to media freedom and pluralism in Poland” (Reporters Without Borders, 2021b).

### 2.3. Societal and Cultural Change

Naturally, media and political change reflect and are further supported by societal and cultural change. The social science scholarship is full of studies on the outcomes of cultural transformation from the authoritarian to democratic culture, what Jakubowicz (2006) called “Rude Awakening” and “Negotiated Democracy”. While the decade of the 1990s can be seen as a time of learning and adapting to democratic values and behaviours, the period of 2000–2010 can be named as a time of societal and cultural consolidation, strengthened by the accession to the European Union. Polish citizens remain supportive of the EU and European integration. Relations with the European Union, the European Court of Justice and the European Court of Human Rights have widely divided Polish society in response to the Law and Justice populist agenda (Stępińska, 2020). Mainly the second (2015–2019) and the third (2019 onwards) Law and Justice Governments revealed an observable divide between the conservative (pro-governmental) and liberal (opposition) opinions and views.

Kopeć-Ziemczyk (2021) argues that Poland’s societal divisions are both of political and ideological nature. Above all, the ongoing cultural clash is a blend of polarised opinions about policies, with the examples of the EU vs national politics, independence of courts and judiciary systems, alongside struggles for autonomy and plurality of the media. On the other hand, pro-governmental and anti-governmental supporters have different views on freedom as a social goal, with massive social protests and movements against the restriction of the abortion law, alongside activities to support immigrants and LGBT communities or those which continue supporting the separation of the state and church (Kopeć-Ziemczyk, 2021).

Poland’s Mediadecom interviewees have agreed on several sociopolitical divisions, starting with the classical West and East path dependencies and urban vs rural economic differentiations (media scholar, interview in Gdańsk, September 23, 2022; policymaker, interview in Warsaw, October 25, 2022). As noted during one of the interviews:

*“Political struggles shall be placed in a broader cultural context, highlighting the significance of historical events. Media instrumentalisation is an interplay of historical arguments. Look at the examples of narratives of the WWII reparations and Volhynia in times of the ongoing war in Ukraine” (media scholar, interview in Gdańsk, September 24, 2022).*

To this end, we argue that looking at the societal and cultural impact of media transformations requires the understanding of two waves of societal polarisation, identified here as potential critical junctures in the following phases:

- **Before 2010:** Consolidation of democratic media transformation with the dominance of external pluralism, weak media accountability and public service media as a subject of political captures.
- **2010–2015:** The first wave of media polarisation typified by the rise of conservative right media and filter bubbles in the online space through conflicting political and social ideologies.
- **2015 onwards:** The second wave of media polarisation characterised by the governmentalisation of public service media and the media tribes among journalistic communities.

The first period studied (2000–2010) and legacy media consolidation have proven several public service media politicisation cases, such as the aftermath of 2001, 2005 and 2007 political elections (Klimkiewicz, 2015; Zielonka, 2015). At that time, Poles and the Polish media unified for the EU accession referendum (2003) and in crucial national mourning, including the death of John Paul II in 2005 and the presidential plane catastrophe in Smolensk in 2010. On April 10, 2010, a delegation of Polish politicians was to attend the 70<sup>th</sup> anniversary of the murder of Polish officers in Katyn, Russia. The plane crashed in Smolensk (Russia), killing Poland’s acting President, Lech Kaczyński, and 95 state officials from the delegation. While the whole country united during the times of mourning, the Law and Justice Party leader – Jarosław Kaczyński (twin brother of President Lech Kaczyński), soon accused the ruling Civil Platform Government of delays and the results of the catastrophe investigation.

Social scientists, including Łuczewski (in Leszczyński, 2018) and Dzieciółowski (2017), prove that the Smolensk tragedy was used as a tool to divide society and related media organisations. For instance, Polish media interviewees who participated in the Reuters Institute for Study in Journalism agreed that 2010 was a turning point for media polarisation. Dzieciółowski (2017: 10) notes that:

*“[i]n the post-Smolensk crash reality, right-wing publications, television and radio stations have begun to rise to prominence leading to polarization, more pluralism and political partisanship of the media outlets”.*

During this phase, PiS lost its ability to influence public service media content, speeding up the creation of conservative right-wing newspapers and weeklies, such as “Sieci” and “Uważam, Rze”. Jacek Karnowski – Editor-in-chief of “Sieci” – argued that the traditional media shift was of the outcomes of the 2010 events and the dominance of the liberal media agenda:

*“It was not that free Poland was created, and we had left- and right-wing media developing simultaneously. We had a dominant left-liberal camp in the media, and we reacted. Moreover, when you build something as a reaction, you build it differently. These media [right wing and conservative – Authors] rose from something different; they rose after Smolensk; they were founded on blood” (Dzieciółowski, 2017 p. 33).*

Poland's societal and media divisions continued to grow until 2015. With controversial judiciary and media reforms, the time of the United Right Government (2015–2019) has proven the second phase of societal and cultural polarisation. In terms of the media, reforms over PSM governance introduced in 2016 attempted to replace public service with that of 'sovereign national' (Jaskiernia and Pokorna-Ignatowicz, 2017), the government service (Donders, 2021) or propaganda tool of the conservative right-wing Government (Gajlewicz-Korab and Szurmiński, 2022). The PiS policy was deepened by social polarisation based on the 'we vs them' dichotomy, with private media (such as TVN) being the voices of political opposition. Research showed that PiS supporters prefer public television, while the voters of the Civic Platform watch TVN and TVN24 (wpolityce.pl, 2017).

In line with the post-2015 social reality, Głowacki and Kuś (2019) spoke about two layers of Polish media polarisation: the extreme level of political parallelism supported by systemic change and political influence over funding and governing the media. Głowacki and Kuś (2019) further proved that systemic modifications impact the behavioural side of media polarisation, typified by the so-called conservative vs liberal media tribes, framed as enemies – or opposed to each other. Moreover, pro- and anti-governmental supporters and media now claim sole proprietorship of the truth and media ethics, which makes information bubbles and societal polarisation even stronger. As a result of that:

*“Ideological and political divergence has resulted in a multiplication of ethical standards and norms, which have been adjusted and assigned by different journalistic communities as another tool to fight against each other” (Głowacki and Kuś, 2019, p. 112).*

### 3. Risks and Opportunities in Legal Regulation and Ethical Domain

#### 3.1. Development and Agency of Change

Poland introduced the freedom of speech principle alongside democratic broadcasting law, highlighting freedom of speech and media as the core principles. The Constitution of the Republic of Poland guarantees freedom of expression and media in line with global standards of human rights and related policy documentation (see, for instance, the Universal Declaration of Human Rights and the European Convention on Human Rights) (Klimkiewicz, 2022). Overall, the Legal Domain of Poland can serve as a case study of a mismatch between democratic policymaking and its implementation (the cultural conditions). The agency of Legal Domain includes Poland's integration with the Council of Europe in 1991 and the European Union in 2004, the key players in setting in and monitoring standards in the media (Jakubowicz, 2009).

The changes related to legal issues concerning the Polish media system had direct connotations with the ongoing political changes and the process of media politicisation. As far as the 1990s are concerned, the most critical topics in the analyses were the implementation of regulations related to changes in the press law (1990), the performance of the Broadcasting Act (1992) and the copyright law of 1994. An important topic was ethics and good practices related to establishing the Media Ethics Council in 1995 (Murawska, Najmiec, 2006; Kononiuk, 2019). Research in this field focused on democratic models of regulation and self-regulation from Western media studies. At the same time, it emphasises the importance of the media in the democratic discourse and the independence and freedom of the press (expression), as defined in the Polish constitution and the related media law (Szot, 2010; Głowacki and Kuś, 2019) – the standard setting perspectives.

## 3.2. Freedom of Expression

While media researchers and policymakers have widely evidenced the normative foundations and limitations of press freedom, the critical risk regards an urgent response to online harassment, hate speech and defamation. The criminalisation of defamation has been considered to create risks for freedom of expression and a chilling effect on journalistic speech. Poland has a strong regulatory framework to criminalise defamation. There are specific articles in the Criminal Code Act that emphasise freedom of expression and responsible media (see the example of art. 212 and 216). The list of regulations further involves the Data Protection Act, the existence of the Data Protection Authority and the Press Law (1984), which protects the confidentiality of journalistic sources. At this stage, Poland is still in the process of implementing the Whistleblowers EU Directive. Although no specific laws have been issued to protect the ownership of media transparency, the data on media ownership is widely available across the media's portfolios and platforms.

## 3.3. Freedom of Information

The law on access to public information dates to 2001, with provisions reflecting European regulations. However, its effectiveness has recently been questioned, with the examples of media and journalists struggling for the response from the public and private institutions (policymaker, interview in Warsaw, October 25, 2022). The check and balances for both freedoms of expression and information require more in-depth cultural research on the daily practices considering an interplay of political discourses, the rule of law and the conditions for social and media polarisation.

## 3.4. Accountability System(s)

### 3.4.1. Development and Agency of Change

Most media accountability institutions initiated by journalists were introduced at the early stage of societal and political transformation. Some of them, including the Press Council and journalistic associations, were introduced before 1989. For instance, the Press Law of 1984 established the Press Council as a consultative body for the Prime Minister; members of the Press Council were appointed in 1985, and then its work was practically discontinued. Considering lower and lower ethical standards, low effectiveness in enforcing the provisions of the code created by the Media Ethics Council, and high polarisation of the journalistic environment (in this context, one can speak of tribal journalism), ethics enforcement issues were analysed mainly through the cross-border and comparative orientation (Jakubowicz, 2008; Dobek-Ostrowska et al., 2018).

### 3.4.2. Existing media accountability instruments and an evaluation of their effectiveness

#### *The National Broadcasting Council*

The regulatory authority for audiovisual media, the National Broadcasting Council, collects complaints regarding provisions laid down in the Broadcasting Act. Users might criticise the broadcasting programs concerning license fees and technical broadcasting issues through written correspondence or an online form. The National Broadcasting Council does not have formal competencies on media self-regulation and, in the case of ethical standards, can only ask a media enterprise to respond and explain. The website of the KRRiT offers contact details to issue criticism directly to radio and TV organisations (Głowacki and Kuś, 2019).

### *Professional Journalistic Associations*

Today Poland's professional associations strengthen the media polarisation of journalistic communities, which is also evidenced by strong relations between right-wing-oriented journalists and the so-called liberal ones. Previous research has evidenced that most Polish journalists (approximately 70%), although having clear political views, do not belong to any journalistic union or association. The largest age group of active members are 50+ years old, while young journalists in Poland refrain from any membership due to a lack of trust, benefits and political lines of professional associations (Głowacki, 2015).

### *Codes of Ethics*

There is a multiplication of journalistic standards and the rise of external pluralism with different journalistic groups claiming sole proprietorship of the truth and media ethics. While, the codes of journalistic standards relates to similar principles, the critical risk and challenge relates to their implementation based on the position in the 'we vs others' societal conditions.

## **4. Risks and opportunities in Journalism Domain**

### **4.1. Development and Agency of Change**

As highlighted above, there is widespread research and data on the transformation of press and broadcasting, with a set of timelines and proposals (Filas, 2000). The consolidation of democratic media and journalism has become essential for digitalisation and the Europeanisation of Poland's media (Jachimowski, 2003; Kowalski, 2001). Market stabilisation of the early 2000s was associated with implementing EU regulations, with an intensive westernisation of research and monitoring capabilities. At the same time, one of the challenges for media and democracy has been the rise of populism, with deep societal divisions uncovered after 2010.

Overall, sharp social divisions after the Smolensk tragedy influenced changes in approaching journalism values (Szot, 2015; Dobek-Ostrowska, 2015a) with a significant increase in politicisation (and governmentalisation) of public service media (Jaskiernia and Pokorna-Ignatowicz, 2017). A significant threat to media pluralism in Poland seems to be the actions of the PiS government to introduce market restrictions in Polish media, particularly in reducing the share of foreign capital (Szot, 2017, Jas-Koziarkiewicz and Stasiak-Jazukiewicz, 2018). New technologies, algorithmisation, hybridisation, and data management have yet to become a systemic research and monitoring tradition.

### **4.2. Market Conditions**

One of the problems of the Polish media market and potential monitoring abilities has been the high degree of media concentration reflected in the amount of foreign capital. Media concentration is high in broadcasting, with risks for media pluralism in television (Palczewski, 2018). Moreover, internet platform concentration and competition enforcement indicate the highest risk among all areas (97%), mainly due to the strong position of the leading platforms (Google and Facebook) and the lack of more precise and publicly available data about online users and advertising (MPM, 2020).

The composition of the media market in Poland is similar to the EU average (with the dual broadcasting system) (media scholar, interview in Gdańsk, September 23, 2022). The existing concentration law, particularly those connected with the foreign capital content on the Polish media market and repolonisation are among the critical risks for standard setting and monitoring media and democracy. The Media Pluralism Monitor study shows that:

*“The media ownership transparency index has an average risk of 63%. While the news media sector is not regulated by sectoral transparency legislation, some media rules apply in the broadcasting sector. In March 2018, Poland implemented the 4th edition of counteracting money laundering Directive introducing the obligation to inform beneficial owners to the Central Register of Beneficiaries Owners (CRBO)” (MPM, 2021).*

The list of market conditions shall be augmented with global trends, including the shrunk of traditional press and the newspaper industries. One of the critical moments was the launch of the German-owned tabloid “Fakt” (2003) to compete with “Super Express” and contribute to the yellow press practices (sensationalism, cheap information, and scandal). Daily “Fakt” is still the most widely read newspaper (PBC, 2021). The entry of the new press title on the market contributed to the pluralism of information, content and source, producing intense competition and tabloidisation of other media, including broadcasting and online-born entities. Strong tabloidisation causes hate speech, antagonistic social divisions, and brutalisation of social life (media scholar, interview in Gdańsk, September 24, 2022).

### 4.3. Public Service Media

Public service media in Poland consists of three companies: “Telewizja Polska - Spółka Akcyjna” with headquarters in Warsaw and local branches in Białystok, Bydgoszcz, Gdańsk, Gorzów Wielkopolski, Katowice, Kielce, Kraków, Lublin, Łódź, Olsztyn, Opole, Poznań, Rzeszów, Szczecin, Warsaw and Wrocław; “Polskie Radio - Spółka Akcyjna” with headquarters in Warsaw; Regional radio broadcasting companies with offices in Białystok, Bydgoszcz, Gdańsk, Katowice, Kielce, Kraków, Koszalin, Lublin, Łódź, Opole, Olsztyn, Poznań, Rzeszów, Szczecin, Warsaw, Wrocław and Zielona Góra. TVP employs 2889 people (Businessinsider, 2022).

Public media in Poland are financed by licence fees, advertising and state subsidies. The latter is highly controversial among the Polish public, as they have been very high in recent years of PiS rule (PLN 2 billion in 2022, 45 million more than the previous year) (Kozielski, 2021). According to KRRiT data, subscription revenues account for roughly 39 per cent of the cost of TVP’s mission programs (59 per cent from advertising) and 76 per cent for Polish Radio. Meanwhile, in the case of TVP, the operating costs of annual operations are PLN 2.5-3.0 billion, Polish Radio PLN 300-350 million, and the prices of regional radio companies PLN 200-250 million (KRRiT, 2018).

The challenges for today’s public service media in Poland are multilayered. They include a challenge of regulation, a challenge of journalism professionalisation and a challenge to regaining trust among the audiences. The announcement of changes in the functioning of public service media was the controversial “Little Media Act of December 2015” (amendment of the Broadcasting Act, which, among other things, shortened the term of office of public media authorities). In the following stages, the organisational structure of the public media was changed (e.g., a PiS politician, Jacek Kurski, became the Director General of Polish Television) and the program line of media content identified with the values and policies pursued by the ruling party (Szot, 2020; Jędrzejewski, 2017). Dynamic and radical political actions in media functioning, especially public media, had a significant impact on the restriction of freedom of speech in Poland and acquiescence to the use of negative techniques of influencing (manipulation, propaganda) the society (Szot, 2020).

### 4.4. Production Conditions

The dynamic development of ICT technology has influenced the development of online services and, consequently, the grooming of media entities focusing on online content production; thus

dethroning the role of the press, radio and television talents and skills (Jędrzejewski 2003; Jachimowski, 2003). For example, publishers of TV news services must compete with each other and news portals daily. The Internet is absorbing the press and print journalists, but it still needs television as a compliment. Television's advantage over the Internet is that it has "personalities", journalists, and reporters, who are independent brands and build the station's image (Drogowska, 2013, p. 7).

Radio stations, TV channels and newspapers have moved into websites, portals, and social media (Drogowska, 2013). Despite the political course aimed at stopping democratisation processes in Poland, the society systematically improves digital competencies. Due to media digitalisation, the pluralism of opinions online appears to be both as risk and opportunities, supporting a diversity of voices and societal polarisation. New technologies, algorithmisation, hybridisation, data management and the impact of these developments and processes on journalistic studies and the market, also in the context of capital transformation, are new research trends that require a change in scientific paradigms (Baranowski, 2019; Szpunar, 2018; Głowacki, 2020).

#### 4.5. Agency of Journalists

Research on the number of journalists working in Poland needs to be updated and there are no systemic calculations. Referring to findings from 2011, the EU-funded MediaAct project estimated 11,989 news employees. According to the "Journalism in Change" comparative study, the number was estimated at 9100 (Baranowski, Michel, Barczyszyn-Madziarz & Dobek-Ostrowska, 2013). There is no obligation to register journalistic activities in Poland. An additional problem is the imprecise definition of the journalistic profession. In addition, there needs to be up-to-date data on freelancers. International projects dealing with journalistic culture, such as the "Worlds of Journalism", do not include the agency of journalists in Poland.

#### 4.6. Journalists' Working Conditions

The obstacles to determining the number of journalists in Poland are the same ones that make it challenging to decide on the main conditions of their work. A 2009 study conducted by Agnieszka Stępińska and Szymon Ossowski showed that at that time, 80% of the surveyed journalists had a university degree, and 45% of the respondents had graduated from journalism studies (research conducted on a sample constructed from data on the number of media organisations) (Stępińska & Ossowski, 2011). More recent journalism studies show that Polish journalism is an interplay of the watchdog role and high political parallelism, as in Spain and Greece, but also in Hungary or the United States (Mellado, 2020: 72).

According to the 2021 IPI report, journalists in Poland work in a hyper-polarized society where threats and insults occur with increasing frequency. The media have become embroiled in "culture wars", and journalists, regardless of political options, are harassed by society. However, the report pointed out that reporters are slandered and discredited by pro-government media or PiS (Law and Justice) politicians. Terms used against them were: "anti-Polish", "political activists", or "foreign agents" (IPI, 2021).

There is also a lack of data on job satisfaction in Poland and an ongoing call for deeper cultural investigation of organisations and people (policymaker, interview in Warsaw, October 25, 2022). Partial data on working conditions was conducted from a representative sample of 4,500 journalists registered with the PAP (Polish Press Agency), which concerned a pandemic. According to them, the employment rate by sector was as follows: (multiple answers can be selected, included in percentages): Online portal: 73.7; Newspapers 48.1; Radio 21.8; Tv 10.1; Internet Tv 4.7; Internet Radio 4.1. In addition, the research showed that more than three in five respond-

ents (61.4%) were employed by only one editorial office at the time of the survey. Working for two editorial offices was declared by 22.1% of respondents. In contrast, those working for three or more editorial offices (such as freelancers) accounted for 16.5% of the total sample (PAP, 2021).

#### 4.7. Intra-organisational Diversity of Human Resources

There is no systemic research on gender and media diversity, both regarding managing news and newsroom diversity. The Media Pluralism Monitor includes questions on women's media representation as a prerequisite of social inclusiveness (MPM, 2021). Data from the 2011 Global Report on the Status of Women in the News Media shows there was still a glass ceiling for women at the senior management level over a decade ago. Women accounted for (41.9%) of editors-in-chief, news directors and other senior administrators, while the proportion of women above that level was deficient. A characteristic feature of Polish newsrooms in 2011 was that most women were employed as part-time regulars (64.6%). It is comforting to note that this year, the overall job security of women was relatively high (IWMMF, 2011).

Research by Beata Klimkiewicz as part of the Media Pluralism Monitor shows that there has been a noticeable increase in the number of women in media executives in Poland. However, there still needs to be a regulation to ensure that both genders have equal access to these positions. There is also no constant oversight of this issue by regulators (Klimkiewicz, 2022). Głuszek-Szafraniec and Brzoza also point out the lack of gender equality regulations. The researchers point to the lack of statutory provisions with a detailed scope and omissions in self-regulation (Głuszek-Szafraniec and Brzoza, 2019).

#### 4.8. Professional Culture and Role Perception

Journalism studies are also developing in the direction of professional journalistic culture, which has advanced in Poland's recent media and democracy scholarship. Recent studies have been conducted in several international research groups enabling comparative, with research groups led by Bogusława Dobek-Ostrowska (see, for instance, Nygren & Dobek-Ostrowska, 2015; Kuś, Splendore, Eberwein, Porlezza, 2017) and Agnieszka Stępińska (see for instance Stępińska & Ossowski, 2012; Stępińska, Mellado, Marquez-Ramirez, Humanes, Mothes, Amado, Davydov, Mick, Olivera & Panagiotou, 2021).

In the aftermath of creating a majority Government by the conservative Law and Justice party (The United Right) in 2015, the attention has moved towards the illiberal turns (Połomska & Beckett, 2019), challenges to media pluralism and the evolution of public service towards the state broadcasting (Jaskiernia & Pokorna-Ignatowicz, 2017; Donders, 2021). The blend of Democratic Corporatist and Polarized Pluralist traditions (Jakubowicz, 2008; Dobek-Ostrowska, 2019) has been further evidenced in the previous comparative studies, calling for more in-depth research on risk factors and opportunities to determine the trajectory for free speech in Poland (Nygren & Dobek-Ostrowska, 2015; Donders, 2021).

## 5. Risks and opportunities of Media Usage Patterns domain

### 5.1. Development and Agency of Change

The late 1990s and early 2000s have been considered a time of market consolidation, with the dominant role of legacy media with the shrinks in newspaper readership (Dzierżyńska-Mielczarek, 2017). Changes in the radio and television sector in 2010–2015 focused on new production skills and organisational responses to market fragmentation (Filas, 2006; Konarska, 2008; Szpunar, 2009). The critical juncture has been the rise of digital and online-born media, with the rapid growth of internet infrastructures and usage (Table 1, Table 2).

**Table 1. Internet Usage and Population Statistics in Poland, 2000-2010**

Year	Users	Population	% Pop.
2000	3,700,000	38,181,844	9.7 %
2005	10,600,000	38,133,691	27.8 %
2007	11,400,000	38,109,499	29.9 %
2010	22,450,600	38,463,689	58.4 %

Source: Internet World Stats (Access date: 10.01.2022).

**Table 2. Share of households with internet access in Poland, 2011-2020**

Year	% Households
2011	67 %
2015	76 %
2017	82 %
2020	90 %

Source: Statista (Access date: 10.01.2022).

The dynamic spread of the Internet in Poland can be seen between 2011 and 2020 (Świerczyńska-Głownia, 2010; Mielczarek, 2014). According to the CBOS report, only 17% of respondents used the Internet at least once a week in 2002, while in 2020 it was already 68% (Using the Internet, CBOS, 2020). CBOS further argues that 49% of respondents are online, receiving information and responding to messages regularly (in 2018, this percentage was 30%). In contrast, 51% generally only run web apps for a specific purpose (in 2018, the percentage was 70%). Respondents under 35 (especially those aged 18 to 24) generally declare a constant online presence. In contrast, among those over the age of 44, there is a prevalence of “going online” on an ad hoc basis for a specific purpose (Using the Internet, CBOS, 2020).

The widespread access to the Internet in Poland, including mobile Internet, has contributed to the popularity of social media (Kowalik, 2016), the development of mobile communication devices (e.g., smartphones), and, consequently, mobile applications (Kopecka-Piech, 2013). Thus, the development of social networks and the benefits and risks of their use have become an object of scientific interest for many Polish researchers (Kowalik, 2013; Szpunar, 2010). The development of research on new media and social networks has influenced the paying attention to the developing culture of participatory communication and citizen journalism (Doliwa, 2012).

Another field of research in the online sphere that has gained importance is journalistic responsibility in professionalisation, political parallelism and communication channels (Głowacki and Kuś, 2012). At the same time, we cannot forget the general strengths and threats arising from the development of new technologies, such as algorithm-based media, digital data collection and analysis or the evolution of the Internet towards the Internet of Things (Goban-Klas, 2020).

## 5.2. Access to News and Other Media Content

Although steady declines in press readership (Dzierżyńska-Mielczarek, 2017) television continues to be critical; in 2020 TVP1 (9,67%) was the market leader, followed by Polsat (8,35%), TVN (7,51%) and TVP2 (7,51%) (Havas Media Group for [wirtualnemedial.pl](http://wirtualnemedial.pl), 2020). In 2020, 72.1% of Poland's population aged 15-75 listened to the radio 3.5% less than the previous year (RadioTrack Kantar Poland, 2021). The average daily radio listening time was 4 hours and 23 minutes daily. Radio listening time has been practically unchanged for years. The most popular among listeners are the four universal national programs: RMF FM (29.3%), Radio ZET (12.5%), Programs 1 (5.2%) and 3 of Polskie Radio (3.8%). Nationwide thematic programs have a smaller market share: social-religious Radio Maryja (1.4%) and classical music broadcaster Program 2 (0.4%).

The primary device for connecting to the Internet is the smartphone - used daily to browse the web by an average of 24.4 million and 26.1 million users at least once a month. Computers are used to consume Internet content by 24.1 million users but are no longer the first-choice device (GUS, 2020). 25.9 million people use social media. The statistical Pole (aged 16-64) spends six h 44 min daily online, including two h on social media. For comparison - we watch TV for about three h 15 min and read online and printed press (combined) for one h 16 min. The most popular social media includes YouTube (92.8% of users), followed by Facebook (89.2%), Messenger (76.5%), Instagram (60.6%), WhatsApp (48.2%), Twitter (37.5%), Snapchat - 8 (28.9%), TikTok (28.6%) and LinkedIn (24.6%) (Digital News Report, 2020).

## 5.3. Relevance of News Media

Data on the functioning of the media market and its use in Poland is collected and analysed by entities such as Polskie Badania Czytelnictwa (data on readership), RadioTrack (for radio), the Nielsen Media Research (for TV) and Gemius online audience research (for online-born media). Other entities that collect statistics on public opinion about media use are Ośrodek Badania Opinii Publicznej (Public Opinion Research - OBOP) and Centrum Badania Opinii Społecznej (Public Opinion Research Center - CBOS). Especially freely available public reports created by OBOP and CBOS are a reference for Polish audience research. Between 2000 and 2020, we see a clear shift from mass media research to new media usage. This is caused by paying attention to the rise of the user's generated content and a need for constant online discussions with the digital public.

According to a CBOS report, most respondents (65%) believe that the media in Poland are pluralistic: they present different views and opinions. The survey shows Poland's belief in media pluralism is dominant in all socio-demographic groups. The CBOS noted that those who identify with the right (65 per cent) and left-wing sympathisers (73%) are mostly convinced that the media present different points of view and a plurality of opinions (CBOS, 2021).

In terms of the share of audiences, there has been a significant increase in thematic news channels during the time pandemic, with the following data for the key organisations: TVP Info (4,83%), TVN24 (5,36%) and Polsat News (2,03%) (Gemius/PBI, 2020). The report by IBIMS (Instytut Badań Internetu i Mediów Społecznościowych) and IBRIS (Instytut Badań Rynkowych i Społecznych) evidenced 62% of respondents admit that their primary source of information is online portals such as Wirtualna Polska or Onet (IBIMS/IBRIS, 2021). The news portals are more often used by men (66.3% vs 58.4%), with men more likely to opt for sources with a more conservative profile. Women account for 29% of the radio audiences, with a higher number of weeklies and magazines' consumption. The age group of social media users are as follows: 1) 18-29 - 57.5% of respondents, 2) 30-39 - 46.7% of respondents, 3) 40-49 - 34,7% of respond-

ents. In other age groups, social media is less relevant 60-69 (13.1% of respondents) and 70+ (9.2% of respondents), respectively.

## 5.4. Trust in Media

The Digital News Report (2020) showed that in 2020 only 49% of Poles trusted the media content. The total percentage of Poles trusting information reported in the media was 42 per cent, down six percentage points compared to the previous year (Digital News Report, 2022). RMF FM radio has been considered the most trustworthy source of information on the radio, while TVN ranked highest among TV broadcasters, as indicated by CBOS in 2022. The same CBOS report highlighted the worst result for trust in TVP, with 49% of those surveyed considering public service media unreliable. The data on trust towards the press and online includes the examples of "Gazeta Polska" (27%) and "Super Express" (29%), as well as Onet.pl (45%), WP.pl (42%) and Interia.pl (42%) (Digital News Report, 2022).

A survey by IBRiS and IBiMS on Poles' trust in individual social media channels indicates that more than half of Poles do not trust social media (42.9%). While 40% of those aged 18-29 trust Twitter, Facebook is trusted mainly by respondents aged 50-59 and over 70. The study by IBRiS and IBiMS (2021) proves the correlation between media distrust and education, something of potential value for media literacies and related skillsets.

## 6. Risks and Opportunities of Media-related Competencies Domain

### 6.1. Development and Agency of Change

The dynamic development of the media, mainly technological, has given rise to enormous needs related to media users' competencies and training. While media literacy has been a subject of systemic monitoring by the National Broadcasting Council, Poland's media interviewees have further called for the development of both theories and practical tools as media and civic literacy evolves (media scholar, interview in Gdańsk, September 24, 2022; policymaker, interview in Warsaw, October 25, 2022). Grzegorz Ptaszek (2019) speaks about three periods of media literacy, called, respectively, media literacy 1.0, 2.0 and 3.0, as the development of agency of change (See Table 3).

Table 3. Three Periods of Media Literacy

<b>Media literacy 1.0</b>	<ul style="list-style-type: none"> <li>✚ Developing critical thinking skills towards the media alongside critical attitude and autonomy;</li> <li>✚ Discovering the coded and hidden meanings of the news;</li> <li>✚ Highlighting contexts and the sender → receiver relationships.</li> </ul>
<b>Media literacy 2.0</b>	<ul style="list-style-type: none"> <li>✚ Associated with the rapid development of the Internet and social media;</li> <li>✚ Based on the knowledge share in the online space;</li> <li>✚ Recognising a need for fact-checking and news verification.</li> </ul>
<b>Media literacy 3.0</b>	<ul style="list-style-type: none"> <li>✚ Associated with convergence, deep mediatisation;</li> <li>✚ Extended to the digital data and algorithms practices;</li> <li>✚ Recognising hidden and intelligent mechanisms for managing attention, content, information and knowledge.</li> </ul>

Source: Based on Ptaszek (2019).

## 6.2. Overview of Media-related Competencies in Policy Documents

The first two decades of the study period were mainly related to using media as an additional tool for education. In recent years, special attention has been paid (mainly by social and educational organisations) to the need for regulation in this area, which primarily covers media literacy (including defence/protection against threats). At the end of the last century, public pressure led the Ministry of Education to introduce an optional curriculum path, "Reading and Media Education", which was limited to only a few hours of teaching at school. According to Ptaszek, the significant role of the third sector is due to the lack of systemic solutions for creating a national media education program. There was no consensus among policymakers who must agree on progressive and supportive education policies (Ptaszek, 2019, p. 120).

## 6.3. Information About the Media Literacy Programs in Formal and Non-formal Education

While there is no systemic discussion on media education in the elementary school curriculum, the existing research and data call for well-designed, permanent and competent media competence teaching programs from early schools onwards (Drzewiecki, 2010). In the early 2000s, the National Broadcasting Council developed the Report on the State of Media Education in Poland with "Drogowskaz Medialny" [The Media Signpost] – an online database for media literacy discussions. At the time, the KRRiT pointed out the inadequate state of media education research. In November 2021, the KRRiT, state bodies and public institutions signed a declaration to coordinate activities for media education in Poland. Subjects related to media literacy are mainly handled by non-governmental organisations, including the Foundation for Support of Sustainable Development, which published the Media Competence Handbook as part of the "Network for Culture" project.

## 6.4. Actors and Agents of Media-related Competencies

There is little state policy, limited to public consultations with broadcasters and the research community and implementation of the EU recommendations. Much more extensive and more professional are the activities of research institutions and third-sector organisations. Their work consists of monitoring the functioning of media education in Poland (few activities) and mainly of educating adults, children and young people in this area. Among the most important are the following:

- Polish Society for Media Education, academia, conducting periodic meetings of researchers and cooperating with educational institutions (<http://ptem.org.pl/>);
- Media Education, a project of the Modern Poland Foundation (you can find a catalogue of media competencies on their website). An initiative that has developed a complete media education program for schools, including ready-made lesson templates (<https://edukacjamedialna.edu.pl/>);
- Digital Poland Foundation creates reports on web usage and promotes digital support for various areas of the economy, including education (<https://digitalpoland.org/>);
- The "NGO School of Digital Responsibility" project is a venture of the Institute of Discourse and Dialogue and the Demagogue Association. The authors of the project provide knowledge and skills in the field of media education, critical thinking, verifying information sources, safe functioning in the Internet space, digital competence, as well as opposing media propaganda (<https://socngo.org/>);
- The "I Care About My Reach" Foundation is dedicated to educating the public about digital hygiene and e-addiction prevention among children, adolescents, and adults. Their activities focus on education, research and training (<https://dbamomojzasieg.pl/>)

- SOS Children's Villages Association in Poland is an organisation whose side activities are prevention programs dedicated to children and their caregivers (parents, teachers, etc.) Focused mainly on the dangers of using the web. The largest nationwide program was "Invisible Violence" dedicated to the dangers of hate-speech among children (<https://wioskisos.org/niewidzialna-przemoc-sos-wioski-dzieciece-z-nowa-kampania-spoleczna-o-cyberprzemocy-wsrod-nastolatkow/>);
- FOMO (UW), a study initiated by a group of researchers at the University of Warsaw (<https://www.wdib.uw.edu.pl/images/fomo2021.pdf>).

## 6.5. Assessment of Media-related Competencies Among Citizens

Most KRRiT media literacy initiatives target initiatives young people and seniors. The activities of both NGOs and government organisations are focused on the protection of minors in the data-driven and online space. The second main domain is educating adults and senior citizens to expand their media competence. While studies on Polish audiences approach education as a context in media usage and journalism, the sociopolitical divisions, including the level and quality of education, would require additional qualitative research.

## 7. Conclusions

This report aimed to identify critical junctures for media and democracy development, alongside risks and opportunities for monitoring abilities in the period studied. In the systemic media and democracy studies, Poland has shared characteristics of late democratic institutions development, traditionally understood in line with high political parallelism and weak journalistic professionalisation. While the country seems to follow the global trends in media change, our research has proven that the most critical junctures for media have connected with politics and culture. Overall, we argue that the mismatches between democratic standard setting and policymaking and journalism practice need to be widely understood via the cultural lens and the current clash of values, which has the origins – and is strongly supported – by societal and media polarisation.

Firstly, media capture and political power over the media need to be regarded as both the cultural path dependency and the current cultural context of interpreting media and democracy (and media regulation) to fully evaluate the data and monitoring capabilities. While media law and accountability systems have been introduced in line with Western standards, cultural practices have proven the mismatch between vision and implementation due to competing political interests and the conditions of a divided society. The effectiveness of media regulation and media accountability practices needs to include the multiplication of narratives over today's democratic institutions and media plurality, with the media tribes in both private and public service media alongside liberal and conservative journalistic unions and associations. While the existing studies have gone a long way in explaining the content of professional codes and ideological contradictions between journalistic communities, research on alternative self-regulatory instruments is rare. The ongoing discussion on the potential of establishing the Press Council for Poland and the possibility of internet and data-driven platforms to hold media into account generates a knowledge gap and call for more collaboration between scholars, policymakers, media managers and journalists.

Secondly, we see several risks for monitoring capabilities in journalism, mostly connected to the focus on Western values and standards rather than the daily newsroom and policymaking practices. The knowledge of organisations, their structures, cultures, and working conditions are rare and calls for understanding people's and organisational values, motivation systems, pride and related behaviours. One of the most critical points here is the lack of studies on workforce

diversity, with only a few examples of the Polish public service media and managing newsroom diversity from a comparative point of view. Similar challenges apply to users' competencies and the media usage domains, which take the holistic and systemic view of news and media consumption, with a need to understand the human dimension. This study also calls for more expertise in civic and media literacies, something of potential value for future research and multi-stakeholder collaboration.

The data presented in this report will now be used for the fsQCA calibration to assess the importance of critical junctures and the effectiveness of monitoring media and democracy. We hope the forthcoming Mediadelcom comparative studies will further explain the nature of democratic law-making and implementation alongside the cultural conditions for sharing and advancing the monitoring capabilities.

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# ROMANIA

## Critical junctures in the media transformation process

By Ioana Avădani, *Centrul pentru Jurnalism Independent*

### Executive Summary

The current paper follows some of the most critical moments in the last 20 years of the post-communist Romania and analyses them in parallel with the evolutions in the media field. We argue that the evolutions in the political, economic, social and technological fields have triggered changes or have been mirrored in the media field, with an impact on the possible development of the deliberative communication. It addresses the risks and opportunities for deliberative communication created by the interplay of various agents - political factors, economic actors, media outlets and media professionals, academia, the public – and warns against the lack of political vision and political will that risks to alienate the public and thus affect democracy.

### 1. Introduction

On 22 December 1989, thousands of people in Romania took to the streets, determined to topple the country's dictator Nicolae Ceaușescu and put an end to the decades-long oppressive Communist regime. The same day, thousands of copies of newly renamed newspapers, adding "Free" to their previous names, were handed out at no cost directly from trucks, at street corners across the country. In the weeks and months that followed, dozens of publications erratically appeared and meteorically disappeared, in probably the most dynamic period in the history of the Romanian press. Romanians sprang, literally overnight, from a scarce media diet, with party-controlled newspapers and just two hours of TV a day, mostly dedicated to the Great Leader, to an abundance of media on a completely unregulated market. Romanian democracy and the Romanian free press were born simultaneously. And this twin birth was to mark the evolution of both political and media sectors over the next 30 years, with important junctures (critical moments or actions) in one sector influencing the other.

The current paper follows some of the most critical moments in post-communist Romania and analyses them in parallel with the evolutions in the media field. We argue that the evolutions in the political, economic, social and technological fields have triggered changes or have been mirrored in the media field. This parallelism invites an analysis of possible causality: were some of the evolutions in one field a telling sign for evolutions in the other? Did they create opportunities or setbacks for the democratic development of Romania? What are the chances for the deliberative communication, defined as "mutual communication that involves weighing and reflecting on preferences, values and interests regarding matters of common concern (Bächtiger et al., 2018). Is Romania – or can be – an environment in which "each individual takes a stand by listening, deliberating, seeking arguments, and evaluating, while at the same time there is a collective effort to find values and norms on which everyone can agree" (Englund, 2006).

The first part describes the general socio-political and media context of the country. It also addresses the most important critical junctures in the political and economic field between

2000 and 2020. We use the concept of “critical junctures”, defined as a moment or periods in which significant evolutions in a given society triggered a change in the paradigm and set the society, sectors or institutions on a new path. The following sections (2 to 5) follow the evolutions in the media field in the respective periods, and analyses the interaction of media and politics and their impact on the democracy in Romania. The impact on the media field and the associated risks and opportunities are examined in four distinct domains: *Legal and ethical regulation (Section 2)*; *Journalism (Section 3)*; *Media Usage (Section 4)* and *Media Related Competencies (Section 5)*. A sixth part is dedicated to discussion and conclusions, identifying the main agents at work in the socio-political and media fields and the risks and opportunities presented by the changes that created the critical junctures.

## 1.1. Romanian Background

Romania is the sixth largest country in the European Union, with 19,237,691 inhabitants (Worldometer, 2022), but also one of the less performant when it comes to economy, with only 9,120 Euro GDP per capita (Eurostat, 2019), GDP has grown in last 25 years except for 2009 and 2020, according to the World Bank. The majority of the population are Romanians (89.5%) alongside 20 other ethnic minorities. Out of these, the Hungarians and the Roma represent the largest minorities. The country is predominantly Christian orthodox (86.8%), alongside other religious denominations including various forms of the Christian faith, Muslims and Jews (Institutul Național de Statistică, 2011). Demographically, Romania is marked by negative population growth, increased average age of the population and a significant emigration flow. It is estimated that 5.6 million Romanian citizens live abroad, mainly in EU states (Italy, Spain, Germany) and the UK. The major causes for this emigration are poverty, corruption and the poor quality of the political class. Another 2 million ethnic Romanians live in neighboring countries (the Republic of Moldova, Serbia, Ukraine) (Europa Liberă, 2019, 24.07).

Free and independent media is a relative new concept for Romania. The communist regime adopted an iron fist policy in regards to the media and freedom of expression. Dissident thinkers were ostracized, arrested and killed in detention. A whole generation of “capitalist” intelligentsia, including the leaders of political parties, was incarcerated and “re-educated” in communist prisons. The State secret police, the feared Securitate, was closely monitoring and extracting any person expressing views critical of Ceaușescu and his regime. The media was equally toughly controlled. In each of the 41 counties of the party there was only one newspaper, controlled by the party. At central level, the mouthpiece of the party was the newspaper *Scântea* [*The Spark*], but equally controlled were *România Liberă* [*Free Romania*], *Scântea Tineretului* [*Youth's Spark*] (a youth newspaper) and *Informația Bucureștiului* (*Bucharest Information*, a local afternoon newspaper in the capital city). Many other publications, whose editorial content had to be verified with the communist censors, catered for the interests of women, children, students or various professionals. Arts, culture and science magazines were published regularly, with a strongly politicized content. The state radio and television were the only such media available to the public and were heavily used as propaganda channels and instruments for the personality cult of Nicolae Ceaușescu and his wife Elena. In the last years of the regime, the TV schedule was reduced to barely two hours daily, most of the airtime being dedicated to the Ceaușescus and party activities and to staged expressions of enthusiastic popular support.

After decades of tough media control, the explosive development of free media in Romania was no surprise. The popular uprising in December 1989 toppled the regime of Nicolae Ceaușescu and opened the avenue for the democratization of the country. Ceaușescu and his wife Elena were executed on Christmas Day (25 December) 1989, after a summary (a mock-up, some claim) trial by a makeshift military court. It was the last death sentence pronounced and carried out in Romania.

The toppling of the Communist regime in 1989 is definitely one of the most impactful critical junctures of Romania's recent history, with dramatic changes in the development of the country.

The democratization of the country was sinuous and difficult. The first governments after 1989 opted for a slow transition to capitalism and maintaining a centralized control over the economy. At a political level, a multiparty system was restored and an array of new political parties appeared. According to the Permanent Electoral Authority, in the first democratic elections, in May 1990, 72 parties competed. Currently, there are 252 parties listed in the Registrul Partidelor Politice [Register of the Political Parties]. The country adopted a bicameral parliamentary system, with both chambers involved in the law-adoption process. General and local elections are held every 4 years, and presidential elections every 5 years. National minorities have reserved places in the Chamber of Deputies (lower chamber) if they do not get enough votes for their political factions during the elections.

Civil rights and liberties were restored soon after 1989. In 1991, Romanians voted on their new Constitution, that included the due protections for their rights, including the freedom of expression (article 30) and the free access to information (article 31). The media is free and censorship is expressly prohibited.

The evolution of a free and independent media in Romania started after the collapse of the Communist regime, in December 1989. The first years saw a proliferation of media outlets, with outlets which appeared and disappeared erratically. The adoption of the Audiovisual law, in 1992 and the law of the Public Broadcast Services (PBS) in 1994, created the first legal framework for what proved to be a rapidly developing broadcast sector. Print and online media had not been regulated by specific legislation, but had to abide by general legislation such as privacy legislation and the protection of dignity and reputation. In 1993, Romania joined the Council of Europe and signed the association agreement with the EU. Legislative harmonization that started then brought the Romanian legislation in line with EU standards (Avădani, 2017). In 2007, Romania joined the EU and has kept its legislation in line with the European political bloc ever since.

Joining the European Union is a second critical juncture for Romanian society, as it has changed the rules in many respects, from human rights to market practices, allowed for major movement flows of Romanian citizens across the EU, as well as free flow of European capital into the country.

The Romanian media system resembles the polarized pluralist or Mediterranean type (Hallin, Mancini, 2003), and the political parallelism is strong and well rooted. A study released by the NGO Active Watch in 2014 revealed that 40% of the studied televisions had political connections at owner or editorial decision-maker level (Active Watch, 2014) As the print and online media operations do not have to publicly disclose their ownership (beyond the general provisions applicable to any business), it is difficult to document the degree of overlapping between media and political interests.

The media market is diverse and fragmented. In 2020, 614 radio licenses were operational, across 194 localities, according to Consiliul Național al Audiovizualului, CNA [National Audiovisual Council]. Out of these, 5 were for private national networks. The network controlled by the Romanian Orthodox Church is the largest, with 53 broadcasting stations, followed by another 4 commercial networks. There were also 344 television broadcast licenses, active in 107 localities. Out of these, only 10 licenses were for digital terrestrial transmission. The rest were for satellite transmission (89 licenses) or other types of electronic communications (245 licenses). The number of licenses and holders' names are public.

There is no reliable estimation of the number of print and online publications. The estimation is made difficult by the lack of a generally accepted definition of what is "a publication". Just to

have an idea of the dimensions of the Romanian online space, *Ze list*, the biggest online media monitoring company follows 95,000 blogs (representing 99% of all Romanian blogs), 8,000 online sources and 7,400 publications, local and national.<sup>283</sup>

Public media is represented by Societatea Română de Televiziune, SRTV [Romanian Society for Television] and Societatea Română de Radiodifuziune, SRR [the Romanian Society for Radio broadcast]. SRTV operates five channels (*TVR 1*, *TVR 2*, *TVR 3*, *TVR Internațional* and *TVR Moldova* (broadcasting from Chișinău, in the Republic of Moldova). SRR operates 9 channels, some of them exclusively online. Both institutions have regional branches. They are funded mainly from the state budget but are allowed to broadcast advertising and run other revenue-generating operations. Until 2017, both institutions were financed via a license that every entity (household, organization or company) owning a radio or TV set had to pay. The funding system was changed when TVR accumulated 150 million Euro in debts and was on the brink of bankruptcy. The change in the funding system was widely criticized for strengthening the political control over the two institutions. They were already controlled by the government, not necessarily via direct editorial intervention but by the way their leading bodies were appointed and dismissed. The boards can be dismissed by rejecting their annual report. The mechanism was extensively used by all parliamentary majorities through the years to gain control over the institutions. For example, only one TVR board managed to complete its 4-year mandate.<sup>284</sup> Public television programs suffer very low ratings, which has made critics question the broadcaster's capacity to fulfil its role as a public media service. Meanwhile, public radio still enjoys popularity and a good audience rate.

Circulation and readership figures for print and online publications are audited by the Romanian Biroul Român de Audit Transmedia, BRAT [Transmedia Auditing Bureau]. The audit is voluntary, based on BRAT membership. Figures are public for free for the last auditing period (previous six months). The rest of the data is available to subscribers. Audience figures for TV broadcasters are measured by Asociația Română de Măsurare a Audiențelor, ARMA [Romanian Association for Audience Measurement]. The radio broadcasters' audience is measured by Asociația pentru Radio Audiență, ARA [Association for Radio Audience]. The results of the measurements are, according to Audiovisual Law, criteria for evaluating the dominant position of a broadcaster in a given market. Measurement includes only big broadcasters, as for the smaller ones, the prices of the measurement are prohibitive.

Media ownership is concentrated in the audiovisual sector and fragmented in the other sectors. The name of the companies operating licenses is public, and their list of stakeholders, down to individuals, is submitted to Consiliul Național al Audiovizualului, CNA. It used to be public, but it was made secret following the GDPR implementation, as the Council argued that the names of the stakeholders are protected personal data. In October 2022, CNA reversed its decisions and the list of owners, down to individuals, was made public again. "The previous decision was taken based on an excessive interpretation of the law - names of stakeholders are personal data, therefore should not be displayed. But these names are public in the companies' files at the Trade Register. And when broadcasters apply for changes in their ownership structure, their applications are discussed in CNA meetings – also public, broadcast live on the Internet. Keeping secret a list of public names is a nonsense", said Mircea Toma, CNA member.<sup>285</sup> There is no ownership transparency obligation for print and online media. Still, the ultimate beneficiaries of big media operations are known to the public. The majority ownership in Romanian media is

<sup>283</sup> Ze list, available at <https://www.zelist.ro/monitor/>, accessed 19.01.2022.

<sup>284</sup> The board chaired by Cristian Hadji-Culea, 1998-2002, according to [https://ro.wikipedia.org/wiki/Societatea\\_Rom%C3%A2n%C4%83\\_de\\_Televiziune%26Pre%C8%99edin%C8%9Bi\\_Radioteleviziunii\\_Rom%C3%A2ne\\_dup%C4%83\\_1989](https://ro.wikipedia.org/wiki/Societatea_Rom%C3%A2n%C4%83_de_Televiziune%26Pre%C8%99edin%C8%9Bi_Radioteleviziunii_Rom%C3%A2ne_dup%C4%83_1989), accessed 19.01.2022.

<sup>285</sup> Interview with Mircea Toma, CNA member, conducted on 31.10.2022

domestic. Still, some of the big TV stations have foreign ownership (Czech PPF Group owns Pro TV, and Turkish Dogan Group owns Kanal D).

Media and communication infrastructure is well-developed in Romania. In June 2021, 28.1% of the households had a fixed phone line. There were 13 million SIM cards active, representing a penetration rate of 117 per 100 inhabitants. 71% of household had an internet landline and Romania registered a 107% penetration rate of the mobile internet (ANCOM, 2021). Romania ranks fifth globally in terms of Internet speed on fixed broadband connections (McKetta, 2021).

## 1.2. Critical turning points in the last 20 years in Romania

For the scope of this study, critical junctures have been defined as those times in history when the social and political equilibrium is shaken, punctured and the future developments can more easily sway from the previous development path. During such periods, different (small) events, choices, strategies and decisions of different agents (changes) finally accumulate and lead to an institutional change. The contingency of actions is central to the identification of critical junctures.

For comparability reasons, under the current Mediadecom project, we agreed to focus on a series of major junctures likely to affect all the countries participating in the study:

- change of political system in the beginning of the 1990s (the reunification of Germany; the collapse of the Soviet system);
- gaining membership to pan-European institutions (EU, NATO)
- the rise of populism, illiberal discourse and right-wing governments
- the development of Internet and communication technology, with the apex marked by the advent of social media and the development of mobile communications
- the economic crisis in 2008–2010
- the adoption of GDPR and the related legislation in 2018, that affected citizens freedom of information and, in particular, the work of researchers across Europe.
- the COVID-19 pandemic of 2020

These junctures impacted countries in different ways and various institutions responded differently to the changes. Therefore, it is important to analyze them in the national context of Romania, taking a look at the socio-economic and political conditions that led to them, as well as the effects they triggered. Therefore, while following the general critical junctures, we have applied a finer granulation to analyze the local events, identifying the following critical turning points.

### 1.2.1. *The “skinny cows” years: the interplay of governmental abuses and EU harmonization shaped up the media landscape (2000-2004)*

The period overlaps with the ruling of the cabinet of the Social Democratic Party (PSD), led by the prime minister Adrian Năstase. It is a period of uncharacteristic political stability for Romania, his cabinet was the second (and the last one eve) that completed its 4-year mandate after 1989. The Năstase government ruling is full of paradoxes. During its 4 years, Romania registered important political progress: it joined NATO (2004), and successfully started (2000) and technically closed (2004) EU accession negotiations. EU travel visas for Romanian citizens were lifted (2001), which allowed for free circulation (and migration) across the continent. The economy became relatively stable and GDP grew (from 131.3 billion USD in 2000 to 192.7 billion USD in 2004) (World Bank, 2004). The free access to public information law, one crucial piece of media freedom and freedom of expression, was adopted in 2001, sponsored jointly by the ruling

PSD and the opposition National Liberal Party. Yet, a more restrictive state secret law was adopted two years later, under the (false) claim that this was required by NATO. At the same time, the Năstase government was accused of being a purveyor of widespread corruption and abuses against justice, aimed at preventing the prosecution of supporters of the ruling party. Corruption was a permanent feature in the EU progress reports (Commission of the European Communities, 2003, p. 26). While his government, under the pressure of EU accession, started some institutional moves against corruption, initiating new legislation or creating specialized institutions, Năstase openly opposed any allegation regarding the existence of any corruption in Romania and claimed that EU officials' statements on this topic were just intimidation and negotiation tactics. In making a comparison between the EU's treatment of Romania, the prime minister said: "You know how it goes: it's like seasoning the venison, you have to keep it three days in vinegar. It is part of the cooking. [...] You deal differently with the people if they are on their knees (Adevărul, 2003)

With his desire to control the public agenda and conversation, the Năstase government had also conducted a very tough campaign to control the media. Reports from the period documented a vast array of means used to this avail: arbitrary allocation of state advertising, abusive use of local state institutions against critical media, politicians buying media outlets, controlling the allocation of the broadcasting frequencies for the audiovisual media. In 2004, the media revealed that the prime minister Năstase asked to countersign all the advertising contracts allocated by the ministries to the media, in order to make sure that they are not using them for their own benefits (instead of the party's). In its 2004 regular report on the harmonization progress, the European Commission noted that the government "has tolerated the accumulation of significant arrears by a number of the largest media companies, including most major private TV stations." (Commission of the European Communities, 2004, p.26) Local party leaders were encouraged to adopt an equally controlling attitude at local level and exert a strict monitoring of the affairs – and the media – in their area. At this time the term "local barons" was coined to describe the major players in this situation. Romanian media was called "Berlusconised", in order to describe the strong parallelism between its politics and media, and that of Italy (Active Watch, 2003). Reports also showed that, in time, politicians or people close to the parties (not only the one in power) started to invest in media, including the purchase of local media outlets (IREX, 2002). "The mechanism of buying the local press is based on two assumptions. Firstly, local media has a larger audience than state media. Secondly, even if you cannot make local media write positively about you, you can at least stop them from criticizing you," writes the IREX-produced *Media Sustainability Index report* (MSI) quoting one participant in the focus group (IREX, 2002). This move seems to be part of a larger, regional one as "[f]ollowing a pattern evidenced in other Eastern European Post-Communist countries, by the turn of the century a increasing number of local political or business leaders entered the media world, joining the ranks of media owners" (Coman, Gross, Jakubowics, 2013).

The brutal techniques of media control set up a steady pattern in the relationship of the media and political forces: one of dependency, based on coping mechanisms with editorial effects (self-censorship, negotiating the editorial agenda). This period consolidated the political parallelism of the media. At the same time, this is when Romania had to implement all the major legal harmonization to prepare for its EU membership.

### 1.2.2. The "fat cows" years: EU accession, liberalization and prosperity (2005-2007)

The elections in the fall of 2004 brought to power a liberal government, led by prime minister Călin Popescu Țăriceanu. From the first months in office, the cabinet tried to distance itself from the PSD practices and promised transparency and predictability in the allocation of state advertising. They cooperated with media NGOs and representatives of the industry to introduce transparent and professional criteria in the allocation of advertising contracts. These provisions

were later incorporated into the general public procurement legislation, going beyond what was strictly required by the EU acquis. Some media outlets, close to the PSD, saw their revenue flow severed practically overnight and, for a while, the market struggled to find its balance. According to a report prepared by the Center for Independent Journalism, in 2005 the advertising budget of the public institutions stood at 3.8 million Euros, down from 14.7 million Euros in 2004 (Avădani, Nicolae, 2006).

The 2004 elections also brought to power a new president, in the person of Traian Băsescu, an outspoken former commercial navy commander. He pushed for tough anti-corruption actions, antagonized both the Government and the Parliament and disturbed various groups of interest. In 2007, he was impeached by the Parliament, who accused him of manipulating and instigating public opinion against other state institutions such as the Parliament and the Government. But less than 40% of the voters showed up to the referendum to decide Basescu's dismissal, and 75% of this figure voted against his dismissal.

The period also known as one of relative economic affluence. The GDP reached a whopping 285 billion USD in 2007 (as compared to 192.7 billion USD in 2004)(WorldBank).

This period was crowned by Romania officially joining the EU in 2007.

The period deepened the political parallelism and brought this to a new, more severe form: the polarization of the media and of the whole society. Public respect for journalists and media started to wilt. Professional solidarity was lost in the process, apparently for good.

### 1.2.3. Homo homini lupus est: *the economic crisis (2009-2012 and beyond)*

The period between 2009-2012 was one of considerable turmoil, generated by the global economic crisis, social unrest and political instability. The financial crisis hit Romania rather late, with 2008 being still being a growth year. In 2009, the GDP began to sink, and slowly recover starting in 2011 (World Bank). The 2008 general elections consolidated the control of president Băsescu, with his party emerging the winner. The government led by Emil Boc was totally loyal to the president and followed his line. Băsescu himself was re-elected in 2009, for a second term, despite harsh criticism continuously expressed on influential media outlets. The president imposed a tough line in fighting the crisis, increasing some taxes and introducing 25% cuts in public budgets, including wages – from ministers to teachers to artists in public orchestras. A new Labor Code was adopted, introducing new taxes on labor and eliminating the “national work contract”, thus fragmenting the negotiation power of the trade unions, including those of journalists. His health reform legislation, introduced as a draft in December 2011, would have reduced state funded health benefits, deregulated the health insurance market, and privatized Romanian hospitals. This made people take to the streets, in protests that expanded across the country and ended up in violence in Bucharest in January 2012. The draft was withdrawn and prime minister Boc was forced to resign. His cabinet was followed by a series of short-lived center-right governments, eventually replaced by a PSD government through a non-confidence vote. Local and general elections in 2012 brought the PSD back in power, with a government led by the party leader Victor Ponta. The co-habitation of Ponta with President Băsescu was difficult and confrontational.

The period was important especially for the stress it put on the media market, which was severely trimmed down. Media outlets laid off staff, reduced content, moved exclusively online or disappeared altogether. Coping mechanisms of the media outlets have been once again activated, increasing even further the political dependency of most of the media. It marked the “online migration” of print publications, the depopulation of newsrooms, the vulnerabilization of jobs in media and a significant dumbing down of the media content. It was also a period of strong po-

larization of the media, with journalists fighting fellow journalist rather than just cover the politicians' confrontation

#### *1.2.4. Let's get digital: the technological disruption (2014-2021)*

The considered period is marked by an accentuated political instability, which put Romania in an almost perpetual electoral fever. The first Ponta Government, installed in December 2012, lasted only until 2014 and was followed by 8 other cabinets, some lasting only days. Regular general elections in 2016 brought PSD a relatively comfortable majority, but internal fights for power made the government instable and four other PSD prime ministers followed, some of them dismissed by non-confidence votes initiated by their own party. In November 2019, the cabinet headed by Viorica Dăncilă, the first woman to accede to this position, was dismissed by a non-confidence vote initiated by the parliamentary opposition. The government was then formed by Liberals who, at their turn, changed three governmental teams in less than one year. General elections in 2020 consolidated the Liberals, who formed a coalition government, but this also lasted for just under a year. In late 2021, a new surprising coalition was formed between archfoe Liberals and Social-Democrats, ran by Nicolae Ciucă, a retired army general. According to the coalition memorandum, he is supposed to hand the power down to a PSD representative in 2023, a year before the scheduled general elections.

The elections in 2020 brought in Parliament the Alianța pentru Uniunea Românilor, AUR [Alliance for the Union of Romanians], a right-wing, nationalistic and anti-system party, which had little visibility before the elections. Their 9% in the general elections came as a surprise when they emerged as the fourth largest party in the country at the central level. Their self-proclaimed values are "family, nation, Christian faith, and liberty". It was for the first time since 2004 that an overtly nationalistic party has entered the Parliament. They scored well in some voting constituencies abroad (such as Germany and Italy) which usually voted for parties and candidates of the liberal side.

One of the critical moments of this period was marked by the Colectiv tragedy. In October 2015, the Colectiv music club in Bucharest caught fire and 64 people, mostly young, were killed – both during the fire and in the weeks that followed, of intra-hospital infections and lack of proper care. Outraged by the revelation that the club was operating without the proper fire permits but also by the authorities' attempts at minimizing and covering up the hospital crisis, tens of thousands of people took the streets, protesting corruption. "Corruption kills" was the slogan of the protests. Premier Ponta resigned under the pressure and was replaced by a technocratic government led by the former European Commissioner for Agriculture, Dacian Cioloș, which was tasked with organizing the local and general elections in 2016.

Presidential elections in 2014 brought to power president the former mayor of the city of Sibiu, Klaus Iohannis, who ran with the support of the Liberals against Victor Ponta. He gained a second mandate in 2019, against Viorica Dăncilă.

The period was also marked by strong social protest movements, stirred by the intentions of the PSD to modify laws so that some corruption acts would be pardoned and others difficult to prosecute in the future. In January and February 2017, hundreds of thousands of people took the streets in protest all over Romania, with the biggest in Bucharest. They were the largest street protests in Romanian since 1989. Throughout 2017 and 2018, protests were held daily in Bucharest, but at a much smaller scale. The protest of August 2018, when 100,000 people, most of them coming from the diaspora, triggered the aggressive reaction of the law enforcement forces who used water cannons and tear gas to dissipate the otherwise non-violent protesters. Some participants, including journalists visibly sporting press cards, were brutally beaten by riot police.

This politically troubled period saw the role of the traditional media platforms decreasing and the rise of the influence of social media. Street protests were organized and reported on by citizens using social media, while traditional professional media started to regularly utilize user generated content as a source. Politicians and institutions started to use social media as their primary public communication tool.

#### 1.2.5. *The unexpected: The Covid-19 years (2020-2022)*

The period 2020-2022 was marked by the COVID-19 pandemic and the major disruption it brought by in all sectors. In Romania, this was compounded by political tensions, due to local and general elections in 2020.

The first Covid cases appeared in Romania in February 2020, and on 16 March that year the country entered the state of emergency, as per a presidential decree. It listed the human rights that would be limited by virtue of the state of emergency, such as the right to free movement, of assembly and private life. At the same time, Romania announced to the Council of Europe that it had suspended temporarily the application of the European Convention of Human Rights. A Group of Strategic Communication, whose members remained secret for more than a year, was created and tasked with the coordinated public communication of the anti-Covid measures. The state of emergency lasted for 60 days and was followed by successive periods of a “state of alert”, a milder form that would allow the government to limit some rights. Various restrictions were also imposed, lifted or re-imposed, following the severity of various “waves” of infection. The most severe to date was the fourth wave, with a rate of 20,000 new cases and over 500 deaths per day. In October 2021, Romania registered the highest mortality rate in the world<sup>286</sup>. Eleven major fires affected hospitals in Romania in the last year, most of them affecting COVID-19 sections. The vaccination started in January 2020. By December 2020, the vaccinated represented 46.5% of the eligible population (aged 12+) and there was solid resistance to vaccination on the part of the rest of the population.

During the first two years of the pandemic, the government adopted several measures meant to protect the business sector, but those were limited mostly to delayed taxes and minor compensation packages. A major role in managing the response to the pandemic and the vaccination campaign was played by the army. The head of the vaccination campaign was an active service colonel, the transportation of vaccine doses was done by army vehicles and the storage was done in the military facilities. In the first days of the lockdown, armed military and tanks were brought to the streets of Bucharest to enforce the rules, even though nobody opposed them. This extreme military presence took sometimes risible forms. For example, police forces were asked to accompany priests spreading candlelight from holy fire of Jerusalem in the Easter night of 2020. Also, police cars broadcast Romania’s national anthem every weekend at 8pm.

The public health crises overlapped with two other crises in Romania: the first in politics, and the second in energy. The political crisis was generated by the authoritative attitude of prime minister Florin Cîțu (National Liberal) in dealing with his coalition partner, Uniunea Salvați România USR, [Union Save Romania]). When USR left the coalition, the government fell and a new and unlikely coalition was formed between the National Liberals and Social-Democrats, who had previously been arch enemies. The new government, led by retired army general Nicolae Ciucă was installed in December 2021. The prime minister position is supposed to be taken over by Social-Democrats in 2023. The two partners have very different approaches

<sup>286</sup> România a ajuns pe primul loc în lume la decesele zilnice de Covid [Romania ranks first in the world for daily Covid deaths], *Spotmedia*, 16.10.2020, available at <https://spotmedia.ro/stiri/sanatate/romania-a-ajuns-pe-primul-loc-in-lume-la-decesele-zilnice-de-covid>, accessed 15.01.2022.

regarding salaries, pensions, the justice system and the allocation of the 29 billion Euros from the Resilience and Recovery National Plan approved by the EU.

The energy crisis was triggered by the energy and natural gas prices liberalization in Romania, which was exacerbated by the dramatic increase in those prices at a global level, due to the pandemic. Although Romania is almost self-sufficient in terms of electric power, the country is dependent on gas imports, mainly from Russia.

The period marked a clear restriction of the freedom of expression and revealed the lack of genuine attachment to this human right on the part of the Romanian authorities. The free flow of information was restricted and centralized and the law enforcement institutions (army, police, secret services) emerged as active agents willing to shape the public discourse.

## 2. Risks and opportunities in the legal and ethical regulation domain

### 2.1. Development and agency of change

The analysis of the changes affecting the legal domain over the last 20 years reveal the strong dominance of the corporative agents – especially the political factor. It was the Government and the Parliament which pushed for changes in both the law-making process and the media.

There is a clear tension between opportunities offered by the legal harmonization process required by EU candidacy and membership – that went in the direction of a liberal democracy – and the faulty implementation that followed. The state administration that adopted the new laws also undermined them through their incomplete application, delays in their application, informal conduct, and the circumvention of the legal procedures provided under the law

There is an interesting paradox generated by the Government between 2000-2004. On the one hand, by its formal conduct – opening and successfully concluding negotiations with NATO and EU for Romania’s accession – it created valuable opportunities for the transition to a solid democracy. On the other hand, by its informal conduct – surreptitious forms of censorship, especially using economic leverage, pressures on the media, including the public media, it generated major risks for democracy.

The same ambivalence can be detected in the role played by the EU as an agent of change. The greater part of the modernization of Romanian legislation, especially the laws pertaining to freedom of expression, occurred as part of the accession efforts. In this respect, the EU acquis offered a model and the accession an opportunity to fast forward Romanian laws towards EU standards. At the same time, later pieces of legislation – such as the GDPR or Data Retention Directive – posed unpredicted risks for the free expression in Romania, mostly via narrow and malicious interpretation by the local authorities. Apart from this, they created a new layer of bureaucracy that hampered even further the free flow of information and opinion. The recent directives – the Copyright Directive, the Digital Services Directive and the Media Act currently under preparation – risk to further thicken this bureaucratic layer, via procedures and specialized bodies which will result in more red tape. So, we are currently facing the risk of the “bureaucratization of human rights” that may hamper the exercise of the very rights they want to protect and safeguard, according to Law Professor Mihai Șandru.<sup>287</sup> “More than just the bureaucratization, I have noticed an appetite for an uncalled-for European intrusion. Creating the

<sup>287</sup> Prof. Mihai Sandru, Law Department, University of Bucharest, in the focus group [Probleme actuale privind protecția drepturilor și libertăților fundamentale în Uniunea Europeană. Protejarea libertății mass-mediei în UE: noi norme, 24 martie 2022](#) [Current Problems In Protecting The fundamental Rights and Liberties in EU. The protection of Media Freedom in EU: New Norms], 2022, attended by the author.

position of a freedom of expression officer is, in my view, the highest point of this bureaucratization”, Şandru added. Other state actors active in this field were the Constitutional Court, whose rulings were critical in rejecting the legislation transposing EU directives related to data retention and the cyber-security laws, and Avocatul Poporului [Ombudsman], whose interventions were more visible during the Covid-19 pandemic.

Noteworthy, while having the upper hand, the Government and the polity were not the only agents of change. Civil society organizations played, at times, an active role in the legislative process, both as supporters (as was the case with the Law on access to information, in 2001) or as opponents (as with the Criminal and Civil Codes, in 2009 or the so-called cyber-security laws). They were able to contribute to the texts and advocate for them, influence the vote (in a small measure) and help in the dissemination of provisions that were important to them, including by training the public administration in how to use the laws. They were also active in independently monitoring the implementation. The role of civil society was important not as much in promoting new legislation, but mainly in “cleaning up” the existing laws or preventing bad legislation from being adopted. Thus, it played a back-stop role.

The impact of journalists – both in their capacity as corporative agents (via their professional associations) and primary agents (as citizens and individual reporters) was rather limited in the legal domain. This lack of engagement and participation is a risk in itself, because if the journalists are disinterested in their own freedom and independence, they are less likely – and eventually able – to support the public’s rights and perform their public mandate.

## 2.2. Freedom of expression

Freedom of expression is the human right best known to Romanians and it was often mentioned as being the major gain of the 1989 revolution. It enjoys a comprehensive reflection in the legislation. Romania has an “overarching and detailed legal framework, that offers sufficient protection for the human dignity and private life of people, as well as recourse for those who feel harmed in their rights” (Hatneanu, 2013), both in the civil and penal domain. The freedom of expression is protected by article 30 of the Constitution, including specific protection against censorship for the media. The independence of media and journalists and the protection of sources are enshrined in specific articles of the Audiovisual Law and in the laws on the functioning of the public media (television, radio, news agency services). By extension, such protections are understood to cover all types of journalists.

There is a comprehensive corpus of legal texts regulating the legitimate restrictions to the freedom of expression: protection of human dignity, protection of privacy, and protection of personal data. There are also laws specifically prohibiting hate speech, namely the racist and xenophobic discourse, as well as the denial of the Holocaust.

The adoption of these legal texts can be clearly linked to the political evolutions in Romania, especially to its bid to join the Euro-Atlantic structures. The Constitution was adopted early on, in 1991, only one year after the toppling of the Communist regime, and it still preserved some of the rhetoric of those years. For example, article 30 of the Constitution prohibits “defamation of the country and nation”. A correspondent article was introduced in the Penal Code in 1996, to be later on repealed, as part of the harmonization process with the EU acquis. The harmonization process started in 2000, when Romania first started accession negotiations. The Romanian government, irrespective of its ideological leaning, made efforts to harmonize the legislation with the *acquis communautaire*. Most of the reforms in the media legal domain were made under the pressure of the EU accession process. Romania adopted the Audiovisual Law 504/2002, which was subsequently amended several times so it could harmonize with the various versions of the EU directives in the field. Also in 2002, the Government adopted the

Emergency Ordinance 31/2002 on the prohibition of organizations, symbols and acts of a fascist, Legionary (Romanian fascist)<sup>288</sup>, racist and xenophobic nature and of the promotion of the personality cult of persons guilty of genocide against humanity and war crimes. Insult and calumny were decriminalized in 2006. At the same time, penal articles related to defamation of the country and nation and dissemination of false information have been repealed. All these articles had carried prison sentences. The public procurement legislation introduced transparency obligations for state advertising contracts (firstly adopted in 2005 and subsequently carried on in all the following versions of the law). The period 2000-2004 was paradoxical, with visible progress in the adoption of liberal laws, but with direct pressure on the media. The years 2005-2007 brought relaxation, professionalization and transparency in the media field, including in the legal domain. Irrespective of these differences, EU accession acted as the main country project and offered the biggest and most comprehensive opportunity for the legal harmonization and adoption of democratic standards in Romania.

The modernization process continued after the EU accession (2007). At the initiative of the President Traian Băsescu and motivated by the fight against corruption, the Government prepared a four-pillared justice reform, with new Civil and Penal Codes and Civil and Penal Procedural Codes. Băsescu pushed for the adoption of the codes as a package, asking the Government run by Emil Boc to “assume political responsibility” for it.<sup>289</sup> The move stirred public outcry as it went against the transparency requirements of a democratic society and because the legal package would form the backbone of the whole justice system for years to come. Under the pressure of both political opponents and civil society, Băsescu and Boc agreed to open the drafts to speedy parliamentary debates, with the participation of civil society. Thus, amendments were brought to guarantee freedom of expression (a specific article in the Civil Code), the independence of journalists and a certain level of protection for public interest information (in the Penal Code). Insult and calumny were kept out of the Penal Code, with defamation becoming a civil matter. Privacy was protected both by civil and penal provisions. Paradoxically, the media and journalists’ associations showed a limited interest in the debate.

In 2008, Romania adopted the Law on the retention of personal data, which transposed the European Union (EU) Data Retention Directive 2006/24. The law was adopted against the protests of the civil organizations and was later invalidated by the Constitutional Court, for not providing sufficient protection of human rights. A new form of the law was adopted in 2012 and rejected, again, by the Constitutional Court in 2014, months after the European Court of Justice would have invalidated the directive itself. Two other laws, to the same avail – the Law on pre-pay SIM cards and the Cyber Security law, supported by the intelligence services, have been adopted – and subsequently invalidated – by the Constitutional Court in 2014. The Court stated that they did not offer sufficient protection to the privacy of Romanian citizens and allowed a too large interference of law enforcement and other authorities in the lives of Romanians. The intelligence services publicly decried the rejection of these laws, claiming that it would impede their anti-corruption actions. Romania implemented the GDPR, with adverse effects for the media, as the authorities used the privacy protection to restrict the free flow of information. The GDPR has also been used by persons that appear in media investigations to intimidate journalists.

<sup>288</sup> The Legionary Movement (aka *Legiunea Arhanghelului Mihai/The Legion of The Archangel Michel and Garda de Fier/Iron Guard*) was a nationalist-fascist party created in Romania in the late 1920s. They shortly acceded to power in September 1940-January 1941, creating the National-Legionary State, that promoted a strong anti-Semitic policy, marked by persecutions, expulsions and pogroms.

<sup>289</sup> The procedure is provided by the Romanian Constitution as an extreme leverage: the proposed legislation is either voted as such (with no amendments) or the Government is dismissed.

The period 2015-2021 saw the rise of digital communication technologies. Significant changes appeared in the media usage patterns of Romanians, bringing the online media, and especially social media, to the forefront. This shift in the consumption paradigm also impacted the legal domain. Confronted with the realities of new consumption patterns, the state authorities and politicians tried to rein in the online content and drafted legislation to regulate this content. None of these laws have been adopted yet, but European directives – such as the Revised Audio-visual Media Service Directive<sup>290</sup> and the new Copyright Directive – had to be transposed in the national legislation and include provisions that would affect content posted on sharing and micro-blogging platforms. The Romanian draft laws transposing the directives do little more than just copying the translation of the texts of the European documents, with no adaptation to the Romanian context.

The Covid-19 pandemic strongly impacted the legal domain, putting under question the commitment to freedom of expression by the political leadership. The presidential decree that installed the state of emergency (March 2020) exposed this weak commitment. The decree listed the human rights that may be affected by restrictions during the state of emergency. The right to freedom of expression was not among the listed restrictions, still the measures announced by the president were about to deeply affect it. For example, all media had the obligation to “contribute to the public information campaign” related to the disease and the measures to contain it. More importantly, the presidential decree empowered the telecom regulator ANCOM to suspend all online publications that disseminated fake news, the toughest measure ever adopted by any authority in Romania over the last 30 years. No clear criteria and procedure were given for this. ANCOM itself said that it doesn’t have the necessary editorial competences to perform the task, so the Interior Ministry and the Group of Strategic Communication were in charge of deciding what publications had to be taken down (Bogdan, 2020). They said that the measure would not affect reputable publications that have a prior communication with the government, thus establishing criteria for suspending sites that were not concerned with editorial content. All in all, 16 publications were suspended during this state of emergency. They were re-established promptly the day after the state of emergency was lifted. The measure was judged inefficient as some of the publications moved immediately to mirror sites. In addition, some of the suspended publications were just re-running articles published by bigger media, which were not affected, so the contested content remained available for the public. It was also judged dangerous, because it created a precedent and was operated without transparency, by people whose identity was not publicly revealed and with no valid criteria (Vasilache, 2020).

There was a certain tension between the legal corpus that tended to follow European or international standards and its implementation and the informal conduct of the various agents involved. For example, during the “skinny cows years” (2000-2004), major steps forward have been achieved in the adoption of freedom of expression legislation. Still, the aggressive stance of the Adrian Năstase government against the media had a strong and lasting effect on the industry, at different levels. The level of informal censorship – via economic leverage, abusive controls conducted by state institutions, or direct pressures on newsrooms and journalists – was high and induced an even higher level of self-censorship. When the 2005 changes in the public procurement legislation opened the state advertising market to all commercial players, the implementation of the new legislation was slow. The public servants took their time to familiarize themselves with the new provisions and some were taken aback by their newly gained relative freedom when direct orders “from above” stopped. The public servants in charge of procurement were not trained on how to apply the professional criteria of advertising allocation. Equally unprepared were the media companies, who were not accustomed to participating in unrigged bids and acting on a competitive market. It took the public authorities just a couple

<sup>290</sup> The law that transposed the directive was adopted in June 2022.

of years to learn how to circumvent the new provisions and reinstate the old model of preferential networks for the allocation of state advertising contracts (Avădani, Nicolae, 2006, 2012, 2014, Avădani, Ene, 2010).

Despite the abundance of legal provisions regulating the freedom of expression, there is no similar abundance of cases in the courts on this topic. According to Hatneanu's analysis (2013), a specialized lawyer with a successful track record of defending cases in front of the European Court of Human Rights, most of the lawsuits deal with human dignity, and the right to one's own image and reputation. In recent years, the virulence of legal attacks against journalists increased. In one very prominent case, mayor Daniel Băluță of one of Bucharest six boroughs, Sector 4, sued the newspaper *Libertatea* 30 times. He asked the court for the paper to delete all articles about him and never write about him again. He also asked for his right to reply – that contained “lessons” for the journalists on how to write and edit their articles – to be published in its entirety. He also filed a complaint to the Romanian agency tasked with investigating and prosecuting organized crime DIICOT against *Libertatea* and *Newsweek Romania* newsrooms, accusing the publications of forming “an organized criminal group”, as both publications published articles exposing his corruption acts at the same time. He also complained to the anti-discrimination council, claiming that journalists discriminate him as mayor and to the Audiovisual Council (CNA), against Pro TV, a station that covered the subject in an investigation. Out of the 30 lawsuits, three have already been finalized and the mayor lost on all accounts. DIICOT closed the case as ungrounded and CNA ruled in favor of the journalists (Tolontan, 2021). This is the most visible case of SLAPP and it owes its visibility to the prominence of actors – both the reputed journalists and the mayor. Threats with criminal prosecution were used during the first months of the COVID-19 pandemic by the authorities to sanction reports or statements that contradicted the official narrative. In such cases the authorities used as an intimidating tool article 404 of the Penal Code that incriminates the dissemination of false information, data or documents if this results in a danger to national security.

Data regarding the legal domain is rich and relatively easily accessible, if we talk about primary sources (law text). Analytical analyses of the legislation are rare. The most active source in this field are NGOs interested in the media field. SLAPP, as a phenomenon, is hard to document, as the lawsuit online D-base cannot be interrogated after the type of complaint or whether it involves journalists or newsrooms. The lack of access to this type of data presents one serious risk, as it makes research and advocacy difficult.

### 2.3. Freedom of information

The right to access to information is enshrined in the Romanian Constitution, article 31. There are also specific laws dealing with this right: Law 544/200 on access to information of public interest and Law 109/2007 on the reuse of the information of the public institutions (transposition of the Directive 2003/98/CE on the reuse of public sector information). Laws on institutional transparency, public procurement, data protection and state secrets have relevant provisions that support or legitimately limit access to information.

Law 544/2001 on access to information of public interest was carved with support of US organizations and follows the American model (public information is public property, access to it is free of charge). It defines the information of public interest as all information produced, detained or pertaining to the activities of public bodies or companies operating with public funds. It obliges the public authorities to answer information requests in ten days or, if the requests are complex, in a maximum of 30 days. Denial of the release of protected information shall be communicated to the requester within 5 days. The law prescribes the type of information that all public bodies have to release ex officio and creates the obligation of all public bodies to have a spokesperson and a person in charge of the access to public information. Reports regarding

the access to information activities have to be published annually and a general, nationwide report has to be compiled and published by the Government. In case of dissatisfactory answers, the requester can sue the institution in order to access the information.

Law 109/2007 follows the European directive and largely ignores the provisions of Law 544/2001, without repealing it. The European law is more restrictive in scope than the pre-existing national law. Thus, Romania has two standards in dealing with access to information, but the best known and the most used is the law of 2001. This difference is rooted in the fact that the national law enjoyed a stronger ownership from the part of both political parties and civil society. The law was adopted in a rare instance of cooperation between the then ruling Social-Democrats and the opposition National Liberal Party, with the strong support and contributions from civic organizations. Its implementation was facilitated by vigorous activities of training of public servants and monitoring by NGOs. The adoption of the law of 2007 was rather “technical” – it was on the *acquis* list and it did not stir any debates or real interest. In this case, EU legislation created a risk for the freedom of information in Romania, narrowing the scope of the pre-existing more permissive legislation.

In practice, the access to public information is less than optimal. Requests are routinely delayed to the point that some institutions claim that the legal term is 30 days (instead of 10). Some requests are simply ignored and never answered. Activity reports are formal and rather statistical than qualitative and project a very positive image of the activity and the institution. The independent monitoring of the implementation of the law offers another image: inconsistent interpretations of what is “public information”, inconsistent interpretations of the obligations of the public institution. Moreover, when contested in courts, the decisions have been equally scattered, with different courts providing different solutions to similar cases. Such a monitoring exercise was conducted by the think tank Expert Forum (EFOR), who asked all Police and Gendarmerie departments at county level (42 units) data about the sanctions they applied during the state of emergency (March 15 – May 15, 2020). None of the 42 units provided satisfactory answers, so EFOR sued all of them. They won in 21 cases and lost in another 20 (one case was still pending at the time of the report) in the first instance. EFOR appealed the lost lawsuits and won in 8 cases, but lost 12. “Not only do two law enforcement institutions – the Police and Gendarmerie – have different interpretations of the law, but these differences permeate the juridical system, creating a climate of major incertitude”, reads the report (EFOR, 2021).

During the state of emergency, the terms for releasing information under the law of access to public information were doubled, from 10/30 days to 20/60 days respectively. Some institutions, especially in the countryside, suspended completely their access to information activities, claiming that they have received orders to thus avail, in order to allow for a centralized communication from Bucharest.

The coming into force of the European GDPR offered the Romanian authorities new pretexts for retaining information or harassing the media. It has become more difficult for journalists to get access to public documents, with the authorities invoking the fact that they contain personal data, such as names of persons, even if the persons are in public or elected positions. In 2018, the journalists with the reputed investigative group RISE Project published a series of documents (including personal photos and proof of spending) of some business associates of the head of the Social Democrats and Chair of the Chamber of Deputies, Liviu Dragnea. The article indicated a vast corruption scheme in which Dragnea was benefitting from public money masked as fraudulent commercial contracts. The day after, the Data Protection authority (ANSPDCP) summoned the RISE journalists and asked them for the source of their information and what other data they have, claiming the interest of protecting the personal data of the persons featured in the article. The data protection authority also threatened the journalists with a

fine of 20 million euro – the maximum provided by GDPR. The threat was not carried out and was considered an attempt at intimidating the investigative reporters.

The double standards provided by two laws on the same topic, the faulty implementation of the laws, and the inconsistency in the interpretation of the laws even by courts present a risk to the free flow of information. All the same, the misinterpretation and malicious use of the EU legislation poses a significant risk for the media in Romania.

## 2.4. Media accountability

### 2.4.1. Development and agency of change

Romania does not have a functional and unified media accountability system. There are several ethical codes adopted by various professional groups and, while more or less similar, they are rather weakly implemented and inconsistently enforced. There were two main corporate actors involved in the attempted self-regulation of the media: the journalists and the media owners and publishers. Journalists are gathered in professional associations, based on general interest, specialization (such as the association of health reporters, sports reporters, international news reporters), profile (photo reporters, cartoonists), ethnicity (Hungarian journalists, Roma journalists) or geographic location. These entities independently adopted their own codes of conduct. The media owners and publishers created their own “elite” organization (the Romanian Press Club, see section 2.4.2) and for a period claimed they were the ones who represented the profession, including in terms of accountability. A third active agent was represented by the civil society organizations active in the media field. They served both as a watchdog for ethical violation and a facilitator for a sustainable accountability mechanism. While journalists and NGOs collaborated at times, the media owners and publishers preferred their activities to be independent. All three actors failed in their attempt at creating a viable accountability system. This failure is attributed by the journalists themselves to both structural factors (such as uncontrolled access to the profession, a lack of professional culture, and incompetent professional organizations) and industry-related factors (economic and informal interferences in the editorial, and the influence of patrons) (Popa, 2014).

The state has also played an active role in stimulating media accountability. The National Audiovisual Council supervises the implementation of the Audiovisual law, that includes statutory elements of accountability. As the law is the transposition of EU Directives, it derives that the EU itself is an agent of media accountability in Romania. The Council worked with the broadcasters and the media NGOs in a co-regulatory effort to develop the Code of the Audiovisual, a more detailed document setting up accountability obligations and sanctions for the non-abiding entities. The Council is mandated to receive complaints from the viewer, analyze their merits and decide accordingly. Still, as the Council has been frequently accused of being politicized, its actions have been inconsistent and as such unable to consolidate the accountability of the broadcasters. For example, in 2016, over 2,000 complaints from the public got discarded because the Council did not address them within 6 months from their filing, as per the law (Bunea, 2016). The situation was generated by the incapacity of the Council to meet with a quorum for months in a row, because of political frictions among Council members. The state is also present in securing the proper accountability of the public media, via designated institutional ombudsmen and ethical committees (see section 2.4.2). While having the channels to report and complain about ethical violations, the public has little impact on media accountability – as demonstrated by the CNA’s failure to judge the complaints.

The strong polarization of the media stimulated by the high political parallelism, accentuated by the harsh competition for state resources during the years of economic crises, influenced the capacity of the media and journalists to self-regulate. The capacity was further reduced by the

rise of online media, as both journalists and the public shared the idea that the internet is a no man's land where everything is permissible.

The weak media accountability mechanisms are posing major risks to the deliberative communication. The failed attempts and the less than genuine approach to self-regulation have already damaged the very idea of it. With journalists incapable of organizing in order to protect their professional standards and with the media industry willing to go through the motions of self-regulation, with politicized state bodies voluntarily abdicating from their obligation toward ethical media content, the whole accountability field remains practically underserved. This is visible also in the various studies that looked at the way the journalists relate to accountability. Thus, the *Worlds of Journalism Study 2012-2016* reveals a very personal approach to the ethics of the Romanian journalists, as they see it as their individual duty (as opposed to an organized body) to respect professional standards. The study also reveals “a gap between the declarative and the daily practices, journalists seemed to be ready to sacrifice ethical principles for a scoop” (Coman, Matei, Milewski, Şuţu, 2016). The media users downsized their media consumption as well as trust in the media. Thus, the fourth estate and guarantor of the public interest risks becoming no more than a cheap entertainment provider.

#### *2.4.2. Existing media accountability instruments and an evaluation of their effectiveness*

One of the most impactful media self-regulation organizations, The Romanian Press Club (Clubul Român de Presă, CRP) was created in 1998. It aimed at “promoting the professional, economic and legal interest of journalists, publishers and media owners in relation with the state and the business environment from Romania and abroad”.<sup>291</sup> The Club gathered the owners or directors of the biggest media companies, but also some journalists. It was dominated by the owners and publishers who claimed they represented the interest of their employees. The Club had a Council of Honor called to judge the violations of the Club's Deontology Code. Still, the CRP functioned rather as a protective shield for its members and major violations remained unsanctioned. As Coman (2010), “star journalist[s] becomes the media mogul[s]”. Later on, prominent members of the Council, such as media owner and politician Dan Voiculescu, media owner Adrian Sârbu and newspaper director Sorin Roşca Stănescu ended up sentenced and serving prison time for economic crimes. The Club is no longer active, and even its website has been deleted. Its failure and insincere implementation of self-regulation struck a blow to the very idea of self-regulation of journalists.

In 2002, Convenţia Organizaţiilor de Media, COM [Convention of Media Organizations] was created. This was a loose alliance of over 40 organizations of journalists, other media professionals, trade unions and even small owners' groups. In 2004, COM established a Statute of the Journalist and an Ethical Code, that member organizations could adhere to on a voluntary basis, but no common enforcement and sanctioning mechanism was set up. Actually, such a comprehensive mechanism has never been created in Romania and the enforcement of the ethical rules was left to newsrooms or at an individual level (Avădani, 2017). Still, the move was considered “one of the crucial stages in the professionalization of the press in Romania” (Thiemann, Radu, 2005). The same group renewed its effort to bring media professionals on the same page in regards to ethical standards in 2007. Fifteen different ethical codes, belonging to different Romanian associations, were analyzed and a “unified code”, containing harmonized provisions to satisfy all groups was prepared and offered for adoption. As with similar self-regulatory efforts, this one remained largely inoperative, but it is still used by several newsrooms or freelancers.

The ethical standards of journalists fell further during the crisis years (2009-2012), affected not only by the financial constraints that led to increased competition and the dumbing down of

<sup>291</sup> Wikipedia, [https://ro.wikipedia.org/wiki/Clubul\\_Rom%C3%A2n\\_de\\_Pres%C4%83](https://ro.wikipedia.org/wiki/Clubul_Rom%C3%A2n_de_Pres%C4%83). The Club's website is no longer active.

content, but also by the strong political polarization, with whole newsrooms or media trusts aligning with camps that were "pro" or "anti" President Băsescu. In 2011, the National Audiovisual Council (CNA) asked all broadcasters to adopt and make public the ethical norms they adhere to (CNA, 2011). Some broadcasters, especially the big ones, adopted their own codes, while others adhered to the COM code. The impact of the decision was limited, as many broadcasters only formally abided by the requirement, but this did not influence their content.

In 2011, the Council opened a co-regulation initiative involving broadcasters and the media NGOs that resulted in the Code for Audiovisual, a binding document that details the accountability principles included in the Audiovisual Law (CNA, 2011). The document deals with the protection of minors, protection of human dignity and one own's image, the right to reply and correction, correct and pluralistic information, cultural obligations, interactive games, and commercial communications. The Code was modified in 2019. The Council also issued decisions regarding the rules to be observed during elections.

The public broadcast media have their own self-regulatory mechanisms, available on their websites, as well as Ethics commissions, where their employees and people from outside the institutions can address their complaints. The public television (SRTV) has a Procedure of ethical conduct, while the public radio (SRR) has a Code of ethical conduct. Despite this structure, the public media see themselves accountable to the Parliament rather than to the media consumer and the internal accountability bodies are treated dismissively, as they only have an advisory role. In a strange case, the President Director General (PDG) of public television Doina Gradea sued the TVR ethical commission over a ruling that found her guilty of editorial interference. In October 2019, the PDG asked journalist Dragoș Pătraru, who was producing an infotainment show as an external collaborator, to tone down his criticism toward the government because they were financially supporting the institution. She also used derogatory terms when describing some news reporters. Pătraru secretly recorded the discussion with Gradea. and submitted this to the Ethical Commission who found Gradea in violation of the Statute of TVR Journalist and "inclined to trade off the editorial independence of the institution" (Bunea, 2022). Gradea sued the Ethical Commission and lost. The public TV has an ombudsman office. According to its organizational chart, the office is staffed by just one person, with data processing tasks, who is subordinate to the Ethical Commission. In 2018, TVR hired a former intelligence officer for this job.

The Romanian Advertising Council has its own Code of Practice in Advertising, adopted in 2021, as well as an array of other self-regulatory documents on specific topics (such as alcohol, beer, products for children, and cosmetics).

One encouraging development is the initiative by some bloggers and influencers to adopt rules of conduct or terms of use for the publications they manage. Even regular Facebook users try to impose a certain conduct on their profiles, including using polite forms of address and avoiding profanities and personal attacks. This creates an opportunity for a budding self-regulation mechanism at the public's level, demonstrating their interest in a clean communication space.

At professional level, the ethical systems are weak and dysfunctional, relaying mostly on the voluntary and individual abiding to the standards. This is due to a weak and dysfunctional associative life of journalists. At market level, they are quasy non-existent as media owners consider that an ethical external control (such as a media council) would limit their own control over their business and their editorial output. This has to be understood in the context of the strong political parallelism and the crisis-coping mechanisms still at work, in which editorial content is a currency for financial income. Apart from the dysfunctional ombudsman of the public TV, there is no similar structure in the commercial media that may make them accountable to their public. The state authorities have a limited involvement in the ethical conduct of the media, via the regulation and co-regulation powers of the National Audiovisual Council. The

Ministry of Culture is the authority in charge of media, but only in the narrow niche delimited by European documents: the audiovisual media services and the copyright rules, including online. The suspension of sites suspected of disseminating fake news during the Covid pandemic and the suspension of pro-Russian propaganda channels, in 2022, after the decision of the European Commission, have been the only media content-related interventions at the state level.

Romanian organizations are connected internationally. The media trade unions are affiliated to the International Federation of Journalists and its European branch, CNA is affiliated to the European Platform of the Regulatory Authorities EPRA and other similar regional associations for Central Europe or the Black Sea region, the public radio and public TV are members of the European Broadcasting Union. The state news agency AGERPRES is member of the European Alliance of News Agencies. International organizations such as IFEX, *Reporters sans frontières*, *the Global Forum for Media Development* or the Association of European Journalists have Romanian members. The Journalism school of the University Babeş-Bolyai is a member of the European Journalism Training Association EJTA. This way, the media community is connected to the international community and some of the international standards in ethics and good conduct are thus transferred to Romania.

The multitude of self-regulatory documents and the legal obligation for broadcasters may be seen as an opportunity, as they offer the basic fabric to build systems of accountability. The formal-only adherence to the ethical professional values and the little emphasis they are given by newsrooms managers and owners create a real risk. This is already visible in the fact that a series of influencers started to use the term “deontolog” (an invented term, ironically describing a person interested in deontology and ethics) as a derogatory expression.

### 3. Risks and opportunities in the journalism domain

#### 3.1. Development and agency of change

The journalism domain is probably the domain closest linked to the socio-political changes and, as such, the most affected by them. The intertwining of politics and media, characteristic to the Mediterranean media system (Hallin, Mancini, 2003) and to which Romania resembles, sees journalism sensitive to political influence in key areas such as market, production and working conditions and organizational structures.

The actions of political agents have influenced the media market. Politicians not only regulated the media field, but they also own – directly or by proxy – media outlets. So, they were able to impact the journalism domain via both their formal (as corporative agents) and informal (as primary agents) conduct. The EU accession process generated a yo-yo like conduct: the formal channel was aimed toward EU integration, rule of law and fair competition, the informal channel aimed at preserving the control over the media and the advantages deriving from it.

When it came to fair competition, the media owners had their role to play, mainly as primary agents. The owners’ associations proved themselves weak as corporative agents, especially because their duplicitous position by rapport with the ethics, both in media and in business. During the economic crisis, they unsuccessfully tried to negotiate their power of influence for profitable deals with state money or for clemency for their criminal acts (mostly economic crimes such as tax evasion or fraudulent privatizations of state property). In doing so, they put at risk the very media independence they were supposed to defend.

The rise of digital technologies impacted the market. It changed the practices of journalism, transformed the patterns of media usage and eroded the traditional business model, based on advertising revenues. The defunding of the media companies that ensued affected the working

conditions of journalists, their job security and even the kind of journalism practiced in Romania.

Under the combined effects of political influence, the media owners' duplicity and the digital tidal wave, the journalists remained weak, unable to react to the changes of their environment and put in the position to find personal coping strategies so that they continue to perform their jobs

Media consumers, the audience for the media, the final consumers of this combination of corporate, political and public interest influences, found themselves less informed (despite the increasing number of information channels), confused and less trustful of the media.

### 3.2. Market conditions

The 2000-2004 were times when the government frequently used economic leverage to gain favorable media coverage. These economic pressures, as well as the interventions of the owners, have induced widespread self-censorship.

*“Journalists’ reporting can often be influenced by financial inducements leading to self-censorship. Against this background, the state has tolerated the accumulation of significant arrears by a number of the largest media companies, including most major private TV stations. [...] Such a situation may compromise editorial independence, and media-monitoring studies have observed that the TV news is notably less critical of the government than the written press. (...) This is a disturbing trend, and, to date, investigations have had limited success”, read the 2004 EU progress report (Commission of the European Communities, later on European Commission).*

This was particularly important as the journalistic profession was still “new” and disaggregated, and those working in the industry had not yet had time to consolidate and internalise professional standards.

The economic prosperity of the 2005-2007 period translated itself into the media sector and led to the apparition of new media conglomerates. New players invested in what looked like long-term media commitments. New media empires appeared, mainly through takeovers of existing operations. In 2006, two such media conglomerates were created: Realitatea-Cațavencu group, with a controversial businessman, Sorin Ovidiu Vântu, as the main investor, which brought together a news TV, radio, a quality newspaper and a series of glossy magazines and weekly publications, including the highly popular satirical *Academia Cațavencu*. Adevărul Holding, owned by Dinu Patriciu, a businessman who made money in the oil sector, and who was considered to be “the richest Romanian”<sup>292</sup>, was built around the quality newspaper *Adevărul* (successor to the communist flagship *Scânteia*). In the years to come, *Adevărul* opened 39 free evening newspapers (*Adevărul de seară*), a different, localized one in each county of Romania. In order to staff their own newsrooms, such big operations started to recruit journalists broadly, and offered them very attractive salaries. They joined the previous big media operations, such as those then controlled by Adrian Sârbu (the largest commercial TV, Pro Tv, a radio network, a media agency and magazines) and Dan Voiculescu (with a commercial TV stations, an all-news TV station, a radio station, a daily newspaper and a sports newspaper) and the Swiss-controlled Ringier in what was called “The Big 5” in the media.

The new players on the media market spruced the competition and led to a moderate media ownership concentration, which was badly needed on a fragmented market. On the other hand, the big salaries they offered distorted the labor market for journalists, which has had a long term impact. Such big money offers attracted the best journalists toward these operations,

<sup>292</sup> By 2012, Forbes estimated his wealth at 1.5 billion USD.

brain-draining smaller newsrooms, especially in the local media. The aggressive actions of Patriciu “cannibalized” the local markets in more than one way. His evening papers, which were non-confrontational, easy to read and distributed freely, ruined the market for the local newspapers catering for the impoverished local readership. As Patriciu’s newspapers made a point of voluntarily avoiding “dealing with politics”, the readers ended up uninformed, and this weakened media scrutiny of local authorities.

All the four big Romanian media owners were facing prosecution for criminal acts, and they had a convoluted relationship with then President Băsescu. It was the president who publicly called them “moguls”. Băsescu was also involved in several altercations with journalists in their line of duty and never missed an opportunity to criticize the media. He called the journalists “jukeboxes”, claiming that all a person had to do to was to insert a one Euro coin for them to “play” whatever you want them to play. His sustained and indiscriminately critical discourse against journalists aggravated the professionals and led to the erosion of the status of journalists in the eyes of the public. Băsescu’s attitude contributed to a polarization of the society, as well as of the media: one could be “with” or “against” Băsescu, unconditionally and irrespective of the topic. This became very visible during his impeachment by Parliament in 2007, when the media divided alongside this with/against fault, with virtually no nuances. Still, the trust in media reached a high value in the given period, reaching an all-time high in 2007, with trust in TV rising to 80% of the public (Tătar, 2018).

The years of the economic crisis between 2008 and 2011 were also of high significance, as this was when the media market felt the most dramatic financial impact. Businesses assessing where to cut costs would most often look to slashing their marketing budgets. The advertising market dropped dramatically, which halved the revenues of many outlets (Comănescu, 2017). During the previous period, of “fat cows” a lot of journalists had changed their jobs and, stimulated by the higher salaries, made various financial commitments to mortgages, loans and tuition fees for their children. By 2009 however, the unsustainable payment system had reached its limits and layoffs started (Avădani, 2017). In July 2009, Realitatea-Cașavencu announced cuts of salaries from 10% (for lower salaries) up to 50% (for the higher salaries) (Comănescu, 2009). According to Vântu’s own estimates, the group registered losses worth of 25 million Euro in 2009 alone. All the same, in October 2011, Adevărul Holding suspended the printing of the 39 local evening papers, and changed them to online only publications, with major lay-offs. The company was already delaying payments to its staff when, in July 2012, it announced salary cuts as high as 30%. In October 2012, Patriciu sold Adevărul Holding, together with some other valuables and personal assets (such as his yacht). (Avădani, 2017) By 2012, most of the major media companies in Romania, including international players such as Ringier and Sanoma, announced wage cuts of up to 25% and for most of their media outlets, these came on top of previously applied cuts and freezes. The insecurity of their jobs and the dependency on their employers (and their employers’ other businesses) made journalists timid and cautious, and self-censorship became widespread.

As the advertising resources became scarce, the market became very competitive. Different media outlets adopted different survival strategies. Negotiating their editorial line with politicians, state authorities and local businesses was one of them. Going for the low-hanging fruit of sensationalism and tabloid content was another. Together with the depopulation of newsrooms, and self-censorship, this led to a decrease in the quality of journalistic products.

This period also witnessed the emergence of independent journalistic projects. They were created by journalists, mostly young of age but experienced, who had left the organized newsroom to protest the politicization of the media. They were met with a major interest from the public when it came to reading, but not when it came to funding. For example, the most read coverage of the violent protest in Bucharest in January 2012, was authored by Vlad Ursulean,

one of the founders of [Casa Jurnalistului](#) [Journalist's House], a sort of “journalistic collective”. Other projects included [Centrul de Investigatii Media](#) [Media Investigations Center] and [De la zero](#) [Starting from zero].

The rise of social media changed once again the media market. In 2009 President Băsescu had managed to secure a second mandate even though the major TV networks conducted an open campaign against him. His victory raised questions about the real influence of the traditional media on public opinion. By 2015, it was already clear that the legacy media had reached the limits of their power and that online publications and social media were the leading force in the public discussion.

In the presidential elections of 2014, the TV stations close to the PSD tried their best to support to the candidacy of prime minister Victor Ponta against the Liberal mayor of Sibiu Klaus Iohannis, who was backed by the Liberal Party. Very determined Romanians travelled hundreds of kilometers and stayed in line for long hours, despite the bad weather, to cast their vote, overwhelmingly in favor of Klaus Iohannis. Some TV stations tried to deny or minimize the problems encountered by the Romanians abroad and either ignored the topic or broadcast misleading footage. Images of the impressive lines in front of the polling stations and outraged videos of people staying in line without getting to vote were distributed on Facebook, together with “go to vote” appeals for the Romanians at home. Romanians abroad called their families and urged them to cast their vote for Iohannis. Stories about the poor management of the vote abroad were rerun by TV stations close to the Liberals. It was the start of a major trend in which social media became sources for professional journalists.

After the massive street protests of January 2017, when hundreds of thousands of people protested the planned changes in the legislation to protect corrupted politicians, the Ministry of Justice invited “representatives of the street” to consultations. Given the “small dimensions” of the hall chosen for the meeting, the TV crews were not allowed. Still, the meeting was broadcast live on Facebook, by some participants using their mobile phones and the TV stations broadcast these feeds. It was for the first time when the TV monopoly was broken in favor of “citizen journalism”. People organized themselves spontaneously using social media during the 2017-2018 protests, including with the voluntary contribution of food, and hot drinks, and they even offered to baby-sit protesters’ children during the street protests. Police brutality, especially during the 10 August 2018 diaspora rally was documented using mobile phones and live transmissions on Facebook by regular citizens. Politicians and state authorities created and entertained popular social media accounts (preponderantly Facebook) and even applied an “online/social media first” communication policy. By 2022, it was frequent to see stories on TV generated from social media posts of public figures.

The rise of online content brought to the table another kind of players: the big networks. According to the *Media Pluralism Monitor*, the Romanian digital advertising market is dominated by Google and Facebook who, in 2019, took 74% of digital revenue (Popescu, Toma, Bodea, 2021).

The effects of the pandemic and of the response to it were equally destructive for the media. Given the lockdown in March-May 2020, many newsrooms had to adapt to remote working and the newsrooms were scattered, which influenced the quality of reporting. The collaborative feeling was affected. Journalists’ work with official sources was made more difficult by the reluctance of the authorities to share information. The verification of information was almost impossible. Journalists’ relationship with sources was made equally difficult by the impossibility of face-to-face meetings. Sources became reluctant to talk to journalists when the government threatened those who disseminate false information with criminal prosecution – meaning anything that differed from the official version. The term “fake news” was widely used and abused and applied even to opinions critical of the official position. As an alternative, the Gov-

ernment proposed “official news” – a site gathering press releases and materials authored by the authorities.<sup>293</sup> CNA launched their own campaign with the slogan “Inform yourselves only from official sources”.

Newsrooms and some journalists did not oppose such measures and eagerly embraced the argument of the authorities that public welfare should prevail over freedom of expression and media freedom. Some adopted a very patronizing tone and were quick to reprimand the members of the public who did not abide by the new rules. They also adopted the official discourse about “official news” and “fake news”, oblivious to the long-term negative effect that such discourse may have on their own profession. They also supported the idea that spreading false information should be a criminal offence, which, by law, is true only in cases related to national security and for deliberate acts of disinformation. Most of the media also adopted the war-like metaphors of the decision-makers, thus feeding public anxiety.

An even more important effect on the journalistic domain had the economic measures adopted by the government. Media businesses had no special treatment during the pandemic, and they did not qualify for state aid unless they closed their operations and furloughed their staff. Such a measure would have diminished even further the capacity of the media to properly inform the public, but the government was insensitive to this argument. Alternatively, the government offered an advertising fund to all media, from big TV networks to blogs with a handful of followers, to participate in the information campaign aimed at promoting health measures. Critical opinions that such a fund was not a genuine assistance measure and that it would erode even further the credibility of the media were dismissed by the government and publishers and broadcasters. The fund was established initially at 40 million euro for four months (May-August 2020), but was operational in June and later extended until December and beyond. Due to this extension, it covered the electoral campaigns for the local and general elections (September and November 2020, respectively). The money was allocated based on the number of views of advertisements, with no criteria of the impact. Thus, media was encouraged to use clickbait methods to increase traffic and secure state-backed advertising. Even so, the whole initiative ended up with very inefficient results: the top 10 media operators received 50% of the funds. By the end of 2020, the government had paid a little over 17 million Euro. Part of the money went to media outlets who promoted disinformation and conspiracy theories (Pârvu, 2021).

A diverse and populous market is an opportunity if all the actors play by the rules and healthy competition ensues. This was not the case in Romania for most of the last 20 years. Political parallelism affected fair competition and all the interested actors – politicians, media business, advertisers – condone this system. This increased the risk of media dependency on the state and Government, which became very clear in times of crises of an economic nature (2009-2010) or a health nature (2020-2021).

### 3.3. Public service media

Romania’s public service media is composed of three entities: the national news agency AGERPRES, the public TV – Televiziunea Română, TVR – and the public radio – Radio România, SRR. The organization and functioning of TVR and SRR are governed by Law 41/1994, while AGERPRES has its own law 19/2003. While all three of them enjoy autonomy from the legal point of view, they have less freedom in practice. The boards that run the media mirror the political structure of the parliament, government and presidency, their funding comes from the state budget, and NGO reports, whistleblowers and public scandals have revealed instances of political interference in editorial matters. There is no independent oversight mechanism to validate their independence (Center for Media, Data & Society, (2022)). Despite sufficient fund-

<sup>293</sup> Știri Oficiale [Official news], available at [www.stirioficiale.ro](http://www.stirioficiale.ro), accessed 30.10.2022

ing, the quality of their programming is relatively low and so are the audience figures, especially for the public TV (the public radio fares much better). Investigative journalism programs are virtually non-existent in Radio România and AGERPRES and a rare occurrence in TVR. The most influential obstacle to progress seems to be “the legally enshrined lack of mission-based accountability and planning that makes the [boards’] term in office unpredictable and [their] dismissals [by the Parliament] follow purely partisan lines”, according to *Media Pluralism Monitor* study (Popescu, Bodea, Toma, 2020).

The lack of independence of public media has outlived all governments and boards, as though nobody was genuinely interested in addressing them.

Parliament can interfere in the running of public media through a very simple method. It has the power to dismiss the boards that run the media organizations by rejecting the annual report these boards must submit to the state authorities. Since the parliament adopted this law in 1994, it has consistently used this mechanism as a means to control the management of public TV and radio. Only one TVR board managed to complete its 4-year mandate. The general director of AGERPRES is appointed by the prime minister and approved by the Parliament, but he cannot be dismissed by the rejection of the agency’s activity report.

The change in the funding model – from fee-based to direct state budget allocation – was adopted in 2017. It was adopted as a way to save TVR from the insolvency situation, but it increased its dependency on political goodwill. In 2016, the last year the public media functioned on a fee-based system, TVR had a total budget of 460 million RON (approx. 101.6 million EUR), and debts of 654 million RON (approx. 146 million Euro) (SRTV, 2016 Activity Report), while SRR has reported a budget of 418.9 million RON (approx. 92.5 million EUR) and a profit of 22.6 million RON (approx. 5 million EUR) (SRR, 2016 Activity Report). The AGERPRES news agency, which always received its funding from the state budget, had a budget of 23.13 million RON (5.1 million EUR) (State Budget, 2016) In 2017, TVR received from the state budget 950 million RON (approx. 207 million EUR), meant to cover its running costs and the debts, SRR - 383 million RON (approx. 83.7 million EUR) and AGERPRES - 21.1 million RON (approx. 4.6 million EUR). In 2022, the sums allocated from the state budget were of 380 million RON (approx. 76.9 million EUR), 370 million RON (approx. 74.9 million EUR) and 27.9 million RON (approx. 5.6 million EUR) respectively. The 2022 budgets were marginally increased compared to the 2021 (plus 2% for TVR, plus 1.88% for SRR and 1.63% for AGERPRES), according to *Hotnews* site. According to the presidents of both public radio and TV, the sums were not sufficient and threatened the proper functioning of the organizations (Andrei, 2021). As the EURO amounts<sup>294</sup> show, the budgets for the public media decreased over the last six years in real terms, which forced them to trim down some of the activities and content. So, in the long run, the direct funding from the state budget increased the vulnerability of public media services and weakened their market position at a time when the public needed them most.

### 3.4. Production conditions

Despite the richness in titles and the dynamism of the market, there is surprisingly little data available about content production conditions in Romania. There is no consistent literature dedicated exclusively to the content production conditions in Romanian media (multiplatform journalism, digital resources, investigative resources, foreign correspondents). References to some of these aspects are included in the general media reports prepared by NGOs such as the Media Sustainability Index, the State of The Mass Media and Freeex.

<sup>294</sup> All data from State Budget for 2017 and 2022. The conversions RON to EURO are done using the Inforeuro rate for the respective year provided by [https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro\\_en](https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en), accessed 1.08.2022

As there is no reliable data regarding the number of journalists in the country, it is impossible to evaluate the number of reporters or the journalists involved in digital news production. All the newsrooms have an online presence and the big operations have separate teams for their online products. Sometimes, these teams have different editorial lines from the mother newsrooms. This was the case of the public television online division TVR Info that, in 2012, broke the news of accusations of plagiarism against the then prime minister Victor Ponta. TVR Info was the first to publish a story based on an article by *Nature* magazine accusing Ponta of having plagiarized his PhD thesis. The then PDG of the public TV considered that “it was unnatural for the TVR Info newsroom to have such editorial autonomy” (Martin, Ulmanu, 2016). The editorial coordinators of TVR Info were thus reprimanded and dismissed and replaced by more obedient persons. Eventually, they left the organization and tvrinfo.ro was closed. However, this does not imply that online products are automatically more editorially independent. The differences between online and legacy platforms of the same publication go both ways. Reputable journalist Cătălin Tolontan spoke in an interview about the “professional bipolarity” of newspaper *Evenimentul Zilei*: “The [print] newspaper has conserved its relevance, but the site [evz.ro] is a champion of clickbait,” Tolontan said (Teodorescu, 2019).

*Worlds of Journalism Study* for 2016 advances a set of data regarding the ratio of journalists employed in various types of media. The study shows that “[a] large percentage of journalists worked in traditional media. 32.5 % of them have been employed by print media outlets, such as daily newspapers, weeklies and magazines, while 32.0 % worked for public and private television channels. The lowest percentage of the Romanian journalists worked for radio (8.5%) and news agencies (4.4%). In online media, especially print and digital combined, 22.6 percent of all respondents were employed (Coman, Matei, Milewski, Şuţu 2016).

The rise of the online news operations in Romania has been stimulated by two trends happening almost simultaneously: the economic crisis, that forced the newsrooms to downsize and cut costs, and the spread of the Internet and the subsequent changes in consumption patterns. But the “online migration” of journalists and newsrooms was done without any proper preparations, in some cases literally from one day to the next, which posed a major risk to journalistic content.

Investigative reporting in Romania is infrequent, but the pieces produced are remarkably effective. It has disappeared gradually from the mainstream media, under the pressure of political factors, as well as economic ones, as it is costly and does not necessarily yield high readership and revenues. Newspapers *Libertatea*, TV stations *Pro TV*, *Digi TV* and *Antena 3* and the public TVR have investigative teams that produce regularly material that it is in the public interest. There are also specialized organizations such as RISE România (specialized in cross-border investigations) and Center for Media Investigations that invest resources and efforts in developing in-depth investigative pieces, mostly related to corruption in the administration. Good investigative work, project-funded or crowd-funded, is undertaken in smaller organizations such as Delazero.ro or Recorder. In such projects, Bucharest-based journalists cooperate with local reporters in Romania at large. This cooperation gives regional stories more visibility and allows for revealing cross-country problems. It sometimes offers protection to local journalists, who would not feel safe to approach sensitive topics by themselves. Specialized investigative journalists are well-connected with their colleagues world-wide, so the stories have the data and inputs from abroad when needed.

Monitoring social media is a frequent practice in Romania media. It is not rare to see materials, even in news programs, sourced “YouTube” or based on somebody’s posts on Facebook. Thus, thanks also to technological convergence, “the multimedia stories created by the users are moderated by journalists and the media product combines users’ content in a professional format” (Drulă, 2015). Sometimes such posts go unverified. In a famous case, teenage vlogger Selly staged a car accident, pretending he (minimally) damaged his new and expensive car in a

parking lot. The “news” was run as such by several TV stations, including the reputable news channel *Digi 24*. Later that day, Selly revealed that it was all a mock-up he had set up to demonstrate the shallowness of professional journalists (Avădani, 2022). Funny moments (especially with animals) on YouTube, “the most amusing memes” or the “most frequent Google searches” are frequent occurrences in Romanian TV programs. Over the last years, noticing the frequent use of social media (especially YouTube and Facebook) in Romania and their power of triggering debate, institutions and prominent political figures have adopted a social media-first approach in communication and, in some cases, it became the only way of communicating with the public, bypassing the traditional media.

When it comes to content production conditions, the lack of information presents a risk in itself, as it prevents research and trend-spotting.

The digitalization of the media content has offered vast opportunities for the multiplication of voices and the appearances of niche publications. It also allowed journalists to start their own projects and media operations, as the distribution of their work was no longer restricted by over-cautious managers or technical limitations (number of pages in a newspaper, limited airtime, target audience performance). It also presented the risk of dilution of authorship, especially when the articles were virally shared on social media. The media consumer received information, but was not interested in finding who authored it, on what platform and how he or she can contribute or support. It also facilitated plagiarism among media outlets.

Another risk for the deliberative communication is posed by the excessive role of social media content in the news. The information often goes unchecked and the risk of disinformation is serious.

### 3.5. The agency of journalists

There is no officially compounded figure regarding the number of journalists in Romania. The National Institute for Statistics (INS) disaggregates employment data based on types of activities, according to the NACE Rev 2 codes. Journalists can be found included in Chapter J Information and Communications, in Publishing activities (J58) and Activities of cinema, video and TV programs production; audio recording and music editing; programs broadcasting and transmission (J 59-60). The figures include all the persons who have a work contract (full-time or part-time) with companies active in this field, including owners and administrators. The numbers include people who have no direct link with journalism or media production, but leave outside journalists with other forms of employment (freelancers or collaborators). According to INS, at end of 2020, 31,275 people were working with companies with NACE code J58 and 17.392 in companies with code J59-60.

Professor Marian Petcu, with Facultatea de Jurnalism și Științe ale Comunicării FJSC [Faculty of Journalism and Communication Sciences] of the University of Bucharest, who has followed in his work what he called “the identity problem of journalists”, obtained, using freedom of information requests, a set of information based on the employment database of the Ministry of Labor and Social Solidarity, valid for March 2022 (see Table 1).<sup>295</sup> Once again, the overlapping, the lack of clear distinction between media and other forms of publishing and lack of linguistic clarity made the head count difficult.

<sup>295</sup> Data made available to the author in an interview with Professor Marian Petcu, conducted on 14.10, 2022.

Table 1: Number of persons working in media, according to Ministry for Labor and Social Solidarity as per March 2022

	Position	Number of persons
1	Editor	2998
2	Operator – text and image processing	2629
3	Video editor	1016
4	Editor in chief- press, publishing house	558
5	Editorialist	554
6	Reporter (high school graduate)	455
7	Reporter (University degree)	448
8	Creator [„realizator”] of radio and TV programs	435
9	TV Journalist (University degree)	316
10	Operator – radio and TV production	299
11	Editor - radio and TV	275
12	Segment Editor radio and TV	176
13	Producer - TV	155
14	Senior TV Journalist	120
15	„Ziarist” [outdated term for journalist]	87
16	TV anchor	67
17	TV editor - anchor	62
18	TV Program coordinator editor	58
19	Photoreporter	57
20	TV Journalist (high school graduate)	40

Petcu counted a total of 10,805 employees with a work contract registered with the Labor authorities. “I do not have data regarding the journalists with other forms of employment. It is difficult to collect and interpret the data offered by official bodies, as they are exaggerated sometimes. [...] Most of the professional associations do not demonstrate a minimum of transparency when it comes to their membership,” said Petcu. He also noted that the occupation classification is outdated and does not include any media position associated with online journalism. “It’s a nightmare. In 2011, when our Center for Independent Journalism wanted to include in the Romanian Classification of Occupations the position of “journalist online” [online journalist], our request has been rejected because *online* was not a Romanian word. We had to produce the page from the latest officially sanctioned dictionary to demonstrate that the word has been adopted as such in Romanian. After that, the ministry asked for the law that allows the practice of the profession,” said CIJ Executive Director Cristina Lupu.<sup>296</sup>

According to Eurostat data for 2018, Romania is among the EU members with the lowest number of journalists, with 0.1% of total national working force. The European average was 0.2%, while the highest level was 0.4% (in Sweden and Croatia). Back in 2006-2007, when the first collective work contract in the media sector was negotiated, Federatia Română a Jurnaliștilor Mediasind [Federation of the Journalists’ Trade Union] claimed to have “over 9,000 members” out of a total of 22,000 journalists. This latter number is likely to be far larger than the current one, as the number of media outlets and employees dramatically decreased during the economic crisis (2009-2010) and the Covid crisis. The lack of information on the number of journalists is considered by the *Media Pluralism Monitor* as a risk to media freedom in itself (Popescu, Bodea, Toma, 2021).

There is only one journalists’ trade union with legal representation, MediaFair. Until 2014, mass media was considered a separate economic field so that trade unions could negotiate a “branch” collective work contract to reflect their interests. In 2014, the “media branch” was incorporated into the “culture branch.” “Journalists must now negotiate their rights together with ballerinas,

<sup>296</sup> Interview with Cristina Lupu, executive director of CIJ, conducted on 28.06.2022

museum custodians, musicians and actors working for the municipal theaters who face very different challenges” (Avădani, 2017). Trade unions are stronger in public media and virtually absent in private media.

The influence of journalists as a corporative agent is weak, as their organizations (professional associations or trade unions) are not particularly proactive and are not usually consulted when decisions impacting mass media or freedom of expression are taken by the authorities or employers. They are slightly more influential as primary agents, as their formal and informal conduct influences editorial content, especially through self-censorship or the gap between what they profess and what they practice in terms of ethical standards. For example, the *State Of The Media* report by the CIJ for 2014-2015 indicated fear as the dominant emotion among journalists: “fear of losing their jobs from one day to the next, fear of the end of the month, when the salary may not come, fear of employers, of politicians, and of authorities.” (Avădani, Lupu, 2016). This fear is reflected in the choice of topics, in the angle of reporting and the sources approached, states the report. The same trend is visible in the data of the *Worlds of Journalism Study*. It shows that “almost a quarter of Romanian journalists consider that what is ethical in their profession is a matter of personal judgment.” (Coman, Matei, Milewski and Șuțu, 2016) The atomization of the profession and the increased agency of individual journalists as primary agents became more visible during the lockdown imposed during the COVID-19 pandemic. During March-May 2020, many journalists were forced to work remotely, with little assistance from their employers or the state. They had to organize for themselves the workflow, deal as best they could with the lack of information and restricted access to sources and the increased dissatisfaction of the public. “We have been left alone,” declared one journalist, voicing her frustration over this quasi-general lack of support from both state, employers and fellow journalists (Avădani, 2021).

### 3.6. Journalists’ working conditions

The working conditions of journalists have followed closely the political and market evolutions over the last 30 years, from the “romantic” period of the early ’90s, when media outlets appeared and disappeared meteorically, to the 2000s, when the media field became a political battleground and to the ailing and seemingly disorientated field of the 2020s, when the old models reached their limits and the new models failed to secure a sustainable cash flow.

The journalists’ working conditions have never been ideal in terms of salary and job security. In the beginning of 2000s, a journalist’s salary was about 80-100 USD/month (approx.. 90-120 Euro), a bit higher than the national average income. Central media paid the journalists better the local media, TV better than print and radio, private media better than public media (IREX, 2001).

Ten years later, the “salary bubble” created during the affluent years 2006-2008 had already burst (IREX, 2010). When the economic crisis hit, in 2009, the journalists saw their salaries reduced by 25-30% and some had to take on additional jobs to make ends meet. Lay-offs were common and the preservation of the job, even with a diminished salary, became a strategy for many. In order to cope with such a crisis, employers sought alternatives to the full-time employment contract. Some journalists were hired with a full contract on a minimum national wage and received the rest of their negotiated salary as “author’s rights” (the level of taxation was 10% compared to over 40% as for a work contract) or even as illegal cash-in-hand payments. Others were hired on multiple contracts by various companies belonging to the same owner. Others were paid a guaranteed minimum salary with “bonuses” based on the number of articles they produced. This emphasis on numbers rather than on quality initiated a downward spiral of the quality. In 2010, the fiscal code was amended, and the taxation burden was applied equally for work contracts and copyright revenues. Ironically enough, the move was made

under the pressure of a trade union federation that did not include the journalists' trade unions and was meant to increase the social protection of the workers even if they had alternative employment contracts. Many journalists had their work contracts transformed into "independent work" contracts, where they received the same amount of money, but with less social protection. Other journalists have been pushed to register as small enterprises and their employment contract thus turned into a business-to-business one (with only VAT as a tax). The journalists could decide if they pay themselves a salary, but then they should have also paid the 45% taxes to the state (Avădani, 2017). In 2011, the new Labor Code (transformed in the Code for Social Dialogue) eliminated the collective contracts at national and industry level and weakened even further the negotiation power of journalists.

By 2020, the salaries had increased, as the economy was slowly regaining speed, but the gaps were still there. According to MSI 2019, "an experienced TV reporter can earn between \$600 and \$1,500 a month (approx. 540-1350 Euro), while editors earn around \$450 to \$500 per month (approx. 400-450 Euro)". Local reporters earned less, sometimes under the minimum wage (approximately \$300 per month, approx. 270 Euro).<sup>297</sup> The salaries in the public media were higher than those in the private ones. This was an important shift that, together with the job stability, could have made the public media attractive employers for valuable journalists, if not for the political influences over these organizations.

The data on the current situation are contradictory. *Worlds of Journalism Study 2016* says that "87.4 percent of the journalists who responded to their questionnaire were employed full-time, 11.1 percent occupied part-time positions and only a very small percentage of them (1.5%) were freelancers. Except freelancers, 73.5 percent of respondents had permanent work contracts and 26.5 percent held a temporary position" (Coman, Matei, Milewski, Şuţu). The figures describe a quite stable labor market, with media workers properly socially protected. Still, *Media Pluralism Monitor* the same year says that "[i]n an economically difficult context, issues of recruitment and retention and precarious employment pose problems for the journalistic profession, which are further enhanced by the lack of institutionalized safeguards of editorial independence either for chief-editors or for rank-and-file journalists" (Popescu, Mihai, Marincea, 2016). The 2021 edition of the report finds that journalists "face poor working conditions and precarious employment situations. This and the lack of industry-level organizations and self-regulation mechanisms to protect both employees and professional norms have massive ripple effects, undermining access to the profession and the quality of journalistic output" (Popescu, Bodea, Toma, 2021). *The State of the Media 2020* report by the CIJ (released days before the lockdown, so not accounting for the pandemic years) also describes the precariousness of working conditions: the salaries gravitate around the national average, long working hours, old, outdated and flawed equipment, and lack of access to professional training. The local newsrooms are painfully understaffed, sometimes with just one single reporter (Lupu, 2020). There are cases when a local reporter or camera person collaborates with several central news outlets, so all of them receive the same information, in almost the same form.

For the freelancers or the journalists working for independent media projects, the precariousness is even more visible, as they have to fundraise for each of their projects and most of the money goes on production rather than on salaries.

The bleak picture seems to be confirmed by the migratory trend inside the journalistic profession. The *State of the Media 2020* report says that journalists started to leave the media during the economic crisis in 2009, but the centrifugal move was accelerated in 2017-2019, when the pressure of the online media increased. Some 68% of those who left had between 6 and 20 years

<sup>297</sup> All conversions USD to EURO are done using the Inforeuro rate for the respective year provided by [https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro\\_en](https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-inforeuro_en), accessed 24.06.2022

of experience and were mostly reporters. They moved to communication jobs (marketing, PR, social media) or to public administration positions. The effects are visible in the age of the active journalists, as described by *Worlds of Journalism Study 2016*: 84.8 percent of Romanian journalists were younger than 40.

The working conditions of journalists are not a matter of public knowledge or concern. Even when reputable journalists leave their positions, their loss does not stir the public's curiosity regarding the motives. The Romanian trade union, the Federation for Culture and Mass Media (FAIR) issues public reports on the abuses of the labor rights of its members. Even if they don't have the continuity and consistency needed for proper research, FAIR releases are a good empirical indicator of the employment practices in newsrooms across the country.

### 3.7. Intra-organizational diversity of human resources

Romanian newsrooms are populated with young people, with an average of 30.65 years of age and 7.8 years of professional experience, according to the *Worlds of Journalism Study 2016*. The women journalists seem to form the majority in the newsrooms (the study cites a proportion of 62.5% female vs. 37.5% male among the interviewees) and are younger, better educated and more specialized in journalism than their fellow male reporters.

The *Global Media Monitoring Project*, in which Romania has been part since 2015, has measured the presence of women in the news and newsrooms every five years. The last edition of the report (2020) signals "gains in quantity, loss in quality" (Global Media Monitoring Project, 2020). Its Gender Equality in Media Index (GEM-I) can vary between -100 (only men in the news) and +100 (only women in the news). In 2020, Romania scored a GEM-I of -26.632, signaling a significant lack of balance. Women represent a majority of presenters (62%) and reporters (56%), but only 34% of the news subjects and sources in legacy media (print, radio TV). On the internet-based media, women represent only 20% of the reporters and 28% of the sources, signaling a potential segregation along technological lines.

The *World of Journalism Study 2016* also reveals that usually Romanian journalists enjoy a high degree of professional autonomy, a value that ranks high in their eyes. "In total, 78.9 percent of the respondents answered that they had complete and a great deal of freedom in selecting the stories, while a comfortable majority (57.4%) answered that they "always" and "very often" participate in editorial coordination activities, whether management decisions or newsroom meetings", reads the report (Coman, Matei, Milewski, Şuţu, 2016) Still, five years later, the *Media Pluralism Monitor* found there are "very high risks from commercial and owner influence over content. The lack of legal or self-regulatory safeguards for editors-in-chief and mechanisms to lay down and enforce basic professional standards are major risk factors." (Popescu, Bodea, Toma, 2021).

### 3.8. Journalistic competencies, education and training

According to the *Worlds of Journalism Study*, most of the journalists have a university diploma, either a bachelor's degree (4.6%) or a master's degree (26.7%). About 2.3% of them have a PhD, which would qualify them for a teaching position at a university level.

The newsrooms are populated with the graduates of the 31 accredited academic programs in journalism which were active in 2022, ten of which were specialized in advertising and seven in digital media. Some 39 other programs are devoted to communication and public relations, and four to information and documentation sciences, according to the 2022 data by academic accreditation authority, Agenția Română de Asigurare a Calității în Învățământul Superior ARACIS [Romanian Agency for Quality Assurance in Higher Education].

Journalism education in Romania was re-started in 1990, as under the communist regime it was undertaken via an “academy” specialized in political propaganda. Young people have been attracted in scores toward Journalism schools and admission exams have been among the most competitive, with over 10 people competing for each available place.<sup>298</sup> As there is no career track system in place, there is no way to trace how far up they go in the profession. Some sources talk about the frustration of the professionals in the newsroom with the quality of young graduates (in the IFEX *Media Sustainability Index reports*, 2000-2020, the topic reoccurs year after year). The complaints relate mostly to the lack of practical skills of the students and the gap between academic study and “real life”. Some researchers speak about the “contradictory views” graduates and their future employers hold. A longitudinal study conducted over 9 years showed that “at the end of their three-year formal training the students do not fully understand and internalize the journalistic professional values. They reiterate an academically induced picture of the profession, which has not been revised for years.” (Vasilendiuc, Șuțu, 2021).

Part of the problem is the outdated curricula, that is not connected to the current trends in media production, as pinpointed by the NEWSREEL research project (2017-2020 and 2020-2023).

Life-long learning opportunities are available to media professionals, but present little appeal compared to the early 2000s. Back then, the Center for Independent Journalism was offering five different courses a week, attended by professionals, students in journalism and aspiring journalists. Currently, it is difficult to recruit a full class for a specialized journalism course taught by highly qualified experts or reputable international journalists. According to Cristina Lupu, CIJ director, one of the main causes is that journalists do not gain a higher level of appreciation if they are more successful at their job: no higher salaries, no bonuses, no public acclaim. “It is as if is not worth it to become better in your job,” said Lupu, interviewed for this report<sup>299</sup>.

### 3.9. Professional culture and role perception

The perceived roles of journalists are currently undergoing an important transformation that is stimulated by the changes in the media environment, especially powered by digital technologies. The first generations of journalists, attracted to newsrooms from different walks of life in the beginning of the 1990s, saw themselves as guardians of the information and were animated by a certain sense of justice, and they expected immediate action based on their revelations. As the access to information increased, thanks to new legislation, as faultily implemented as it was, and to the spread of the internet, the journalists repositioned themselves as agents of the public good. Objectivity, the duty to serve the public (“educate” them) and promote tolerance and diversity are the roles the journalists see for themselves, revealed the WJS. Other authors find that there is a gap between what today’s Romanian journalists proffer and what they profess. Vasilendiuc and Gross (2012) talk about “google reporters” and “copy/paste journalists” to illustrate the shrinking space for in-depth field reporting, which is due to various pressures in the newsroom. *The State of Journalism 2020* report speaks of the way journalists walk a tight-rope between the need to do their job as they see proper, on the one hand, and the need to keep their newsroom afloat, pride and burnout, on the other hand. Journalists also feel as though they have become irrelevant (Lupu, 2020). The development of online media brings another wave of changes, pushing the journalists to embrace new, unfamiliar roles such as promoters of their

<sup>298</sup> University of Bucharest, (2020), *2020, anul cu cel mai mare număr de candidați la admiterea pentru cele 19 facultăți ale Universității din București* [2020, they year with the highest number of applications to the 19 faculties of the University of Bucharest], available at <https://unibuc.ro/2020-anul-cu-cel-mai-mare-numar-de-candidati-la-admiterea-pentru-cele-19-facultati-ale-universitatii-din-bucuresti-2/>, accessed 28.06.2022

<sup>299</sup> Interview with Cristina Lupu, director, Center for Independent Journalism, interviewed on 28.06.2022

own work, fundraisers or media project managers (Popescu, 2020). The academic discourse on the role of a journalist has an empiric equivalent in the public conversation. One of the prevalent topics on social media is the disrespect for journalists by regular media users (Avădani, 2022). There was no serious attempt by the profession to counter this discourse (fueled also by politicians and other influencers) and the erosion of trust in media may indicate that a negative attitude to journalists has become normalized.

In their large majority, journalists seem to have a correct perception of their role and these are in line with deliberative communication expectations: social responsibility, ethical conduct and acting in the limits of a public mandate. But as various studies reveal, there is a gap between the role that they desire to perform, and the role as it is actually played.. Journalists are subject to internal and external pressures and only too often they yield to them, adjusting their reporting to the market requests, to their owners requests or to those of figures of authority. This gap between what they preach and what they profess is a clear risk to deliberative communication.

## 4. Risks and opportunities of media usage patterns domain

### 4.1 Development and agency of change

Media usage data is probably the best documented domain, as the data thus collected can be immediately monetized. Therefore, the industry has been keen to organize itself and support reliable practices in data collection.

There are two main sources of data regarding the media usage in Romania: the quantitative ones, often produced by commercial actors or for commercial purposes, and the qualitative, academic ones, looking more in-depth at the causes and effects of consumption patterns. Marketing or IT players issue sporadically their own reports on the main source of information of Romanians, or the time used on various platforms or media products. Such examples are Statista or SES Astra Romania. As such reports use different methodology and parameters, it can be hard to measure them in a comparative analysis, and they can only give indications of trends.

Circulation (for print) and traffic (for online publications) figures are measured by Biroul Român de Audit Transmedia, BRAT [the Romanian Trans-Media Audit Bureau], an industry body created as early as 1998. They employ an auditing company, selected via a competitive procedure. Their figures are public and freely accessible on their website for the current exercise (last six months), but figures from the past that would allow research are available at a cost.

The audience for the main TV stations with national coverage are measured by the (Asociația Română de Măsurare a Audienței, ARMA [Romanian Association of Audience Measurement]. Their first reports date from 2005. They also employ a competitively selected auditing company. Their monthly reports featuring general data is also public, but more detailed and segregated data is available only to subscribers. ARMA measurement is the official base for the calculation of the audiovisual legislation calls the “editorial influence power” by the National Audiovisual Council establishing a dominant position on a given market. It includes only the big TV stations, as it is costly and thus prohibitive for smaller broadcasters. The radio audience is similarly measured by Asociația pentru Radio Audiențe ARA [association for Radio Audiences].

The usage of internet and communication services data is released periodically by the Romanian telecom regulator ANCOM. The reports have been published bi-annually ever since 2003-2004, which allows for a consistent diachronic analysis.

BRAT, ARMA and ARA were born from the need of the industry – editing houses, broadcasters, advertising clients and advertising and media agencies – to establish commonly agreed rules that would keep the competition fair. The move came as a response to the “rogue competitors”

who would self-declare unrealistic audience figures in order to secure lucrative advertising contracts. In time, the three organizations reached that kind of balanced market, where rules were observed. Still, internal discord related to measurement methodologies (thought to benefit big members to the detriment of the small ones), doctoring of figures and high costs of the audit made some members leave. In 2022, many BRAT members, for example, had not declared their circulation figures for the first half-year.

The practices of the industry did not trickle down to the state institutions that were dealing with media contracts. In 2005, new legal provisions asked the public authorities to introduce audience figures as indicators in evaluating the bids for public money for advertising. Soon enough the public authorities found ways to revert to the old habits of allocating contracts based on friendly relations rather than on real reach and impact, accepting self-declared audience figures instead of BRAT audit reports, for example.

Usage figures for online media are also measured by BRAT, via a special product – the Study of Internet Audience and Traffic (SATI), including 200 sites. There are also other private operators – such as *Trafic.ro* or *Zelist.ro*, which are monitoring the Internet traffic of Romanian online operations.

There is no state entity interested in monitoring the access to media of the citizens for policy purposes.

The media usage patterns have been studied by academics, even if on rather small studies. The expansion of social media stimulated the research on this topic. A study conducted on Romanian students showed that they share information perceived to be funny and relevant for their friends but do not share information if they are only reliable. Perceived information reliability does not influence news sharing (Balaban & al, 2019).

## 4.2. Agency of media-users and analysts

BRAT, ARMA and ARA deliver demographic data to their members and subscribers, which is not publicly available. Still, all three organizations have been open and cooperative with researchers and provided processed data when asked for.

Otherwise, there are few data that allow the analysis of the agency of media users. The data segregation is more granular for the online users, as the data can be easily retrieved and processed automatically. For example, a report such as *2022 Digital: Romania* segregates access data on age, gender, platform, device used and main activities (Datareportal, 2022) This degree of granulation for legacy media would require special data collection processes, that are time and resource consuming.

Over the last years, more academics studies the way the public interacts with the online and social media, conducting studies on the news diet and the impact of disinformation, particularly in the context of the Covid-19 pandemic. One research found that, for the users, YouTube is mainly a means of relaxation and information, while for content creators is a source of recognition and social validation. The study also indicates that vlogging can provide job-specific gratifications (Buf, Ștefăniță, 2020).

## 4.3. Access to news and other media content

As mentioned above, Romania enjoys a diverse, but fragmented media market. In 2020, 614 radio licenses were operational in 194 localities. Out of these, 5 were for private national networks. The network controlled by the Romanian Orthodox Church is the largest, with 53 broadcasting stations, followed by another 4 commercial networks. There were also 344 television broadcast licenses, active in 107 localities. Out of these, only 10 licenses were for digital terres-

trial transmission. The rest were for satellite transmission (89 licenses) or other types of electronic communications (245 licenses) (CNA, 2020). The number of licenses and holders' names are public. There is no official number of print and online publications. One online monitoring service is currently following 95,000 blogs (representing 99% of all Romanian blogs), 8,000 online sources and 7,400 publications, local and national.<sup>300</sup>

The access of the public to a rich media repertoire has never been a problem in Romania ever since the first days of the post-communist regime. Still, there were attempts from the part of the authorities to control the media market via direct and indirect measures. For example, until the early 2000s, when the power of the print publications was big, the main print paper factory in Letea (Bacău county) was state owned and the access to paper was used as a political weapon against “unfriendly” newspapers. In 2003 the factory was privatized at the hands of the local mayor (an influential figure in the Social Democrat party, then ruling). It went bankrupt in 2011 and closed for good in 2018. Print paper is currently imported from Ukraine. A similar history occurred with the national distribution network RODIPET, which was privatized in 2003. To begin with, the company was slow in its delivery, and daily newspapers reached some areas with delays of up to 48 hours. RODIPET was frequently accused of political bias. “Some believe RODIPET favours particular clients and deliberately delays returning money from sales to media outlets. Furthermore, the company does not provide newspapers with key data such as how many copies are sold per day and per region,” read the *Media Sustainability Index 2003 (IREX)*. The private owner of RODIPET did not respect its privatization clauses and, in 2009, the state repossessed the company. The distribution of the print publications remained a problem that was further aggravated by the equally poor distribution service of the Romanian Post. The postal service's role is especially important in the distribution of the subscriptions of local newspapers in small urban and rural communities. The COVID pandemic also affected the distribution, given the movement restrictions.

#### 4.4. Relevance of news media

Television has always been the main source of information for Romanians, with over 90% of the population watching TV daily in 2019 (Cultural Barometer, 2019). The Eurobarometer states that 58% of the Romanians use the Internet weekly, 54% use social media and 56% listen to the radio weekly (Eurobarometer 90, 2018).

Not only do a lot of Romanians watch TV, but they also do it for a long time. In 2019, the average Romanian spent 3.5 hours in front of the TV set, plus another 2.4 hours watching video content on other devices. The figures are down from the 2017 level, when the average TV consumption stood at 5.46 hours, as compared to the global average of 3 hours (Puişor, 2017).

But TV consumption has been under continual decrease and TV channels lost one million viewers between 2016-2020 (Obae, 2020). The impact of print media seems to be extremely limited. In this technology battle, the print media was the major loser. By 2010, deeply affected by the economic crises, the principal newspapers had lost half of their print copies (Andronache, 2014) and the trend has never reversed (Bunea, 2014). In the first quarter of 2022, the best sold newspaper was the tabloid *Click!*, with some 42,000 copies printed. Meanwhile, 82,000 copies of its TV weekly free supplement are printed. The second best sold newspaper is *Libertatea*<sup>301</sup>, with 23,000 copies daily. In its glory years (1994-2004), *Libertatea* was selling 150,000 to

<sup>300</sup> *Ze list*, available at <https://www.zelist.ro/monitor/>, accessed on 19.01.2022.

<sup>301</sup> *Libertatea* is the first independent newspaper, created minutes after the flight of Nicolae Ceausescu on 22 December 1989. It was turned into a tabloid in 1999 and was bought by Ringier in 2004. The new format and content were a success and the newspaper reached daily circulations of 225,000 copies. In 2014, it started transitioning to a more generalist content and, starting with 2018, employed one of the strongest investigative teams in Romanian media.

225,000 copies daily. Other quality newspapers are selling very small numbers. *Adevărul* prints 5,500 copies daily, while formerly very influential papers such as *Evenimentul Zilei*, *România Liberă* or *Gândul* failed to declare their circulation figures to the auditing bureau BRAT for the first quarter of 2022. Local daily newspapers print between 1,000 and 7,000 copies daily. The best circulated print publication is the promotion catalogue of Kaufland supermarket, which prints and freely distributes 5.5 million copies weekly.<sup>302</sup>

The internet has become an alternative source of information for Romanians (Radu, 2020). This is due to the explosive development of digital technologies and their rapid spread among the users. In 2005, Romania had 1.3 million internet connections provided by 981 internet providers. In 2007, the number of internet providers soared to 1,338 and the number of connections stood at 5.79 million, out of which 60% were mobile connections). At the end of 2019, 420 operators provided 25.2 million internet connections, out of which almost 80% were mobile, according to ANCOM data.

Romanians are “very digital” when it comes to communication and media. There were 16.79 million Internet users and the average daily time spent online was 7 hours and 9 minutes in 2022. Some 93% of them accessed the Internet via a mobile device. There were 13.3 million active social media users (69.7% of the overall population), with Youtube, Facebook, Whatsapp, Facebook Messenger, Instagram and TikTok being the most popular platforms. The majority of social media users are between 25-34 year old, followed by those between 35-44 and 45-54 years old. All age brackets are active on social media and women are slightly more active on each platform. The Internet speed is high for both mobile and landlines (33.76 Mbps and 124.36 Mbps respectively) and the data services and devices are affordable (Datareportal, 2022).

This digital affluence stimulated the rise of niche outlets, including some specialising in investigative reporting. These digital-born brands, such as *Recorder*, *Rise Project*, along with *Delazero* and *PressOne*, which blends investigative and narrative journalism, are project and donation funded. The *Digital News Report* writes: “These newsrooms play an important role in contributing to the quality of the Romanian public sphere in the face of extreme pressure and enjoy considerable support, both moral and financial, from their audiences.” (Radu, 2022).

The preferences of media consumers for certain platforms have dictated a change in politicians’ public communication. In front of the tsunami of user-generated content in social media, the state authorities, as well as the politicians and the companies, developed strategies to colonize the space with their own messages. For example, President Klaus Iohannis led an impressive online campaign for his first mandate. His Facebook profile reached over one million followers in November 2014, more than Nikolas Sarkozy’s or Angela Merkel’s at that time (Andriescu, 2014). During his mandates, the Presidency adopted a “social media first” communication policy, posting official material first on Facebook and only after on the official website of the institution. Other politicians and institutions followed, and their posts regularly become news material – more often than not being the only source for that particular topic or story. Romanians use the politicians’ accounts to express their opinions, appreciative or critical. There were cases when, in front of an overwhelming negative public response, some politicians deleted thousands of comments (Mihalache, 2016), which attracted a new wave of criticism for censorship. In other cases, politicians used tricks in order to project the image of public support, using bots or “bought audience”. Unfortunately, they did it with audience from Vietnam, which became easily visible and created hilarity among Internet users and the media (Fernoagă, 2021).

<sup>302</sup> All figures are according to The Romanian Transmedia Audit Bureau (BRAT), available at <https://www.brat.ro/audit-tiraje/cifre-de-difuzare/letter/a/year/2022/trimester/1-3/order/by/name/order/asc/page/1>, accessed on 28.07.2022

Finding information is the main reason why Romanians use the Internet (82.4% of users), while following news and current events is cited as a reason by 62.7% (Dataportal, 2022). Mainstream news consumption, online and offline, varied in time, and has today declined below pre-pandemic levels, while use of social media as a source has increased. The 24-hour TV news channel *Digi 24*, the most watched news channel, dropped six percentage points in brand usage compared to last year (Radu, 2022).

An interesting situation is that of the Hungarian-speaking population in Romania (amounting to 6.1% of the total population, according to the 2011 general census). For linguistic and cultural reasons, the Hungarian-speaking population consumes predominantly Hungarian-language media (Kiss, 2018). “The Hungarian public broadcaster *Duna TV* and the private broadcaster *RTL Klub* have a viewing rate more than 30% higher than the first Romanian broadcaster *Pro TV*, writes a media report published by *G4Media*, an online publication. It also states that “more worryingly are the trust rates of Hungarians in the information transmitted by Romanian channels, the percentages being half of those in Hungarian channels: 63% trust in Hungarian TV channels and only 36% in Romanian channels” (Sandor, 2021). Media reports reveal that Hungarian-language media in Romania receive millions of Euro in grants from the Hungarian authorities. The grants are easily obtained and come, according to their recipients, with no strings attached (Sipos, 2017). Commentators see this massive funding differently, considering that Hungary has become an exporter of illiberal discourse. “Orban’s discourse aims at marginalizing or eliminating all critical voices. This model is applied in Transylvania too, with has consequences for the freedom of information of the Hungarians [in this region]. Hungarians in Romania become hostages in a monopolist media landscape,” thinks political scientist Robert Adam, quoted by Romanian publication *PressOne* (Felseghi, 2019).

A study conducted in 2019 (Castro and al, 2022) included Romania in the group of countries with a high level of news “hyperconsumers” (17%), and “online news seekers” (44%). The study advanced the idea that this hyperconsumption is correlated, among others, to a strong political polarization. But a similar, more recent (2022) study conducted in Romania (Buturoiu, Corbu and Boțan, 2022), found that, in the space of two years (2019-2021), the number of media avoiders in Romania increased. The Romanian study addressed four patterns of media consumption: mainstream media consumers (scoring high on mainstream media news consumption and low on social media news consumption), social media consumers (scoring low on mainstream media news consumption and high on social media news consumption), all-media consumers (scoring high on both types of news consumption), and minimalists (scoring low on both types of news consumption). According to it, Romanians’ news diets register a high proportion of news minimalists (52.9%) and similar percentages of social media news users (17.1%) and mainstream media users (16.7%). Beyond the differences in methodology, the decrease of interest in the media can be explained by a news fatigue. “Such news consumption pattern raises a concern for democracy and for the role of informed citizens in actively getting involved in civic matters. Apart from political apathy, the today high-choice media environments can more easily create knowledge gaps and disinterest towards societal issues in general”, the study reads. (Buturoiu, Corbu and Boțan, 2022)

#### 4.5. Trust in media

Trust in media has been high for many years ever since 1989. Until 2007, the trust in the media maintained a high level, between 60-80% for all types of legacy media (TV, radio, print) (Tătar, 2018). Maintaining this high level of trust despite the editorial compromises forced upon media by political pressures can be explained by the inertia of the public’s opinion, but also by the feeling that media was the “real opposition” of the country, as the political opposition was weak.

The years of economic crisis that brought about a stronger and more visible politicization also witnessed a decrease in the credibility of the media.

The wearing off of the appeal of the traditional media, the rise of the social media and the active participation of Romanians on social platforms further eroded the trust in media. The trust in legacy media fell in the 40-60% brackets around 2010, and never recovered (Tătar, 2018). The Covid epidemics worsened the situation even further and the distrust in the media – be them traditional or social media – increased dramatically. In 2020, only television had a trust rate over 50% (56%), the print and radio staying at 42% and 48% respectively. Despite its major role as a source of news, online media enjoyed a trust rate of 37% (Eurobarometer 94, 2021). In 2022, around 55% of Romanians believed that they have been exposed to fake news on all platforms and blamed it mostly on state actors, be they Russia or the European Union (INSCOP, 2022). The erosion of the trust can be explained both by the decrease of the quality of the media products (given the precarious resources media used during the years of economic crisis), but also the strong politicization of the media outlets that alienated regular media consumer. State-sponsored disinformation also had a role to play, but there are no studies to date to measure this influence. There is also a circular effect at work: those who mistrusted the traditional media sought refuge in the digital media just to find themselves exposed to even more disinformation and having their trust even more eroded. Moreover, “attack against traditional media institutions is correlated with the attack against ALL traditional institution of the liberal democracies, it is correlated to th strong anti-system, anti-establishment, anti-politics, anti-expertise” (Bârgăoanu, 2018)

The Reuters’ *Digital News Report for 2022* revealed that trust in news overall dropped by 9 percentage points compared to last year, to 33%, close to its pre-pandemic level. Trust also fell for most media brands, whether public media or privately owned. Very few people actually believe in media independence. Those who think media are independent from undue political or government influence represent 20% (down 7 percentage points compared to 2017), and those who think media are independent from undue business or commercial influence represent 19% (minus 6 percentage points change from 2017) (Radu, 2022).

## 5. Risks and opportunities of media related competencies domain

### 5.1. Development and agency of change

Media literacy has never been a priority for the Romanian authorities. The Council of Europe’s transversal study on media literacy in the EU found that “a lack of media literacy policies combined with low public understanding and support of the field of media education, and a lack of funding programs have been the main impediments to more impactful media literacy education in Romania.” (Chapman, 2016).

In 2021, *Media Pluralism Monitor* report found that “[t]he lack of state policies systematically designed and implemented to foster digital and media literacy is a major contributing factor to very high risks in the area of media literacy. Most efforts come from NGOs, but they are insufficient and cannot be systematic” (Popescu, Bodea, Toma, 2021). The handful of programs in media literacy are coordinated by civil society organizations. They do not coordinate and rarely cooperate, therefore the impact is limited and barely sustainable.

## 5.2. Overview of media related competencies in policy documents

There is no official definition of what media literacy encompasses, and no official profile of competences for the media educated person. All the same, there is no profile of the graduate of formal education – a description of all competences a person should have once they have graduated various levels of education. Such profiles have been proposed by the Institute for Educational Sciences in 2015, but have never been officially endorsed nor have they been used as a basis for curricula or for evaluation. The 2015 profiles included some competences that can be considered as media competences such as interpreting texts in various contexts, formulating opinions, ideas and feelings in a variety of communication situations and the capacity to interact responsibly and creatively in various contexts, respecting communication conventions. Other competences referred to critical and reflexive evaluation of the impact of information and communication technologies on one's life and social interactions. The graduates of the complete pre-university cycles (12 years) were also expected to have a set of social and civic competences, including a proactive conduct in promoting social integration and multiculturalism, as well as an active civic participation. These competences were aligned with the 2006 EU key competence framework (European Union, 2006). Still, important elements of the European framework such as “the ability to search, collect and process information and use it in a critical and systematic way, assessing relevance and distinguishing the real from the virtual, while recognizing the links” are left outside. In the summer of 2022, the Romanian Government released the draft of a new Pre-University Education Law and the need for an updated and officially endorsed competences profile was restated. The draft law provides for the introduction of a compulsory discipline called “Education for life”, including modules reserved for environment, health, finances, law, entrepreneurship, technology, auto traffic, as well as civic, intercultural and democratic citizenship education. Once again, the media does not appear as a stand-alone domain in the draft law.

In July 2022, the Education Ministry issued an order describing the digital competences required for education professionals. It includes 6 domains and 22 specific competencies. The six domains are: the use of digital technologies in the interactions with fellow teachers, students, other education beneficiaries, parents and other stakeholders; the efficient use, creation and sharing of digital resources in teaching; the use of digital strategies for better evaluation; the use of digital strategies for improving student-centered education; pedagogical competences that facilitate developing digital competences in students and other education beneficiaries.

The issue of media literacy also appears in the audiovisual law. The National Audiovisual Council– the regulatory body in the field – has among its attributions increasing the level of media education of the public. The obligation has been introduced via the law that transposes the Amended Media Audiovisual Services Directive in June 2022. The law does not provide any definition of media education, but makes it clear that the Councils' tasks are restricted to the audiovisual content.

The Center for Independent Journalism, that has run media literacy projects for years, used a mixed model for the working definition of “media literacy”. “We started from the European competences – to access, assess and evaluate, and create content. We added the ones developed by Renee Hobbs in 2010, who on top considers these two higher level competences – to reflect, which includes an ethical angle to media education and to act, which includes the civic attitude that we think is actually the ultimate role of media education,” said Cristina Lupu, executive director of CIJ.<sup>303</sup>

<sup>303</sup> Interview with Cristina Lupu, executive director of the Center of Independent Journalism, conducted 28.06.2022

### 5.3. Information about the media literacy programs in formal and/ or in non-formal education

As mentioned before, media education is not a standalone discipline in the Romanian curricula. “In the Romanian educational system, media literacy competence is not addressed as such in any educational curriculum. Few efforts have been realized in the past ten years, efforts that were initiated by civil society experts, and they have been not yet adapted to the national curriculum,” finds a study (Rotaru, 2019). It identified elements of media-related competencies present in 12 national curricula for both primary, middle school (gymnasium) and high school level. It finds that most of the media literacy elements are to be found in the gymnasium curricula (students 10–14-year-old). It pinpoints an important feature: media are present as a “soft source”, meaning just an alternative source of information, rather than a study field in their own right. “The subject of media education/media literacy encounters a very low level of understanding, and it is insufficiently operationalized in the Romanian Formal Curricula (competencies, scientific content, educational resource or didactic strategy),” concludes the study.

One major limitation of the 2019 study is that it did not look into the languages curricula, which is very rich in elements of comprehension of written and multi-modal texts and communication skills, nor in the ITC curricula, which is rich in digital skills’ development. The languages curricula include some elements directly pertaining to media education, but they are descriptive and limited to format – such as journalistic genres and journalistic style – rather than the role of the media in society. Still, they include competences that are part of the media competences defined in the theoretical part of the present study, such as: Rational argumentation in public communication (including the ability to formulate clear messages and the ability to listen actively), critical consideration of information in communication, knowledge and understanding of contexts of public communication. While communication and self-expression are encouraged, the curricula do not underline media, information and digital literacy in the context of deliberative communication.

Most efforts in the media literacy field belong to a handful of NGOs who act in a sporadic and uncoordinated way. The programs aimed at students deal mostly with skills like comprehension, identification of author and sources and safety on the Internet. The programs aimed at teachers assist them with understanding the media and using media to bring curricula knowledge closer to students’ real life. Of note is that NGOs’ programs emphasize the role of journalism in democracy and the importance of media literacy for meaningful civic participation and deliberative communication.

Apart from media literacy programs, there are also initiatives aimed at debunking, exposing fake news and fighting disinformation. One risk of such programs is that putting excessively in focus the negative effects of the freedom of expression, they fuel the fear of the media, encourage disrespect for journalists and stimulate media disengagement of the users.

### 5.4. Actors and agents of media related competencies: risks and opportunities

With the state almost non-existent in the field of media education, the NGOs have the upper hand in this respect and have emerged as the main agents of promoting media competences. As mentioned before, their actions are sporadic and uncoordinated and, above everything, unsustainable, as they depend on available funding. The funding comes project-based, and mostly from EU, US or private donors.

The Center for Independent Journalism has been running a media literacy program dedicated specifically to high school teachers, especially Romanian and foreign languages teachers. One of

the objectives is to stimulate the teachers to introduce media and information literacy elements in their regular teaching, not as a separate topic. The program, funded mainly by the Romanian-American Foundation, has been initiated in 2017 and has already included some 600 teachers. It offers the enrolled participants training, mentoring, assistance and teaching aids. It is scheduled to run at least until 2024. Under this program, CIJ offered, in 2021 and 2022, a one-semester course in Introduction in Media Literacy for the students enrolled in the MA program Didactics of the Philological Disciplines of the Philology Faculty of the University of Bucharest. In the fall of 2021, an elective course was offered to undergraduates of the same faculty.

Mediawise Society<sup>304</sup> – an association dedicated to media education and culture – also develops teaching aids and provides training to teachers and librarians.

Active Citizens Fund – part of the EEA and Norway Grants 2014-2021 program with the objective to strengthen civil society and active citizenship and to empower vulnerable groups in Romania – supports 13 projects that include segments of media literacy. The projects are coordinated by NGOs – some of them grass-roots – from all over Romania and focus mostly on “fake news” and disinformation as threats to democracy.

The target audience of the media literacy project is formed overwhelmingly by children and youths. Adults are targeted only if their profession allows them to turn into disseminators themselves, such as teachers and librarians. Although identified as one of the groups most vulnerable to disinformation, the elderly are not expressly targeted by any training or awareness raising initiatives. This creates an aggravated risk as the population 55+ forms the bulk of the TV audience and Romanian consumers are rather conservative (they usually follow one TV channel, forming a voluntary captive audience).

## 5.5. Assessment of media related competencies among citizens

As mentioned above, there is no large scale, coordinated approach to media education in Romania and the state seems uninterested in the topic. Consequently, there is no state-sanctioned methodology or mechanism to measure the media competences. Various studies, performed by various authors with different methodology, provide data that are not perfectly comparable, but that depict the same picture: a low level of competence, a high risk of disinformation.

*The Media Literacy Index for 2021* by the European Policies Initiative (EuPI) of the Open Society Institute – Sofia shows Romania on the 28th place out of 35 countries analyzed. The index assesses the resilience potential to fake news, using indicators for media freedom, education and trust in people. The country is included in the fourth cluster (first before the last), with a worsening situation both in terms of cluster (moved from third to fourth) and score (34 down from 38).

They admit that they are exposed to fake news: 20% of Romanian think that they have been exposed to such content during a weekly period (EU average stays at 10%), but they consider themselves well-equipped to spot and avoid it: 13% are very confident (EU average 12%) and 49% are somewhat confident (EU average 52%), according to European Parliament’s *Media and News Survey 2022*.

Apparently Romanians believe in the power of media literacy. Almost four out of ten Romanians were of the opinion that educating citizens to properly identify disinformation was the best measure to fight against fake news in 2019. Another 34 percent of respondents were of the opinion that those who spread disinformation should be prevented from abusing social media platform services (Statista, 2022). Some 31% believe that it is important to support diversity and good quality journalism in order to fight fake news.

<sup>304</sup> Mediawise, <https://mediawise.ro/>

Other studies contradict this optimism. For example, the PISA test results show that “[s]tudents in Romania scored lower than the OECD average in reading, mathematics and science”. Only 59% of the students attained at least Level 2 proficiency in reading (OECD average: 77%). So, 41% of Romanian students are not able to understand what they are reading – the equivalent of functional illiteracy. The figures are similar for proficiency in maths and sciences: 53% of students attained at least Level 2 in maths and 56% in sciences (OECD, 2018). Girls performed better in reading and marginally better in sciences, the boys performed marginally better in maths. The results were significantly better in 2012 than in 2006 (the first time Romania participated in the PISA test), but changes afterwards have been insignificant.

Romanians’ digital skills are also problematically low. According to Eurostat data, in 2021, only 28% of Romanians had basic or above basic digital skills (compared to 54% of EU-28 citizens), and they came last in Europe. In 2019, the percentage stood at 31%.

Digital competences are part of the core curriculum and are part of the Bacalaureat – the exam that closes the 12-year educational cycle. The results are counterintuitive, as Romania has the “highest number of hours allocated to digital competence as a separate compulsory subject in upper secondary education”, as well as “a high use of very high-speed broadband and the wide availability of very high-capacity fixed networks, especially in urban areas” (UiPath Foundation, 2021). To bring light into this paradox, UiPath, the first Romanian “unicorn” company<sup>305</sup>, in partnership with *Brio.ro*, a platform of standardized digital testing, developed “the first standardized digital literacy assessment accessible, free of charge, to over 2.8 million students in Romania, from 1st to 12th grade”. Build upon the model of EU digital competences grid Digi-Comp 2.1, the test evaluates five clusters of competences: information and data literacy, communication and collaboration, creation of digital content, safety and problem-solving. The scores go from 1 to 100, with three levels of competences: non-functional (0-50), minimally functional (51-75) and functional (76-100). In May 2022, they published a report that analyzes the data obtained after the first 7 months of the application of the digital literacy test in Romania. According to them, the average score of the tested group was 65.93, in the minimally functional realm. This means that the average Romanian student is able to use the technology well enough by themselves, without guidance, when provided with well defined tasks whose outcome is known to them. Higher than average scores have been registered in information and data literacy and safety clusters, while the creation of digital content scored significantly lower. Noteworthy, the sub-item “civic participation via digital technologies” (under the Communication and collaboration cluster) scored 6 points under the average, indicating that Romanian students are more inclined to apply their skills for individual needs. Boys are more digitally skilled than girls (their scores are with 6% higher). Only 25% are falling into the highly functional group and UiPath thinks they represent “the talent pool” the employers can tap into in the future.

Another study that analyzed the digital competences and conduct of children and youth is the Study on children’s use of the internet (Velicu, Balea, Barbovschi, 2019). It found that most children have technical competences, such as saving a picture they found online (86% of respondent) or changing the security preferences of a social media account (75% of respondents). Most of them (71%) reported information competences (critically analyzing the information they come across) and a very large proportion (up to 90%) reported social competences (such as sharing information in their own network or managing their friend’s network). The least reported were the creative competences, such as editing a video piece (55%). The study is based on the self-assessment of children aged 9 to 16 years old.

<sup>305</sup> A unicorn company is a private company with a valuation over 1 billion USD.

All this data, though scattered and difficult to compare, describe a society with a schizoid attitude toward media competences. On one hand, there is an oblivious state, uninterested in developing its citizens' abilities that would allow them higher resilience in front of disinformation and better preparedness for the digital market of the future. On the other hand, we have a digitally active population, tending to become minimally functional as early as 10 years old, developing its own practices, rule of conduct and standards. While people will continue to adapt to the new technologies and make the best of them for individual interest, the public sphere, where the public deliberation should take place, risks getting more and more "noisy" and fragmented. The democratic values risk getting lost through the cracks of such an atomized society.

## 6. Conclusions

We have looked at the last 20 years of Romanian history, analyzing in parallel the evolutions in the political and economic field, on the one hand, and the media field on the other. We have demonstrated that the evolutions in the two field are intertwined, and they mirror or influence each other.

In the political field, we have looked at governments' attitudes toward freedom of expression, especially access to information and transparency, at the electoral processes and their effects on the public discourse. We also looked at the influence of the European Union over the country.

In the media field, we have examined evolutions in four domains: the legal and ethical standards domain, the journalism domain, the media competences domain and the media usage domain

We divided the analyzed period in five sub-periods, encompassing five major trends:

- 2000-2004 – governmental control and abuse over the media by the government, in parallel with preparation for EU accession;
- 2005-2007 – liberalization and prosperity of the media sector;
- 2008-2012 – the economic crisis
- 2015-2021 – the digital disruption
- 2020-2022 – the Covid crisis

Looking longitudinally at these parallel analyses, we can draw a series of conclusions and identify the main risks and opportunities that the four domains we analyzed can bring for the process of deliberative communication.

### 6.1. The main risks and opportunities to deliberative communication manifested in the four domains of study

#### 6.1.1. *The main risks and opportunities concerning the freedom of expression and freedom of information*

Romania has an overarching and detailed legal framework, that offers sufficient protection for the human dignity and private life of people, as well as recourse for those who feel harmed in their rights" (Hatneanu, 2013), which creates a solid opportunity for the development and performance of the deliberative communication required by a solid and functional democracy. Freedom of the media, freedom of expression and freedom of information are properly regulated, as are the legitimate restrictions to them – such as protection of human dignity and privacy. Access to information and institutional transparency, as well as the protection of whistleblowers are equally properly regulated.

The risks are deriving from the faulty implementation and the informal conduct of the authorities, as well as from the inconsistent interpretation of the legislation by both authorities and the judiciary.

Risks and opportunities have manifested themselves across most of the critical junctions analyzed here. Good legislation has been adopted before the EU accession, but also afterwards, as Romania transposed the European Directives. However, the authorities are also responsible for the faulty implementation of these laws. It is as if the institutional capacity of the Romanian authorities has not significantly increased over the last 20 years. Interestingly enough, there were cases when risks and opportunities have been created simultaneously by the same government – as in the case of the 2000-2004 period, when major legislative progress was made, in parallel with restrictive measures against a free media.

One longitudinal trend that can be observed across all the sub-periods is the arm's length distance between governments, of all colors, and freedom of expression. Despite the progress made in the legal domain or facilities offered to media, all governments in the given period seemed not to fully understand or respect the principles of free and independent media. Direct or economic pressure, derogatory public discourse about media and journalists, physical aggression or court harassment, restrictive legislation and inconsistent or ill-willed application of laws – none of the examined period was exempted from one or more of these forms of offenses to freedom of expression. Governments' attempts at restricting media freedom came not only from the sheer desire to control it, but also from a lack of understanding, and a deficit of education in human rights. The hasty manner in which the Romanian authorities decided to withdraw from the European Convention of Human Rights in the first months of the pandemic is a demonstration of the weakness of the Romanian authorities' commitment to freedom of expression.

### *6.1.2. The main risks and opportunities concerning the accountability instruments*

A second red thread in the analyzed period is the lack of commonly agreed ethical standards and professional solidarity among journalists. Born organically and not supported by any long-term strategy, the media sector somehow missed the starting gun in the early 1990s and has not recuperated ever since. The profession acted similarly (even if not coordinated) in front of an identifiable single opponent – the government – during the early 2000s, when the direction from where the oppression came was easily discernible. The polarization of the society brought about by the Băsescu mandates extended to the media, then to their employees. The journalists internalized the position of their owners and made it their own, which decreased the chances of solidarity and coordinated action for years. The competition for resources during the economic crisis, the fragmentation of the social media years and the atomization of newsrooms imposed by the Covid-19 epidemics perfected the dissolution of journalistic solidarity for now. The quality of journalism, weak to begin with, after years of communist propaganda, had no time to consolidate and had to further suffer when the editorial line was traded for economic or political advantage. The expansion of social media and “the democratization” of public conversation diluted further the social respect for the work of journalists, especially after they started to use social media material as their primary (and sometimes only and unchecked) source of information.

Things are looking equally grim when it comes to public media services (PMS). Instead of providing an example and generating good practice, the public media are rather counter-examples. Political influence (irrespective of the ideology of the government), the incapacity to reform themselves, the financial dependency of the state budget and a weak resistance from the part of the editorial staff has affected the accountability of the PMS and the credibility of those institutions.

This lack of commonly agreed ethical standards and the absence of a reliable accountability systems poses a major risk to the deliberative communication in Romania, as media people themselves have started to consider ethical conduct is a perk or a luxury that the media cannot afford if they want to survive on the market.

### 6.1.3. *The main risks and opportunities concerning economic and social sustainability of journalism*

The field of journalism was, probably, the domain most sensitive to the social, economic and political changes occurring over the last 20 years. It seems like it has permanently walked on the verge of sustainability, without reaching it. And still, journalism remains an attractive career for many young people, eager to perform their social role, but aware that “nobody got rich out of it”. The roller-coaster of the last two decades presented opportunities and risks in probably an equal share.

The Romanian media sector mushroomed after the 1989 toppling of communism and the market maintained the same organic growth (or shrinking) ever since. The country never had a media strategy, or an information strategy with full geographical coverage. This *laissez faire* attitude was beneficial to the apparition of a multitude of media outlets, but detrimental from the economic point of view, as the market became overpopulated and underfunded. It presented – at least in theory – an opportunity for multiple voices to express themselves, but also increased the risk that these voices could be captured by funding by non-ethical political and corporate influences, which eventually happened. Romania never had a monopolistic media market and the concentration moves that manifested themselves in 2005-2009 counteracted in part the excessive fragmentation of the market. The years of the economic crisis, followed by the dissolution of the traditional revenue models, thanks to the spreading of online content, introduced a harsher competition, with unfavorable consequences for the quality of the content. When the big online international players (such as Google and Facebook) arrived, the market was unprepared to cope with them, so they cannibalized the local advertising market. As everywhere in the world, they offered easier and more attractive ways to access information, for the individual user, but made the local news providers vulnerable.

Digitalization of the media content was also a blessing in disguise. It promised a more diverse content, easily accessible and meeting the mobility expectations of the public. While it delivered this, it also led to a series of negative effects. The digitalization of the TV land transmission eliminated almost overnight hundreds of local TV stations, left to negotiate with cable operators, which each had their own news programs and no inclination toward diversifying their range of programming. Online delivery of media content put pressure on the journalists and the focus went from public interest to the public’s interest, from accuracy and relevance to speed and attractiveness. It led to a certified dumbing down phenomenon, putting at risk the access to relevant information. It also put pressure on journalists, who saw themselves in the position of performing more numerous and more complex tasks, for which they were not properly trained, in the same amount of time and for the same salary.

On the other side, the online migration allowed for the appearance of new independent media projects, conducted by young but experienced journalists, who brought a breath of fresh air into the media ecosystem. They provided a platform for the investigative journalism (marginalized in traditional media) and made the public aware of their role in supporting the journalism that they like to see.

Another set of pressures for journalists came from the public. With such a comprehensive and affordable Internet access, many Romanians embraced social media early on in its evolution. With a capable mobile phone and an affordable mobile Internet connection, everybody could contribute content to the public conversation online. This resulted in several risks for delibera-

tive communication: it made the online space “noisy”, populated by voices with an apparent equal relevance and authority, allowed for the apparition of filter bubbles and echo chambers, and decreased the social importance of the work of journalists. The professionals were not able to meet this general bruhaha with solid professional standards and assert their social position claiming epistemic authority and moral superiority. Romanian journalists see their role as promoters of democratic values and servants of the public interest. Still, as studies show, there is a gap between these desired roles and the practical roles they actually perform, which allowed commercial or political elements to affect their editorial judgement. As a result, the respect for their work and product has decreased. This has led to another negative effect: the public joined the people in power in harassing the journalists.

This dissolution of the established arrangement created a window of opportunity for the public media to emerge as a stable, honest and qualified information provider, motivated only by the public interest. Unfortunately, given their heavy heredity – politicization, lack of relevance, bad management – and a blatant lack of vision, they were not ready to exploit this opportunity.

#### *6.1.4. The main risks and opportunities concerning the media usage patterns*

When discussing the risks and opportunities concerning the patterns of media usage, we used the two elements described in the theoretical part: how informed the media users are about the social and political issues and their autonomy in establishing their own media repertoire.

The Romania media users have a plurality of channels easily and affordably accessible to them, but the quality of the content varies greatly. Whereas the pluralism is seen as an opportunity, the noisy communicational space presents a definite risk. The fact that media ownership is not transparent (with the exception of the audiovisual sector) adds to the risk. Additional challenges are brought by the complicated legislation regarding monopoly or dominant position on the market, making it difficult even for the educated consumer to understand who the direct and ultimate beneficiaries of the media outlet they follow are.

The role that social media play in the information consumption of the Romanian also adds to this risky situation. While mistrusting them, many Romanian use social media as a source of information, without tracing the information to its real source. This way, the materials produced and validated by journalists are contaminated by the low credibility Romanian give social media.

TV consumers are not necessarily more advantaged in terms of informedness. As the high number of sanctions granted by the National Audiovisual Council (when it worked), especially during politically or socially tense times (such as street protests, elections and COVID-19 pandemics) indicate, the media in Romania are more part of the disinformation problem rather than its solution.

When it comes to autonomy, Romanian consumers enjoy the freedom to select their own information diet, as the offer is rich in titles, channels and platforms. The personal choice is combined with the pre-selection operated by the algorithms for those who favor social media as their primary entry point to news. The fact that sometimes newsrooms prefer to follow the algorithmic selection (giving priority and re-running on the traditional platforms the content that appeared first on social media) is actually extending the power of the non-human actors to technological platforms that are, by definition, at bay from it. Thus, the autonomy of the media consumer is rather limited.

A last remark on the autonomy is related to informationally isolated populations. Some authorities are so seduced by the apparent “democracy” of social media that they turn to these networks as a substitute for the classical face-to-face public consultation. This excludes from the political process those who do not use social media – either by choice or by lack of access and

skills. The latter category happens to be also socially and economically disadvantaged, increasing further the risk of isolation of those groups and the atomization of the community. One special case of informational isolation is that of the Hungarian-speaking population, which prefers to keep itself informed with Hungarian media or Hungarian-language media in Romania. While fully understandable, from a cultural point of view, this pattern bears a major risk, as both types of media mentioned above are mouthpieces of the official illiberal discourse of the current Viktor Orban government in Budapest. Thus, the Hungarian-speaking Romanian citizens are living in a different informational paradigm as the rest of their fellow citizens, which risks leading to social isolation, polarization and even conflict.

### *6.1.5. The main risks and opportunities concerning media related competencies among citizens*

The domain of media competences of the citizens is very sensitive and at high risk, as media education is nowhere in the plans of the authorities. The studies conducted by local and foreign agents indicate a rather low level of knowledge and skills, but a paradoxical high level of self-confidence. Elements that can easily be construed as media competences are part of the core curriculum for native and foreign languages, though they are not put into the media and deliberative communication perspective and, in teaching them, media are seen only as a form of teaching aids. This lack of interest in media education is seen as a major risk to democracy by several reports.

Despite their lack of (measured) competences, Romanians are enthusiastic digital users – mainly as consumers, but also as content generators. They used social media to organize themselves in times of crises (social unrest or COVID-19 pandemic), to monitor the activity of the state authorities then when the said authorities tried to circumvent the traditional media, to document dysfunctions in society and to create communities of interest. Studies show that Romanian children start to become minimally functional in digital skills as early as 10, while the tendency of adults is to provide protection (including via restrictions) until 18. There is a kind of age-related stratification in the use of the digital tools, with children and youth migrating to new platforms as soon as those are normalized by adults. At the same time, adults tend to look down on the new platforms, treating them as unimportant, inferior and even dangerous. While understandable, this segregation risks creating rifts among different age groups and further alienates the youth from the democratic process.

One trend that has become visible especially in the latest years is the apparent lack of understanding of the works and the place of digital technologies in society, what we call *the digital myopia* of the Romanian authorities. This comes, paradoxically, in a country where the digital infrastructure is well-developed and where the population has already developed steady, self-taught digital consumption habits. The authorities have been slow in developing a comprehensible digital strategy and implementing e-governance (digital communication between state and citizens). They also think in anachronistic analog frameworks when it comes to regulating the digital domain. These regulating attempts also demonstrate that the digital domain has not been understood up to now as an integral part of the system of freedom of expression and human rights, as provided by the UN documents (UN Human Rights Council, 2011).

## **6.2. The agency of different actors in propelling the identified risks and opportunities**

Looking longitudinally, at the 20 years period we studied and transversally, at the four domains we have looked at, the influence of political agents is inescapable. The political factors, irrespective of their ideology, strongly influenced the evolution of the media field. Firstly, the politicians set the tone through the legal framework they carved out for the media. Then, through their

informal conduct, they negotiated the relations with the journalists, media outlets and their owners and with other actors on the market (such as advertisers). Through economic leverage, they gained control over the media ownership. This is particularly important in countries such as Romania, where there is a strong parallelism between media, politics and business.

Contrary to the general belief and the popular metaphor that describes media as “the fourth estate”, the number of cases in which media significantly influenced the other fields is small and limited to exceptional cases, mostly involving public outcry or unrest. Given its business nature, the media companies were vulnerable to the evolution of the market and not always prepared to adopt the survival strategies that would allow them to stay true to their second nature: that of public service. Therefore, they preferred to adopt survival strategies that excluded direct confrontation with political decision makers. International companies active on the Romanian media market had a mixed influence. On the one hand, they introduced new formats, new technologies and new styles of doing journalism, with respect to balance and neutrality. *BBC Romania* (closed now) and *Radio France Internationale* are just two such examples. Groups like Switzerland’s *Ringier* demonstrated business versatility, by buying and selling various media products, based on their profitability or their interest to maintain a presence on a market, even if this is profitless.

Journalists are in a weak position of influence. Overworked, often underpaid, with low job security and almost non-existent union protection, they tried to stay close to their desired roles – that of an agent of the public interest, of social relevance – but were not always succeeding. Yielding to time, political and financial pressures (which may be understandable), journalists have allowed for the professional standards to erode, to become an “unaffordable luxury” and lost relevance in the eye of the public.

The only situation in which the media really changed the political and business conduct is linked to the advances of digital technologies. Even then, it is the change in the media and information consumption habits of the public that have pushed the shift in public communication routines of policy-makers and state authorities. Therefore, the public should be credited with the real agency. It also should be credited for demonstrating the limitations of the traditional media model in Romania – a permanent waltz between what media should do and what they are asked or expected to do – and individuals taking the lead in informing each other in times of crisis or directly addressing the decision-makers via social media.

Another remarkable feature of these last 20 years is the presence of the European Union and its influence, especially in the legal domain. Its influence was of major importance in the pre-accession years (2000-2007), when the Romanian legislation was changed to absorb the *acquis communautaire* and meet EU standards. That was the time of critical changes such as the decriminalization of insult and calumny or the harmonization of the audiovisual services law. After the 2007 accession, the pressure decreased as the EU tools to deal with member states are less powerful. Still, as its accession came at a moment when the country still had unresolved issues in terms of democratic performance, Romania remained under the EU monitoring mechanism and regular reports were still acting as road maps, especially in the fields of rule of law and media. As an EU member, Romania took the minimal approach when it came to adopting the EU directives and transposing them without too many reservations. Romania was not an active party in the negotiations of these texts, and they did not stir any major internal public debates. On occasion, the authorities used the EU legislation to advance their own agenda, as it was the case of the data retention directive and GDPR, used deliberately to restrict the privacy or access to public information or, more recently, the Whistleblower Directive, where Romanian MPs eliminated most of the protections offered by the EU document, such as anonymity and direct access to the media.

In this picture, academia is notable by its absence. The over 20 journalism and communication programs produce thousands of graduates every year. Many of them are not absorbed by the labor market and never get to practice what they have studied. The Journalism schools are populated with mostly young and well-motivated academics, with research capacities and energies, but they are underfunded and somehow isolated. With few exceptions, there is no functional relationship between academia and industry or academia and society, so that the new knowledge generated via research is either unused by the policy-makers or unusable to them, given its narrow scope and distance from the real problems of the media.

### 6.3. Tendencies concerning the prerequisites and values of deliberative communication in Romania

The analyzed period showed that, up to now, just a single country project was able to concentrate the energies of all actors and agents, across the political sphere and the ideological differences: EU and NATO membership. During the pre-EU-accession period, we saw political agents working against the interests of power brokers to secure a Romania's path to accession, even if they were no longer in power when the actual moment came. After that moment, nothing managed to inspire and motivate Romanians and their institutions in the same manner. It looked like, once the country had achieved these goals, Romania felt free to return to business as usual.

Even if business as usual meant reversing some changes made to secure the accession. After an initial boost of transparency in the early 2000s, a veil of opaqueness fell on the openness of Government. The access to information to journalists is restricted for various reasons, and one of these is the loss of institutional memory related to why transparency is important. State servants try to normalize the narrower access to information as though the rights granted in 2001 to the people were excessive.

The relationship between Romanian citizens and their authorities is less and less favorable to a culture of listening. The trust Romanians have in their rulers is falling. In 2010, the trust in the Parliament was 14%, while in 2019 the trust level was 9.8%. Even in the best years from 2000 on, the trust in the Parliament did not exceed 35% (Cosmeanu, 2022). Equally low is the trust in political parties and Government. A Parlemeter (a poll conducted for the European Parliament), in 2021 showed that 60% of the Romanians thought that their voice didn't count in their Parliament. This demonstrates that the gap between the rulers and the ruled is getting wider and wider.

The trust in the European Union as the only viable political option for Romania is also decreasing. Only 49% of Romanians considered, in 2020, that EU membership is a good thing for their country (down 6% compared to the previous year), while 19% (the highest percentage in Europe) think it is a bad thing.<sup>306</sup> Still 73% considered that the Recovery and Resilience Plans, through which the EU will financially support the members to cope with the impact of COVID, are a good thing.

According to various polls, Romanians support the army, the church, the police and, surprisingly, the highest scientific forum, the Romanian Academy. Noteworthy, the discourse of the academicians is rather conservative, pleading for "historical values" and the preservation of the national identity against foreign influences.

Against this background, the rise of nationalistic discourse is no surprise. What is even more worrying is that this kind of discourse is not the apapanage of a single right-wing formation. It can

<sup>306</sup> No byline, (2021, 12.02), Cum văd românii aparența la UE [How Romanians see the EU membership], G4Media, available at <https://bit.ly/3T1kzKV>, accessed 1.08.2022

frequently be found in statements by all the party leaders, who believe that such rhetoric will appeal to the voters.

In conclusion, what we see now is an increasing mistrust of a public oriented to pragmatism (and favoring short-term solutions) in the rulers that try to bring them together around traditional values of the past, not shy to use populist measures and discourses, and keen to maintain a paternalistic, controlling and protective approach. The chances of a solid deliberative communication – a space of equal access to information, equal access to agora, of listening and pondering arguments beyond any strategical games of various interest groups - are weak if its values are not embraced, promoted and educated by the agent that turned out to be the most influential up to now: the state and the political entities. For this, they have to educate themselves and develop a forward-looking approach to the development of Romania.

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# SLOVAKIA

## Critical junctures in the media transformation process

*Slavomír Gálik, Norbert Vrabec, Sabína Gáliková Tolnaiová, Ľudmila Čábyová, Hana Pravdová, Zora Hudíková, Ján Višňovský, Juliána Mináriková, Jana Radošinská, Magdaléna Švecová, Peter Krajčovič, Andrej Brník – University of Ss. Cyril and Methodius in Trnava*

### Executive Summary

In Slovakia, we record several critical junctures in the years 2000 – 2020, which had a significant impact on the media development, as well as on the opportunities and risks for deliberative communication and democracy. These included the advent of online media after 2000, the rise of social media since 2004, the worldwide economic crisis in 2008, the corruption case ‘Gorilla’ in 2011, the murder of the investigative journalist Ján Kuciak in 2018 and the COVID-19 pandemic since 2020. These events also affected the individual domains studied in Slovakia. Within the legal and ethical regulation, there are laws and standards that guarantee freedom of the press and the conduct of journalists is governed by multiple ethical codes. However, the most significant risks for the media in the journalistic domain are political influences and the pressures from media owners. These issues were also reflected in the decline in media credibility, as confirmed by research in the domain of media usage patterns. A rather positive phenomenon is, despite the persistent absence of empirical data that would support the claim, a sufficient number of academics who deal with the media competencies of media users. In summary, solid conditions (legislative, ethical, educational) for the media have been created in Slovakia, but the influences of politicians and media owners, job instability and poor financial evaluation of journalists remain a risk.

## 1. Introduction

According to the results of the 2021 population census, the population of Slovakia is 5.449 million, of which 51% are women and 49% are men. The official language is Slovak. Minority languages may be used while communicating with local authorities in municipalities where the share of the population speaking a foreign language exceeds 20%. In practice, this concerns more than a hundred Hungarian municipalities, dozens of Ruthenian/Ukrainian and Roma municipalities and one German-speaking municipality. The performance of the Slovak economy is slowly approaching the level recorded before the pandemic. In 2021, GDP per capita for Slovakia was 15,660 Euros. The unemployment rate in Slovakia decreased to 6.3% in June 2022 from 6.4% declared in May 2022, which is the lowest unemployment rate in the history of independent Slovakia (since 1993). According to the World Press Freedom Index, Slovakia ranked 27<sup>th</sup> in 2021 and thus improved in comparison with 2020 (35<sup>th</sup> place). Although the governing authorities attempt to improve freedom of the press and fully reflect the 2018 assassination of the investigative journalist Ján Kuciak and its society-wide consequences, the progress has been slow and most journalists work in a hostile atmosphere. Both public and private media remain vulnerable to economic or political interests unrelated to journalism. While the Slovak society is largely conservative, the media are, for the most part, liberal, which is a source of tension. En-

couraged by verbal attacks by some political opposition leaders, the opponents of government measures aiming to mitigate the COVID-19 pandemic or reduce corruption have insulted or harassed journalists during public protests or on social media (Višňovský, Radošinská, 2021). This hostile atmosphere sharply contrasts with the widespread public support for journalists and their work following Ján Kuciak's murder in early 2018.

One of the important junctures in the development of Slovak media is also the 2008 economic crisis, which caused financial problems experienced by all major media outlets and some of them eventually falling into the hands of multinational corporations. These tendencies deepened in terms of the corruption case (called 'Gorilla'), which became publicly known in 2011. The affair was related to the Penta Financial Group, which wanted to improve its public image, so its representatives started buying some prominent media outlets, such as the elite daily newspaper SME. The assassination of the investigative journalist Ján Kuciak in 2018, which also had severe political consequences (the replacement of the Prime Minister of the Slovak Republic), also shook the media scene. At present, i.e., in the years 2020 – 2021, it is the pandemic that represents an unprecedented global event with a major impact on the life of society, including the media. All these events are the point of bifurcation of the media development; in other words, they pose both an opportunity and a risk to the media and society.

The development of the media environment in the era of independent Slovakia is characterized by the transformation of the media system after the fall of Communism in November 1989 and numerous legislative changes following the division of Czechoslovakia and the establishment of the independent Slovak Republic in 1993. In its beginnings, the media system was marked by a high degree of state intervention in the functioning of the media, gradual entry of foreign capital into the media business and rather slow expansion of the commercial media market.

In the 1990s, a dual media system was constituted in Slovakia, which enabled the emergence and legal operation of private media outlets. State television, radio and news agency were transformed into public service media. In 2000, the dual media system in the country was stabilized and has continued to develop ever since (Mistrík, 2007). Almost all periodically issued newspapers and magazines are nowadays published by private publishers or privately owned publishing houses. In addition to public electronic media, private radio and television stations were established, and a new, commercial news agency was founded as well. On the other hand, several newspapers and magazines, along with some radio stations and television channels, have gone out of business or merged with other media organizations. After 2000, online media gained both public attention and economic prominence – either as sister organizations and platforms affiliated with print and electronic media, or as autonomous Internet ventures. Considering the Slovak media system in the context of legal norms, it should be noted that Slovakia did not have its own media law until 1993 but was governed by the laws of the then joint Czechoslovak Republic. Important changes took place within the Federation's legislation framework after the Velvet Revolution in 1989 and the subsequent end of the Communist regime. More than two decades of Slovak media legislation can be characterized by the gradual adoption and regulation of new types of media such as cable television and the Internet. At the same time, the digitalization of television broadcasting was completed in 2012 (full transition to digital radio broadcasting should be carried out by 2026, but it is already known it will be impossible to meet this deadline); the latest amendments had to reflect these changes as well.

The main aim of this second case study is to identify risks and opportunities for deliberative communication in Slovakia. Against this background, the sections that follow discuss each of the four domains covered by the project: legal and ethical regulation; journalism; media usage patterns; and media-related competences.

## 2. Risks and opportunities of legal and ethical regulation domain

### 2.1. Development and agency of change

The Slovak media market, as well as most media markets situated in the surrounding countries, is organized on based on a dual system of television and radio broadcasting. The development of the media market is closely related to the establishment of the independent Slovak Republic in 1993, related changes in political and social conditions, the development of private media business and, finally, globalization, the penetration of foreign investors and companies into the country's media market.

After the fall of the Communist government in November 1989 in Czechoslovakia, the first free parliamentary election was to take place in both parts of the republic. The year 1990 can be considered as a turning point. During this period, after the fall of the Communist regime, the foundations of democracy began to be laid, and free parliamentary election (8–9 June 1990) and municipal elections took place after 44 years. The main bearer of these changes in Slovakia was the movement called Public Against Violence. It was led by former dissidents, but also by other politically active citizens. At that time, the federal government immediately began to address the pressing economic problems that were a direct result of the rigidly planned economy. Market liberalization in the summer of 1990 also began with the Free Enterprise Act, and large-scale privatization laws were passed.

The first private media began to emerge only after the establishment of the independent Slovak Republic (after 1993). The reason was mainly the slow introduction of new media laws that would reflect the dual system of broadcasting. However, as a clear example, we can mention the broadcasting of FUN radio from Bratislava (it was originally a student radio, which was transformed by the entry of a French investor, which, for example, began to broadcast in 1991 on basis of an except granted by the Ministry of Culture. Until this time, public service media, which functioned as monopolies, had a dominant position, but they were often subject to the pursuit of political control, which can be described as one of the main risks of deliberative communication.

### 2.2. Freedom of expression

Freedom of speech is one of the basic human rights and freedoms defined by the Constitution of the Slovak Republic. Freedom of expression and freedom of information are currently one of the pillars of a democratic society and are prerequisites for the proper functioning of the media.

The Constitution of the Slovak Republic defines in this area: (1) freedom of expression and the right to information are guaranteed; (2) everyone has the right to express their opinions..., as well as to freely seek, receive and disseminate ideas and information...; (3) publication of the press is not subject to the authorization procedure; business in the field of radio and television may be subject to a state permit; censorship is prohibited; (4) public authorities have an obligation to provide information about their activities in an appropriate manner... Freedom of expression and the right to seek and disseminate information can be limited by law if measures in a democratic society are necessary to protect the rights and freedoms of others, the security of the state, public order, the protection of public health and morality.

From the deliberative communication point of view, the freedom of expression and guaranteeing the fundamental rights established in the Constitution of the Slovak Republic play an important role. The freedom of expression and the opportunity to publish information in the public interest are a key element in the development of a democratic society and deliberative communication. Guaranteeing respect for fundamental rights, support for independent and

investigative journalism are among the most important opportunities in the development of deliberative communication. On the other side, measures to limit these rights or expressions are among the significant risks.

According to the latest press freedom index of the Reporters Without Borders organization, which evaluates the level of media freedom, Slovakia was ranked 27th out of 180 countries in the world (it scored 78.38 points in 2022). Compared to the previous year, this is an improvement of the position by 8 points.

The protection of personal data in the Slovak Republic is regulated by Act no. 18/2018 Coll. on the protection of personal data and amending certain laws and Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation - "GDRP").

Personal data (or information of a personal nature) are disclosed only if this is regulated by a special law or with the prior written consent of the person concerned. Data range is limited.

In the case of defamation, it is necessary to prove the spread of false or misleading claims and to interfere with personal rights or the occurrence of a criminal offense (because of causing significant damage). According to Slovak legislation, hate speech can be define as a criminal offense, that interferes with the right to protection of the dignity of the persons against whom it is directed. They are governed by their regulations:

Criminal law: §423 Defamation of the nation, race and beliefs; §424 Incitement to national, racial and ethnic hatred.

### 2.3. Freedom of information

Free access to information is regulated in Slovakia by Act no. 211/2000 on free access to information. The law regulates the conditions, procedure and scope, as well as restrictions on free access to information. Deadlines and entities that are obliged to publish information are also defined.

In terms of enforceability and application of this law, the analysis was published by the non-profit organization Transparency International (2014). The analysis showed that the possibility of public control of state and municipal companies through the information law is insufficient in all countries surveyed. More than a quarter of a total of 85 mandatory companies in five company countries do not provide any information about themselves to the public or completely deny their information obligation, for which they use loopholes in the legislation.

The publisher of the periodical and the press agency are obliged to maintain confidentiality about the source of information obtained by publication in the periodical or news agency and the content of this information so that you can identify the source if requested by the natural person who provided the information and therefore does not infringe the rights of third parties; with documents, printed matter and other data carriers, in particular video recordings, audio recordings and audio-visual recordings, on the basis of which the natural person who provided the information which he provided could be established in such a way that the source of the information cannot be disclosed. The obligation of professional secrecy does not apply in the case of a statutory obligation to prevent the commission of a criminal offense.

According to the Reporters without Borders Slovak journalists have traditionally benefitted from a strong Freedom of Information Act and case law that defend their rights. After taking power in 2020, the current government promised new laws to improve the protection of journalists and their sources, to strengthen the editorial and financial independence of public

broadcasting, to increase the transparency of media ownership and funding, and to reduce prison sentences for defamation.

## 2.4 Accountability system

### 2.4.1. Development and agency of change

The state is the most important actor in the domain of legal and ethical regulation. Legal acts governing the activities of the media therefore represent a group of laws and other legal norms that directly or indirectly affect the activities of the media. We collectively refer to them as 'media law'. Media law regulates social relations arising in connection with the registration of periodicals, acquisition of authorization for broadcasting or retransmission, rights and obligations of publishers, broadcasters and retransmission operators, legal relations arising in the production, publishing and distribution of printed matter, as well as in production, broadcasting and relationships associated with the retransmission of a program service, legal relationships related to legal consequences of publishers, broadcasters or retransmission operators not fulfilling the given obligations, and legal relationships arising from infringements of the rights of publishers, broadcasters and retransmission operators by third parties.

The new media law was adopted this year (the government has approved the Act of media services in June, 2022). A major priority for the reform was to help journalists to carry out their work freely and safely, which can be another impulse for supporting deliberative communication. The key topics of the new legislation include transparent media ownership, resource protection, equal rights and obligations for television, radio, print and online media, and the regulation of online video platforms.

The most significant change brought about the new legislation is the inclusion of video-sharing platforms in the regulatory framework for audiovisual media services. For this reason, the new legislation regulates the rights and obligations of broadcasters, on-demand audiovisual media service providers, retransmission operators, multiplex providers, as well as the rights and obligations of video-sharing platform providers and content service providers that do not belong to the above-mentioned categories. The legislation also regulates the rights and obligations of the signal distributors.

Since 2019, there has been a law on the protection of whistleblowers (No. 54/2019), which regulates the conditions for providing protection to persons in an employment relationship in connection with reporting crime or other anti-social activities, the rights and obligations of persons when reporting anti-social activities and the establishment, status and the competence of the Office for the Protection of Anti-Social Whistleblowers. (There is and act no. 54 / 2019 which protects whistleblowers.)

Although there is a law on the protection of whistleblowers, the number of such cases (reports of corruption or unfair practices) is very low.

Legislation to prevent excessive concentration of media ownership was not adopted until after 2000. A new media law is currently being drafted in the legislative process, by which the state wants to introduce more transparency in media financing and make property and personnel relations more transparent.

In 2000, Parliament passed a new Broadcasting and Retransmission Act, which contained clauses against excessive concentration of media ownership. According to this law, to ensure the plurality of information, no individual or company may have ownership relations with the owner of more than one national television or radio station, nor may this person or company be the publisher of a national newspaper. Linking ownership and sharing of human resources within the network of broadcasters is allowed, if this network does not cover more than 50

percent of the country's population. However, this Regulation only applies to television and radio networks and does not cover national newspapers.

The law also lays down rules on ownership transparency for broadcasters: each license applicant must provide a list of their owners (shareholders) as well as their financial resources for the operation of the broadcast. The applicant is obliged to draw attention to the links between ownership relations with other media companies, whether national or foreign.

Apart from the provisions mentioned, there are no property laws or laws or provisions for the print media that prevent excessive concentration of media ownership.

According to Transparency International, until 2000 there was no legislation to prevent excessive concentration of media ownership. However, even after its adoption, this legislation is not properly applied. The Slovak media continue to publish reports on their owners without providing relevant information about their interests or ownership relationships. The oligarchs own several media through third parties.

#### *2.4.2 Existing media accountability instruments and an evaluation of their effectiveness*

In this domain, there is a noticeable lagging in terms of legislation, specifically media law, digital communication technologies, online media and social media. New media laws are newly approved in Slovakia waiting for their implementation, the aim of which is to transform Slovak media legislation, modernize it and update it for the 21<sup>st</sup> century. The main priority of the reform is to help journalists carry out their work freely and safely, which can be another impetus to promote deliberative communication. The key topics in this new legislation include transparent media ownership, source protection, equal rights and obligations for television, radio, print and online media, and online video platforms.

Within the ethical area of the domain, it can be said that every major media outlet has a code of ethics. These ethical codes and their particular regulations are more flexible than the existing legal regulation. For example, the regulation of the behavior of journalists on social media is currently being implemented into the codes of ethics. One of the most important documents in the field of ethical self-regulation is the so-called Codes of Ethics issued by the Slovak Syndicate of Journalists (SSN, 2011), but also by Radio and Television of Slovakia, which relate to communication on the Internet (RTVS, 2018).

Not only the print media, but also radio stations and television channels, which deal with news and journalism in their editorial activities, have established their own codes of ethics. Every decent medium has an ethical code at its disposal. These rules focus mainly on objective and truthful information dissemination, but also on the non-concealment of important information. At present, the codes also include the regulation of the behavior of journalists on social media, where these persons must take into account that they are publicly known and behave according to the philosophy of the given medium.

Journalists' mistakes and misconducts are not only addressed by complaints and legal actions, but also by the former journalist and now blogger Miroslava Kernová. She analyzes and draws attention to various ethical lapses of journalists and specific media on her blog [omediach.com](http://omediach.com). Newspaper ethics is also monitored by the Press and Digital Council of the Slovak Republic as an independent body. It responds to complaints about breaches of the code of ethics established by this board. In addition, it also issues opinions and advocates for journalists if their rights are suppressed, or they are victims of unjustified criminal reports. Also, in Slovakia The Council for Broadcasting and Retransmission is an administrative body which executes state regulation in the field of radio and TV broadcasting, retransmission and on-demand audiovisual media services. Regarding public services, RTVS (Slovak public radio and TV company) has its own body which control audiences' complaints.

*Analytical conclusions:*

The biggest risks of this domain in Slovakia include the slow reaction of the government to the existence and operation of new types of media (online, on-demand services, podcasting, etc.), a small media market with a small audience and globalization and media concentration represented by media conglomerates and media owners.

On the other hand, the greatest opportunities include a greater diversity of views and production of media and digital content, and a new media legislation that is supposed to be more comprehensive, normative and able to cover several types of media.

The following scheme summarizes the risks and opportunities regarding to the domain Legal and Ethical Regulation.

**Risks** for deliberative communication:

- significant saturation and a high number of entities operating in a relatively small market,
- several legal acts covering media segments (press law, broadcasting, and retransmission law, RTVS law, copyright law, advertising law),
- slow reactions of the government, its bodies, and national regulators towards regulating new types of media (online, on-demand services, podcasting, etc.),
- a small media market with a small audience that is limited by their own mother tongue,
- globalization and media concentration represented by media conglomerates and media owners,
- indirect political influence on public service media.

**Opportunities** for deliberative communication:

- greater diversity of opinions and rich production of media and digital content,
- new media legislation, which is more comprehensive, normative and covers several types of media,
- establishment of a national media regulator, whose competencies could be strengthened to be able react more flexibly in relation to the new media types without government standards,
- dual broadcasting system,
- impossibility of media cross-ownership within different types of media,
- pro-European country – regular adoption of various European directives and initiatives.

## 3. Risks and opportunities of journalism domain

### 3.1. Development and Agency of Change

The deregulation of the media sector occurred after November 1989, when the Communist regime fell and, subsequently, the legislative and economic environment adapted to the entry of private capital into the media sphere began to emerge. The Constitution of the independent Slovak Republic declared that publishing the press is subject to the notification procedure and business in the fields of radio and television broadcasting and retransmission is subject to the authorization procedure. Gradually, the bodies regulating the audiovisual sector were created, but in the second half of the 1990s, there was a clear attempt by politicians to influence the functioning of both public and private media. There was no unified media policy strategy in Slovakia. The economic crisis in 2008 also affected the operating of the media sector and the

conditions of the journalistic profession. Gradually, however, digital media were established in the media space, which opened up new platforms for journalistic production, but also for citizen journalists who could become creators of media content. Another challenge for the media was the COVID-19 pandemic and its consequences.

The media and journalism in Slovakia have always been very sensitive to political and economic forces that had an impact on their ability to remain independent and produce quality journalism. This fact is also striking in the case of the public broadcaster RTVS, since its director-general is elected and removed from office by the National Council of the Slovak Republic. Since 1993, a total of 18 directors-general have managed the public television broadcaster in Slovakia. The unflattering image of this public broadcaster, which in the past was perceived by the general public as a servile showcase of the dominant political power, has been amended in the last decade, and RTVS news stories are currently considered as the most reliable news service in Slovakia.

### 3.2. Market Conditions

The contemporary Slovak media market can be characterized by the presence of foreign capital, especially in terms of electronic and online media. At present, private media players have a dominant position on the media market in relation to television and radio broadcasting. In the case of print and online media, these are exclusively privately owned entities.

The most important fact that changed the whole media legislation was the creation of a dual system of broadcasting – the efficient coexistence of private media companies and public service media within the national media market. New media outlets, which were operated and financed by domestic or foreign investors, began to appear on the market. The first democratically passed legal act related to media was Act No. 468/1991 Coll. on Operation of Radio and Television Broadcasting (1991), which was later preserved by the independent Slovak Republic after the dissolution of Czechoslovakia. Basically, we can say that during the 1990s, media legislation was focused on ‘opening’ the free, pluralist media environment and thus enabling privately owned media to operate on the market and, more importantly, ensuring free access to information.

Several significant changes took place on the press market after 2015. Back in 2014, the Penta Investment Group bought a 50% stake in the Petit Press Publishing House from the German shareholder Rheinisch-Bergische Verlagsgesellschaft. This course of events led to departure of 50 journalists working in the editorial office of the elite daily newspaper SME; they subsequently founded a new elite daily newspaper titled Denník N. The Penta Group definitively left Petit Press in April 2021, when its remaining 34% minority stake was bought by the New York-based Media Development Invest Fund (MDIF). The remaining shares are still owned by the original domestic shareholder Prvá slovenská investičná spoločnosť. The most widely read Slovak dailies include Nový čas (FPD Media), Plus jeden deň (News and Media Holding), Pravda (Our Media SR), SME (Petit Press) and Hospodárske noviny (Mafra Slovakia). Most of these companies (FPD Media, News and Media Holding, Our Media SR) are domestic. Foreign capital and activities of multinational publishing companies based outside Slovakia have reduced significantly, the major Slovak online news media outlet Aktuality.sk operated by Ringier being an exception.

As for the segment of commercial television, the most watched commercial television, TV Markíza, also manages the secondary television channels Doma and Dajto and the TV Markíza International station (since 2016). The channel has maintained its leading market position since its foundation in 1996. In 2020, it was bought by the late Czech billionaire Petr Kellner, the chief executive officer of the PPF Investment Group.

The radio market in Slovakia is quite stable. The commercial Rádio Expres has been the most listened-to radio station for a long time, followed by the first circuit of the public RTVS, Rádio Slovensko, and the commercial broadcaster Fun rádio. In August 2021, Expres, after obtaining the necessary consent of the Slovak Council for Broadcasting and Retransmission, bought the competing radio stations Európa 2 and Jemné (now called Rádio Melody) and their online products. These radio stations now represent the newly formed domestic company Bauer Media Slovakia, together with their online platforms. It can be said that due to this, the radio market in Slovakia is horizontally concentrated.

In terms of social networking, Slovak media market is shaped and saturated by major foreign conglomerates based (mostly) in the U.S. In 2021, research conducted by the Go4insight agency involving 1,000 Slovak citizens aged 15–79 claimed that the most popular social networking site in the country is Alphabet's streaming platform YouTube (78% of the adult population visit YouTube at least once a month), followed by Meta's Facebook (76% of the adult population visit Facebook at least once a month) and Instagram (45%) and the most prominent Slovak social networking site, Pokec (24%). Social media services such as Pinterest, TikTok, Snapchat or Twitter are significantly less popular, visited at least once a month by less than 20% of the respondents.

Changes also occurred in the structure of the media. In 2018, the Mafra Publishing House, which belongs to the Agrofert Enterprise, took over the publishing activities of the German publishing house Bauer Media in Slovakia and the Czech Republic. In 2021, the Council for Broadcasting and Retransmission approved the acquisition of the radio stations Európa 2 and Jemné by Bauer Media, the company which also operates the most popular Rádio Expres. Therefore, since September 2021, there have been two strong players on the Slovak commercial radio market. The first one is the company Bauer Media Slovakia, which operates Rádio Expres, Rádio Melody and Európa 2. The second major broadcaster is the company Radio Group, which includes the popular radio stations Fun rádio and Rádio Vlna.

### 3.3. Public Service Media

In the 1990s, the transformation of the Slovak media system in the context of the ongoing social changes and Slovak media and their functioning within democratic society were negatively influenced by government lead by the Prime Minister Vladimír Mečiar (Olekšák & Kravčák, 2008; Kravčák, 2008, Kerecman, 2009). Both television and radio were characterized by a low level of credibility and acceptance by the public, which they restored only slowly. Also, for that reason, public media could hardly compete with commercial media, which far surpassed them in terms of market share, viewership and listening ratings.

One of the most significant changes in the public media sector in Slovakia was the merger of previously autonomous institutions – Slovak Television and Slovak Radio – into one public media organization called Radio and Television of Slovakia (RTVS). This transformation was realized on the basis of Act No. 532/2015 Coll. on Radio and Television of Slovakia, as a result of which several organizational changes took place in this institution. It was an effort to reform the public medium and at the same time save financial resources for its operation. The suspension of concessionary fees, the public broadcaster's main source of income, was also discussed among politicians, but eventually this did not happen. In 2019, in addition to Jednotka and Dvojka, a third television program service, Trojka, began its broadcasting. It offered dramatic productions, various kinds of TV shows, series or older films drawn from the archive of Slovak Television. The fourth public TV channel is called :ŠPORT and it was established in December 2021, focusing on live sporting events attended by Slovak athletes. On 28 February 2022, RTVS reacted to the armed conflict in Ukraine by temporarily replacing Trojka by a specialized round-

the-clock news channel :24. However, this lax idea was widely criticized due to low quality of the offered news services; thus, Trojka became available again on 10 June 2022.

Regarding the financing of Slovak public radio and television, the current mechanism is unsustainable and a new model of financing the public media needs to be considered as soon as possible. The contract with the state guarantees Radio and Television of Slovakia (RTVS) an annual subsidy of at least 15 million Euros, which, however, does not cover the costs of the broadcaster's basic annual activities. According to Media Pluralism Monitor, the Political Independence area in Slovakia shows a large discrepancy between the private sector and the public service media (PSM). For the most part, private media have shown to be surprisingly resilient to political influence – contrary to public television.

The public broadcaster RTVS's revenues in 2020 amounted to more than 113 million Euros, of which 81.7 million were revenues from payments received from citizens (concessionary payments for public media services), 26 million were provided by a subsidy from the state budget and 5.9 million Euros were obtained from advertising and commercial activities. In 2021, the state subsidy was expected to increase to more than 31.5 million Euros. The public agency the News Agency of the Slovak Republic's revenues in 2020 were at the level of 5 million Euros, of which the subsidy from the state budget amounted to 2.2 million Euros.

In Slovakia, professional news and information services are provided by the public News Agency of the Slovak Republic (TASR) and the privately owned Slovak News Agency (SITA), which started operating in 1998. Since 2000, the private news agency has begun to gain significant clientele in the field of media business. While disseminating information, the public news agency TASR functions as a free and independent organization; its services must not support or act against any political, economic, religious, ethnic or other interest groups.

### 3.4. Production Conditions

The usual models and journalistic routines began to change both in connection with the economic crisis after 2008, but also with the advent of social media and multiplatform publishing. The COVID-19 pandemic also had a significant impact on the journalistic profession, primarily in terms of the reduction of editorial positions, subsequent accumulation of specializations and topics covered by a single journalist, but also changes in the types of contracts concluded between journalists and their employers. Permanent (full-time) employment contracts became scarce and hard to achieve.

Slovak media scholars and researchers express their rising interest in the Internet and social media. Becoming more and more significant publishing platforms and journalistic sources, these media are discussed from various points of view. The existing sources focus on different problems resulting from the complex relationships between 'traditional' (especially print) media, journalism, social media and digital and information competencies of media professionals (Poláková, 2007). Security issues associated with online communication and ethical aspects of the journalistic profession in terms of the digital environment are important as well. As a profession, journalism is defined as the essential driving force of today's media culture (Radošinská & Višňovský, 2013). Instead of applying this approach drawn from media and cultural studies, other theoretical works offer different perspectives of understanding the given problems by discussing philosophical (phenomenological and hermeneutical) aspects of processing and disseminating media content (Gálik & Gáliková Tolnaiová, 2015). Some authors underline the fact that journalism is, in many ways, losing its core values (Sámelová, 2019; Sámelová, 2020). Another important line of research is represented by authors interested in the processes of shaping journalistic content (Tušer, 2010; Tušer, 2012) and various aspects bound to creative

ways of processing information that is to be disseminated via different communication platforms (Tušer, 2010; Rončáková, 2011; Rončáková, 2015).

As for investigative journalism, it has gained society-wide importance after the murder of the investigative journalist Ján Kuciak and his fiancée. Kuciak's work published by the online news media outlet Aktuality.sk gained public attention and recognition after his untimely and violent death on 21<sup>st</sup> February 2018. The following criminal investigation confirmed that the murder was associated with the young journalist's investigative work. As a result, the NGO Investigative Centre of Ján Kuciak was established later in 2018. However, even this area of journalism is financially undermined, and only a few media outlets specialize in investigative journalism. As a result, opinion-based investigative TV programs have gradually disappeared from Slovak television screens.

### 3.5. Journalists' Agency

Regarding journalists and their position on the labor market, official statistical data on the number of journalists working in public and commercial media is not available. In practice, there are collective agreements between journalists and their employers, but they do not apply to freelance journalists or those who work for a variety of different media outlets.

The professionalization and autonomy of journalists are necessary for the free exercise of the journalistic profession. The Slovak Syndicate of Journalists as a state organization was founded in 1993. Its task is to protect the freedom of speech and information dissemination in accordance with the Constitution of the Slovak Republic, international treaties and other relevant documents, defend the professional interests of the Syndicate's members as well as other journalists, and promote the access of journalists to quality information sources. Thus, the organization aims to improve the conditions of journalistic work, which is necessary for the realization of the social mission of the media. The Syndicate also supports the professional development of journalists and education of future media professionals.<sup>307</sup> However, it can be concluded that its position is currently rather formal and the organization needs to deal with a number of internal problems.

Even though the ethical standards related to journalism are clearly defined and declared in Slovakia (the Journalistic Code, PR Code and others), the media practice is much more complex. In the past, journalists were exposed to tensions within the media (their employers), which faced political and economic pressures, or were involved in direct or indirect corruption affairs driven by and associated with lobbyists and economic or political interest groups. This phenomenon is not unique in post-communist countries. Slovak journalists are affected by this problem to a lesser extent than, for example, journalists in the Russian Federation, but significantly more than journalists in the neighboring Czechia.<sup>308</sup>

### 3.6. Journalists' Working Conditions

It may be stated that the generally low acceptance of the journalistic profession in Slovakia is inadequate, resulting in social (mis)recognition, low social prestige and worsening economic conditions of Slovak journalists. However, a focused discussion about the opportunities and risks related to this fact was established in Slovakia, especially in 2018, after the murder of the investigative journalist Ján Kuciak. The event brought a wave of protests and drove a significant political change. It also raised the issue of supporting investigative journalism and the urgent need to increase its social and cultural status.

<sup>307</sup> <http://www.ssn.sk/o-ssn/stanovy/>

<sup>308</sup> [https://www.transparency.sk/wp-content/uploads/2010/01/030807\\_uloha.pdf](https://www.transparency.sk/wp-content/uploads/2010/01/030807_uloha.pdf)

The activities of the Slovak Syndicate of Journalists, as a status organization of professional journalists, are questionable. In 2008, the Slovak Press Watch agency conducted a survey including 165 journalists working for print and electronic media; they were asked about their opinions on selected media coverage issues. Naming the biggest problems, they mentioned the low ethical and professional level of journalism as a factor negatively affecting journalistic communication, the absence of rules on how to approach donations, the intrusiveness of media agencies and their efforts to distort information, the tendency of companies to 'buy' a journalist, the pressure realized through advertising and various forms of manipulation. Within their own ranks, they were embarrassed by their colleagues' unprofessionalism, conscious distortion of information, violations of the right to privacy and acceptance of inappropriate 'gifts'.<sup>309</sup>

Researchers affiliated with FMK UCM in Trnava are currently evaluating data from the third wave of the Worlds of Journalism Study research (2021–2022). 244 respondents (journalists) filled in the questionnaire, while almost 60% of them work in Bratislava, the capital of the Slovak Republic, as editors. Considering the dominant forms of employment, 41.8% of research participants have a full-time employment contract and almost 39% of respondents are self-employed or freelancers. The results of the inquiry did not confirm any significant changes of the situation of journalists before and during the pandemic. As many as 84% of respondents stated that they were not affiliated with any professional journalistic organization. Even though the questionnaire did not monitor the average wage, the answers showed implicitly that for most respondents, journalism is the main source of income. And as for the salaries in the journalistic profession, the average gross salary of a Slovak journalist is currently 1,530 Euros, the highest gross wages being located in the Bratislava Region (1,730 Euros). However, the salaries of journalistic professions working outside the capital are incomparably lower. Recently, the NGO Transparency International has indicated that staff reductions in RTVS concerning media professionals specializing in news making might have been excessive and unnecessary, but no misconduct of either the (now former) director-general Jaroslav Rezník or other managers has been proven so far.

Slovak journalists have traditionally benefitted from a strong Freedom of Information Act and case law that defend their rights. After taking power in 2020, the current government promised new laws to improve the protection of journalists and their sources, to strengthen the editorial and financial independence of public broadcasting, to increase the transparency of media ownership and funding, and to reduce prison sentences for defamation. Their adoption has been, however, progressing slowly.<sup>310</sup>

The 2018 assassination of the investigative journalist Ján Kuciak and his fiancée Martina Kušnírová can be perceived as a notable breaking point. Although two persons involved in the double murder to order and a supposed intermediary have been convicted, the trial of the main perpetrator, the controversial entrepreneur Marián Kočner and his accomplice is still ongoing. The case of the long-term illegal surveillance of Ján Kuciak and 30 other journalists preceding his murder is not closed either. Facing frequent online attacks, Slovak journalists are also subject to threats and physical violence when attending public protests against COVID-19 restrictions or other kinds of events that reflect the general public's dissatisfaction with the current political situation in the country.

### 3.7. Intra-Organizational Diversity of Human Resources

Currently, there is no official data on the journalistic profession in Slovakia regarding gender, age and education of journalists, their level of experience and other relevant indicators. There is

<sup>309</sup> [https://is.muni.cz/th/oa0s9/Vysledna\\_sprava\\_SK.pdf](https://is.muni.cz/th/oa0s9/Vysledna_sprava_SK.pdf)

<sup>310</sup> <https://rsf.org/en/country/slovakia>

also no data on journalists affiliated with the public or commercial media. However, some information regarding human resources can be found in official documents issued by the public media, e.g., in their annual reports. The number of journalists employed by private media companies (and other data regarding their education, gender and forms of employment) is not publicly available. The latest available data on PSM was recorded in 2020. In RTVS's annual economic report, it is stated that in 2020, RTVS employed 1,556 people in total, 41.2% of them women. Compared to 2019, RTVS's employees included more people categorized as 'artists'. Moreover, in 2020, RTVS employed more college-educated people than in 2019; in contrast, the number of employees possessing high school education without GCSE decreased. The average age of RTVS's employees was 46.73 years of age.

### 3.8. Journalistic Competencies, Education and Training

University education centered on journalism and media studies is highly developed and provided by publicly funded as well as privately owned universities, predominantly by Comenius University in Bratislava, University of Ss. Cyril and Methodius in Trnava, Constantine the Philosopher University in Nitra, Catholic University in Ružomberok, and Pan-European University (private university). The universities offer Bachelor's, Master's and doctoral degrees in journalism, media and communication studies, marketing communication and similar fields of study.

Various courses and workshops focused on specific abilities and the development of professional journalistic competencies are also offered by NGOs. According to the third wave of WJS, 63.9% of respondents completed their university education in the field of journalism. However, data on the competencies of professional journalists in Slovakia has not been systematically collected.

Access to the journalistic profession in Slovakia is not limited and its performance does not require specialized education or experience. However, according to the results of the third wave of the WJS, the share of journalists who are journalism graduates or have a degree in media and communication studies (or in a related field) is increasing. Journalists' professional development and training are primarily carried out on an individual basis. Some NGOs offer specialized trainings focused on, for example, fact checking, debunking disinformation or data analysis. Even in connection with reporting during the pandemic, it became clear that Slovak journalists have limited knowledge on, for example, medical and other highly erudite topics (Višňovský & Radošinská, 2021). Working with digital technologies is an integral part of the professional competences of journalists and media professionals. This necessity became apparent especially after the advent of online journalism, but much more clearly in connection with social media, podcasts, etc. Digital media are also an important source of information for journalists.

### 3.9. Professional Culture and Role Perception

Research on professional culture and perception of the roles of journalists does not have a long and continuous tradition in Slovakia, which is also conditioned by the late historical and democratic development of the media system (after 1989), and by clear, unwelcome state interference in the functioning of the media and the work of journalists in the 1990s. Some studies have focused, for example, on the profession of a journalist and their desired independence from economic and political influences. Research within more specific areas of professional culture and perception of roles is notably absent.

According to research conducted by the Slovak Press Watch agency in 2008, in which 165 journalists participated, 75% of journalists have encountered various types of 'gifts', but according to them, accepting these presents does not affect their journalistic work. However, the opinion on accepting a gift was not uniform, with 42% of journalists against accepting presents under

any circumstances; on the contrary, 8% of journalists would accept gifts with no remorse. Roughly 50% made their decisions depending on the value of the gift and the circumstances of receiving it – the more expensive the gift is, the less acceptable it seems to be.<sup>311</sup> The transfer of journalists to political positions is also significant; for example, some former media professionals now work as members of the Slovak National Council or are employed by politicians as their assistants or media advisers, affiliated with the press departments of ministries, state companies, etc.

Politicians, judges, but also financial groups often use lawsuits against the media to intimidate journalists, but also for their own enrichment. While in the past mainly judges got into disputes with the media, toward the end of Robert Fico's second government in 2016, the Penta Financial Group became more active in this area. According to analysts, lawsuits against the media are a significant problem in Slovakia, because the high compensations granted by the courts are intimidating and discouraging for journalists who are involved. In addition, the media have to invest a lot of time, money and energy in court disputes. This puts pressure on journalists to be less critical. For example, the former Prime Minister Robert Fico and the former Minister of Justice and Chair of the Supreme Court Štefan Harabin earned hundreds of thousands of Euros from the media through lawsuits.

*As for the risks and opportunities related to deliberative communication and democracy within the journalism domain, various statements need to be emphasized:*

**Risks** for deliberative communication:

- low degree of journalistic freedom and journalists being under constant verbal pressure of politicians,
- populist polarization of Slovak society,
- low level of protection of journalists and the state's unwillingness to act in terms of protecting lives and professional activities of journalists (also discussed in connection with the murder of the investigative journalist Ján Kuciak),
- inadequate acceptance of the journalistic profession in relation to social (mis)recognition, its generally low social prestige,
- weak involvement of NGOs in the processes of deliberative democracy and communication,
- inability of editorial offices and newsrooms to offer their staff full-time jobs, favoring forms of employment that are more convenient for employers, such as short-term contracts and freelancing,
- insufficient financial evaluation of journalists,
- strong propensity of Slovak citizens to believe in disinformation and hoaxes,
- insufficiently developed mechanisms to debunk disinformation and hoaxes, especially at the level of the media themselves,
- deleting user comments on social media.

<sup>311</sup> [https://is.muni.cz/th/oa0s9/Vysledna\\_sprava\\_SK.pdf](https://is.muni.cz/th/oa0s9/Vysledna_sprava_SK.pdf)

**Opportunities** for deliberative communication:

- constitutionally guaranteed freedom of expression and the right to information and other legal regulations,
- pluralist functioning of the media environment,
- a well-developed system of educating journalists and the existence of the Slovak Syndicate of Journalists,
- functioning mechanisms of ethical self-regulation,
- use of new distribution channels and implementation of innovation in terms of producing and disseminating journalistic content,
- journalists being granted access to open sources and able to exercise their right to access information obtained from public and state authorities.

## 4. Risks and opportunities of media usage patterns domain

### 4.1. Development and agency of change

The Slovak media environment of the first twenty years of the 21st century has gradually evolved under the influence of technological development, economic situation and political and social situation. Essential for the first decade was the formation and stabilization of individual media on the media market, the struggle for the media consumer. The second decade was marked in particular by the change in ownership relations, the merging of media under one ownership and economic roof within media houses and media consortia, the intense boom in the availability of the Internet and mobile phones as ubiquitous means of consuming media content, and the murder of the journalist Ján Kuciak. All this has influenced the availability and perception of media content, as well as the formation of certain stable patterns of behaviour of media content users. The behaviour of the recipients of media content has also been influenced by the charging for the consumption of media content on the Internet (in the first half of the second decade through the common payment portal Piano, in the second half by the introduction of charges by individual media separately).

### 4.2. Agency of media-users and analysts

If we look at the availability of media and the Internet in Slovakia, as one of the important conditions for free access to information and access to the Internet as an important and preferred communication medium, we can conclude that the audience in Slovakia, despite not very favourable geographical conditions, has access to all broadcast media (radio, television - through terrestrial broadcasting, cable distribution and satellite broadcasting) and Slovakia is very well covered by the Internet - up to 90% of households<sup>312</sup> are connected to the Internet.

A survey on the media behaviour of different generations shows that there are differences between the generations in terms of access to traditional media and new media (news portals, web portals, social networks). Generation X spends an average of 2 hours a day in front of the TV, Baby Boomers an hour and fifty minutes, Generation Y an hour and three-quarters, and the youngest Generation Z almost half as much as their parents – less than 75 minutes. A significant platform that each generation pays attention to when watching video is YouTube. The difference between generations in downloading films and videos is interesting, and on the other hand understandable – this activity is more characteristic of Generations Z and Y. In watching streaming services, the behaviour of the generations is balanced.<sup>313</sup>

<sup>312</sup> <https://virtualno.sk/vyrocnna-sprava-o-internete-na-slovensku-2021/>

<sup>313</sup> <https://medialne.trend.sk/marketing/zakutia-generacie-ako-komunikuje-ake-media-vyuziva>

If we talk about radio broadcasting, it is also confirmed here that the older generations tend more towards classical media than the younger ones. Radio listening among Generation Z is roughly half that of other generations (approximately 79 minutes - on weekdays). The research also confirms another thing, namely that the youngest generation prefers listening to music from YouTube instead of radio. Older generations engage in this activity significantly less.<sup>314</sup> Although it is not yet very well documented in the research, listening to podcasts, from a variety of platforms (e.g. Apple Podcasts, Google Podcasts, Spotify or Deezer), is currently very popular with both younger and older generations. This is related to the possibility to listen to auditory content while performing other, mainly physical and automated activities.

Today, all media have their media content on the Internet, its accessibility to the public varies, and some users of news portals or TV stations have to pay for it. Today, mobile phones are very popular and have become dominant for communication on social networks<sup>315</sup>, as well as for entertainment and for obtaining news and information.

In Slovakia, smart phones with the Android operating system are the most used - more than 55% of Slovaks use them, almost 10% of Slovaks use Apple phones, and the remaining third use so-called "non-smart" phones (the data are from Market Locator research; they are based on data collected in the period 05/2017 - 04/2018 from 2.9 million customers of Orange, Telekom and O2 operators who provided consent; the 4ka operator has not yet joined the project).<sup>316</sup> Looking at the use of brands, the young generation tends towards iPhones, the younger and older middle generation towards smartphones and retirees towards "non-smart" phones. Here too, the situation has already changed slightly and more and more pensioners have started to use smart phones.

The question is what the different generations are doing on the internet. GFK research has confirmed that for Generation X, the Internet is a source of information - whether news or through search engines. For Generation Z, the priority is visiting social networking sites, watching videos and searching for information through search engines. Although in the past Facebook was important to young Gen Z (up to 90%), today they have moved on to Instagram and Snapchat. Tik-Tok is gaining more and more popularity. Facebook has remained as a communication space for Generation X and Y, WhatsApp or Viber. The average member of Generation Z is active on up to five social networks, accessing them from mobile devices almost half the time.<sup>317</sup>

#### *Agency of the data collectors/analyst:*

In Slovakia, quality media research was carried out until 1993 by the Methodological Research Cabinet (MVK), which was part of the Slovak Radio. It was a professional workplace and, in addition to media research, it also occasionally conducted public opinion polls. Slovak Television also had a media research office. After 1993, MVK became an independent commercial research agency and expanded its activities to other areas of research. In 1993, MEDIAN.SK<sup>318</sup> was established, a stable research agency in the field of media, public opinion and market research. It regularly provides quarterly reports on the readership of daily, weekly and monthly newspapers, radio listenership and television viewership. It has modern technical solutions for efficient survey management, e.g. wheeluator or adMeter. Since 1996, MEDIAN has been Czechia's licensing partner for the TGI global survey for Czechia and Slovakia, which, in addition to the media behaviour of Czechs and Slovaks, describes their consumer behaviour or lifestyle. The survey is conducted annually on a relatively large sample -- more than 8,000 respondents in

<sup>314</sup> Ibid.

<sup>315</sup> <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022>

<sup>316</sup> <https://www.mojandroid.sk/smartfony-vyuzivaju-dve-tretiny-slovakov/>

<sup>317</sup> <https://medialne.trend.sk/marketing/zakutia-generacie-ako-komunikuje-ake-media-vyuziva>

<sup>318</sup> <https://www.median.sk/sk/o-nas/>

the Slovak Republic and more than 15,000 respondents in Czechia. In 2002, MEDIAN.SK was founded with the intention to be closer to its Slovak clients and to build its own survey network. It closely cooperates with and represents LERACH, which has a significant position in the field of software for the analysis of data from TV viewership surveys (TV meters) and media monitoring in Czechia and Slovakia. The basic outputs of this agency are freely available and are the basis for various reports and comparative research. The second company that is engaged in full-screen objective data collection on media consumption, specifically television viewership, is PMT (<https://pmt.sk/>). It was founded in 2002. Its aim is to ensure the implementation of electronic measurement of television viewership through peplemeters in Slovakia. Its partners were Slovak Television, TV Markíza (MARKÍZA - SLOVAKIA, spol. s r.o.), TV JOJ (MAC TV, s.r.o.), TA3 (C.E.N. s.r.o.) and AMA (Association of Media Agencies). Since 2004, they have been regularly carrying out measurements through peplemeters, giving both TV and media agencies access to correct TV market data and making the viewership results available to them the day after the measurement day in the morning, while every second of the TV broadcast can be analysed. From the data they can select various data (e.g. on TV behaviour of standard or defined target groups, audience shares in the TV market, ratings, loyalty, etc.). A few years ago, another agency dedicated to monitoring media content was created -- Monitora.sk (<https://monitora.sk/>). Monitora.sk offers a comprehensive media intelligence system for print, online, radio and TV in Slovakia and Czechia. In addition, each media outlet performs its own analyses, mostly for more efficient use of time and space related to the subsequent sale of advertising space. Most of the time, these workers are members of the marketing departments. Full-screen broadcasters also have special departments that do their own research before deploying a new proprietary or licensed format. They pay special attention to analysing data on political talk shows. In addition, research on media perception and credibility has been sporadically conducted by other agencies that have carried out special research at the request of the media or on the basis of social practice requirements (the aforementioned IGC, AKO (<https://ako.sk/>), the Institute for Public Affairs (IVO) (<https://www.ivo.sk/104/sk/kto-sme/ivo>), the Media Institute (<http://www.mi.sk/index.html>), etc.). The outputs of the above-mentioned companies are mostly carried out on the basis of the client's requirements, they are paid for and access to them is limited, they serve specific purposes of the given media. Since 2017, Slovakia has been included in the global research Reuters Institute: Digital News Report, which has been conducted globally since 2012 by the Reuters Institute for the Study of Journalism University of Oxford (<https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022>). Expert articles on research and developments in the media have been published variously. They regularly appear in the professional journal Strategies (<https://strategie.hnonline.sk/news>), on the web portal medialne.sk (<https://medialne.trend.sk/>) or o mediach.sk (<https://www.omediach.com/>). They are freely available to readers. Various specific research (both quantitative and qualitative) is produced by university academics who publish it in scientific journals (e.g. Communication Today (<https://communicationtoday.sk/>), European Journal of Media, Art & Photography (<https://ejmap.sk/>), Media Literacy and Academic Research (<https://www.mlar.sk/>), Acta Ludologica (<https://actaludologica.com/>), – all articles are freely accessible, Questions of Journalism (<http://www.questionsofjournalism.sk/>) (until 2006 they are freely accessible, from the following year only through the Central and Eastern European Online Library database, access to the articles is chargeable). In conclusion, we can state that in Slovakia there is continuous research on media viewing as well as consumer behaviour of media users. Research is being done in professional practice and in academia.

The general basic outputs of research agencies' research are also publicly available, specific outputs on consumer groups and the impact of articles or shows are specific information, the requirements for their research are mostly commissioned by media or media agencies or com-

munication or marketing departments and then handled internally. Most academic research is publicly available in scientific journals, peer-reviewed journals or conference proceedings.

### 4.3. Access to news and other media content

Users have good accessibility to news print newspapers as well as other print media. They can subscribe and receive them in their mailboxes through mail carriers, buy them in town and village grocery stores or shopping malls, at specialized newsstands, or at the post office. However, by the end of 2021, there was a backlash over the abolition of Saturday delivery of subscription printed newspapers. This service was popular with the elderly population; the Saturday edition had the benefit of so-called Saturday supplements (e.g. a weekly television programme, a supplement for women, advice for gardeners, a special supplement for pensioners, etc.) On Saturdays, the newspapers *Sme* and *Pravda* were particularly popular; they decided to publish their Saturday editions with supplements on Fridays, so their subscribers were not deprived of these editions. Saturday editions are officially on sale until Sunday. All Slovak serious daily newspapers (*SME*, *Pravda*, *Hospodárske noviny* and *Denník N*) have their news content on the Internet. The disadvantage is that up to 3 out of 4 (except *Pravda*) require a fee to make their news content available. The tabloid media are available online for free. In addition, internet news portals (e.g. *aktuality.sk*, *seznam.sk*, etc.) also publish news. Each print media - weeklies, monthlies, also has its own website, where the reader can find, with some delay, published media content, but also other, unpublished articles in the press.

Radio broadcasting is available under allocated licences, the licence is granted for eight years, and broadcasts are produced terrestrially, via satellite and cable, and over the internet. In Slovakia, radios are broadcast nationwide - the public broadcaster RTVS, *Rádio Expres* (the most listened to radio), *Fun rádio*, *Europe 2*, *Rádio Melody*, *Rádio Vlna*, etc. In addition to the nationwide (multi-regional) radios, regional, local, urban and internet radios are available to listeners. Each radio also has its own website where it streams its broadcasts, has an archive and communicates with listeners through articles and competitions.

Television broadcasting is carried out in several ways. In addition to terrestrial digital broadcasting, cable and satellite broadcasting are widespread. Each company has its own line-up of programmes (programme packages), which it communicates to the audience for a fee. Televisions offer their own linear broadcasts, and on-demand streaming services are beginning to proliferate, which are chargeable in all TV channels except the RTVS. In the specialised area, in addition to the archive, they offer extra programmes -the possibility to watch the programme/film in advance, interviews with filmmakers and actors, docudramas from the filming, programmes published only in this section.

In terms of the availability of media content in Slovakia, we can state that the content is mostly available to the audience free of charge, while the content of online news newspapers and the archives of commercial television (except for news) are charged for. Each media outlet also has a Facebook page where recipients can express their opinions on the content.

### 4.4. Relevance of news media

In terms of the free availability of news to the audience, the situation in the Slovak media space is changing. There are fewer media in the internet space that have freely available news content than those for which you have to pay (some media unlock their content at least for a certain period of time). Commercial radio stations have minimised news coverage, mostly drawing on agency news, news is not archived. Commercial television stations have pay-per-view broadcasts in linear broadcasting, and news or news packages on cable and satellite operators' offerings; they are only available in the archive for a certain period of time, after which access is

charged. The public service broadcaster RTVS (both radio and television) has a news archive available free of charge. Each media outlet also has a Facebook page where recipients can comment on the content.

Older audiences tend to search for news through news portals and by watching TV news. Younger audiences are not very interested in news, and if they do follow it, it is mostly through social media. This is also documented in a recent survey by the Reuters Institute for the Study of Journalism (2022) (<https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022>). After 2020, online news will overtake TV news, and news viewing in print media will decline. This is as much due to declining subscribers to traditional print newspapers as their lagging behind flexible online news coverage. At the same time, we may see an increase in news acquisition via social media, a consequence of an increasingly large working-age Generation Y and Z. For these generations, social media is becoming the dominant source of information. In Slovakia and in the European Union there is an intense need to address the distinction between quality news content and fake news and hoaxes, which has been reflected in the formulation and adoption of new media laws in both the European Union and Slovakia (2022). In the first half of 2022, some news websites that claimed to be alternative were temporarily blocked. It will be interesting to analyse how the behaviour of some recipient groups changed after the blocking of some news websites and media outlets in relation to their production and dissemination of conspiracy theories and hoaxes. This blocking has sparked a debate in both the professional and lay public about freedom of journalistic expression and censorship of media content, and has divided society into two camps. The first approved of the blocking of some alternative online news media because it saw it as an opportunity to combat conspiracies and hoaxes. The second camp objected to the decision because it deciphered in it an attempt by the government to prevent criticism of it by the opposition, who felt marginalised in the mainstream media and that the recipients lacked a different perspective on events at home and in the world than the mainstream media provided.

#### 4.5. Trust in media

Only 26 percent of Slovaks trust the media. According to an international survey by the Reuters Institute for the Study of Journalism (2022), this is four percentage points lower than a year ago and eight points lower than in 2018 (34%), when trust in the media was at its highest since the start of regular measurement (2017). The Slovak part of the survey was conducted on a sample of 2007 respondents. RTVS and TA3 are perceived as the most trustworthy media. They are public service and news channels whose broadcasts should be based on the factuality, objectivity and impartiality of their reports, as well as their attractiveness, which is confirmed by their position in the ranking. After them, regional and local newspapers are trusted by the audience. *Hospodárske noviny* and *Rádio Expres* - the most listened to radio station - are ranked fourth and fifth respectively as the most trusted news daily/portal. Subsequently, the news media, commercial radio and television are interspersed. Interestingly, *Denník N*, belonging to the group of serious media, is almost at the bottom of the ranking, just ahead of the tabloid media; it was also overtaken by the regional daily from Košice<sup>319</sup>

RTVS as a public broadcaster is ranked mostly second according to the Reuters Institute for the Study of Journalism (in 2020 it was ranked first) (<https://www.digitalnewsreport.org/>), according to median.sk Slovak recipients perceive it as the television with the most trustworthy news for the tenth quarter in a row<sup>320</sup>. Despite this assessment, there are also opinions in both the professional and lay public about the bias and unprofessionalism of public service news. It

<sup>319</sup> <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022>.

<sup>320</sup> <https://www.rtvs.sk/novinky/zaujímavosti/293753/televizne-spravodajstvo-rtvs-stale-najobjektivnejsie>

will be interesting to see what the credibility of public service news and opinions on it will be after the measures that the new director of RTVS, elected to office by Parliament in June 2022, is going to take. He has made news coverage one of the priorities of his project.

*As for the risks and opportunities related to deliberative communication and democracy within the media usage patterns domain, various statements need to be emphasized:*

**Opportunities** for deliberative communication:

- there is sufficient internet coverage in Slovakia, the Slovak audience has access to all media, as each media outlet is already available via the internet, it has its own page on the social network as well
- information and news is accessible, the recipient can choose from a sufficient amount of domestic and foreign diverse media content and news (the assessment is until 2021),
- RTVS (public service broadcaster) and TA3 (news television) are perceived as the most trustworthy media. These are public service and news channels which should pride themselves on the factuality, objectivity and impartiality of their contributions, but also on a certain interest for the recipient, as confirmed by their position in the rankings,
- some sites have locked discussions under articles - there are no negative patterns of communication that have often taken place under articles.
- both older and middle generations and young audiences are involved in the discussions, but each on their own platform.

**Risks** for deliberative communication:

- Media credibility drops from 34 (2018) to 26 (2020) points (began to be measured in 2017 – Reuters Institute for the Study of Journalism, sporadic surveys until then),
- loss of ability to discuss content online by locking discussions under articles,
- 14% of content is paywalled (2022) - not everyone is willing to pay for it, with interest in multiple media this amount increases significantly, TV content is also starting to be paywalled in the form of locked archives and/or special spaces for paying audiences
- the murder of the Slovak investigative journalist Ján Kuciak was not only a terrible crime, but also an unacceptable threat to media freedom in Slovakia and the European Union.
- Media owners influence the selection, shaping and framing of news in order to attract advertisers,
- a small number of oligarchs have seized control of most of the country's media.,
- oligarchs are buying up the media, founding political parties and entering the political fray.

## 5. Risks and opportunities of media related competencies domain

### 5.1. Development and agency of change

Currently, the role of the state in the system of media education in the process of lifelong education relates primarily to media education in the field of formal and informal education. In Slovakia, competences within the state administration for the field of media education are mainly divided between the Ministry of Education and the Ministry of Culture. The competence of the Ministry of Education of the Slovak Republic includes media education in formal and informal education, accreditation of educational programs and training of media education teachers. The competence of the Ministry of Culture primarily includes the creation of appropriate legislative and institutional frameworks to support the development of citizens' media competences, as well as the area of regulation and co-regulation of the media environment, which also have an impact on media literacy. Some other ministries are part of this framework of state actors. These are mainly the Ministry of Investments and Regional Development, the Ministry of Defense and the Ministry of the Interior, which support the development of citizens' media competences through grant programs aimed mainly at financial support of non-governmental organizations.

Academic institutions are important actors in the promotion of media competences. It is mainly about the Faculty of Mass Media Communication of the University of St. Cyril and Methodius in Trnava, the Faculty of Arts of the Catholic University in Ružomberok, the Faculty of Arts of the University of Constantine the Philosopher in Nitra and the Faculty of Humanities of the University of Žilina. These academic institutions are mainly active in the implementation of various types of educational programs - not only for university students, but also for other target groups (especially seniors, teachers, parents.). Outside the academic environment, there is an active organization *Iuventa - Slovak Youth Institute*, which is mainly devoted to the development of media competences of young people and youth workers. An important place in increasing media literacy is also played by the corporate sector, which annually allocates financial resources to support non-governmental organizations dedicated to the development of critical thinking and other aspects of media competence. These are mainly telecommunications operators (Slovak Telecom, Orange, O2), but also IT companies (ESET) and banks. Some media news organizations are also active in Slovakia, which regularly hold educational workshops aimed mainly at secondary school students and publish various methodological and educational materials on an irregular basis (*Denník N.*, *Denník SME*).

Over the past 15 years, Slovak experts in media literacy and media competencies have been members of several working groups and project teams dealing with various aspects of this issue. It was a participation in the "Media Literacy Expert Group" platform, which is an advisory body of the European Commission in the field of media education. Within this platform, research on media literacy of the adult population, children and adolescents, seniors, teachers in kindergartens and other target groups was carried out in Slovakia. In addition, Slovak experts participated in the activities of the European Audiovisual Observatory in Strasbourg, where they participated in an international comparative study focused on media literacy (Vrabec, 2016). In 2013-2014, Slovakia participated in the research activities of the "Transforming Audiences / Transforming Societies" project (ANR Translit). As part of this project, a comprehensive report on the current state of media literacy in Slovakia was prepared (Vrabec, N., & Petranová, 2014). Slovakia was also represented in preparing a collective monograph, which dealt with cross-country comparisons of public policies in media and information literacy in Europe (Aroldi, Mariño, & Vrabec, 2017). In 2016, Slovak experts participated in international comparative research to integrate media education into formal education (Vrabec, 2016). Faculty of Mass

Media Communication, University of St. Cyril and Methodius established a specialized workplace in Trnava in 2015 called the Media Literacy Testing Center. The centre aims to provide various research tasks focused on media literacy and media and information education issues. In 2018, the faculty established the Training Media Center focused on supporting and developing media competencies of pupils, students and teachers of primary and secondary schools, and other entities. The centre implements educational and research programs focused on the media outlet and the development of media competencies. The centre aims to develop the practical competencies of participants in working with the media, their evaluative and critical thinking concerning media content and a responsible approach in dealing with the media.

## 5.2. Overview of media related competencies in policy documents

The media education in Slovakia context is defined as a multidisciplinary concept that integrates knowledge and scientific apparatus of the wide range of social sciences (in particular mass media communication, sociology, psychology, pedagogy, information and library science, etc.) and that contributes to their application in the process of lifelong learning and the current needs of social practice. The main legal document framing media education policies is the Concept of Media Education in the Slovak Republic within the context of lifelong learning valid since 2009 (Ministerstvo kultúry SR, 2009). The document presents the main goals and strategies for media literacy policies and media education activities within the lifelong learning process.

In Slovakia, media education is defined as a lifelong, systematic and purposeful process of acquiring media competences and increasing the level of media literacy.

The main goals of media education in the lifelong learning process in Slovakia are as follows:

- increasing media literacy of all age groups of the population,
- updating of media competences, responsible and critical approach to media, effective use of media and new communication technologies,
- develop citizens' abilities to use the opportunities offered by the media and new means of communication to their advantage,
- protection of children and adolescents from threats brought by the media and new communication technologies in the content offer or the method of communication,
- protection of specific groups (children, seniors, people at risk of social exclusion, etc.) from contents and services that could endanger them by their nature, and which they cannot assess due to the insufficient level of media literacy,
- to prevent any forms of social exclusion due to insufficient level of media literacy.

## 5.3. Information about the media literacy programs in formal and/ or in non-formal education

Media education became part of the curriculum for the first time on the basis of school content reform implementation, which began in 2008 – 2009. In relevant school legislation, it is defined as a compulsory part of education, and individual schools have the right to decide about the form of its implementation into the curriculum. They can choose from three primary forms of integrating media education into educational programmes:

- (A) Media education as a cross-cutting topic integrated into the curriculum of suitable study courses;
- (B) Media education as independent subject;
- (C) Media education implemented in the form of a project, course and other practically aimed activities. (Vrabec, 2016, Kačínová & Kolčáková, 2013a, 2013b).

Slovakia has media literacy programs implemented in formal education, but they are not widely applied. This phenomenon is mainly due to the lack of qualified and motivated teachers who could teach media education. In addition, there is no pedagogical faculty in Slovakia that has an accredited teacher's study program focused on media education. Teacher education is present in Slovakia, but in most cases, it is not provided by public institutions but rather by NGO activists and academic institutions focused on media studies.

In Slovakia, there are roughly 18 parties involved in media literacy development in non-formal education. Seven of these significant stakeholders are academic institutions, with a primary concentration on media and information studies and pedagogy. Two stakeholders are classified as public authorities, while the other two are classified as audiovisual content suppliers. The Broadcasting and Retransmission Council is a stakeholder in the category of media regulators. According to the Media Services Act (2022), the regulator also has new competences in the area of monitoring the level of media competences of residents, as well as other tasks related to the support of educational activities in this area. Other stakeholders fall under the umbrella of civil society organizations (Nikoltchev, Cappello, Blázquez & Valais, 2016).

The opportunity concerning deliberative communication is that several non-profit organizations operating in Slovakia deal with various aspects of the development of media competencies. This is especially the prevention of the spread of hate speech and extremism in the online ecosystem (Gregussová, Drobný & Milo, 2013; Velšic, 2017); the development of media and information competencies as an essential part of critical thinking (Filo, Ivanič & Luppová, 2011; Makroš, 2019; N-Magazine, 2017) and the development of media competencies with a focus on disinformation, fake news and conspiracy theories (Slovak Security Policy Institute, 2017; Slovak Security Policy Institute, 2018; Mesežnikov & Bartoš, 2020; Kačínová, 2019, Čavoјová, Panczová & Závacká, 2020; Zajac, 2020).

#### **5.4. Actors and agents of media related competencies: risks and opportunities**

Media education in Slovakia is aimed at acquiring several types of skills (especially digital and civic), with a special emphasis on competencies related to a critical approach to media content, as well as the ability to analyze, evaluate and create media content in various formats. Within the life stages and integration of an individual into society, media literacy is part of the process of primary and secondary socialization and becomes part of general and lifelong education. Target groups for the development of media literacy are therefore perceived as a means of eliminating generational differences and social exclusion, which ensures the prerequisites for the responsible use of media and new communication technologies by various target groups.

The Concept of Media Education in the Slovak Republic within the context of lifelong (Ministerstvo kultúry SR, 2009) divides the practical implementation of the development of media literacy into three basic levels, which are:

- (1)** Primary and general, which represents the basic framework of media education with an emphasis on basic media competences, skills and abilities in relation to media and new communication technologies. It also includes the formation of a critical and selective approach to the content offer of media and communication systems, as well as the development of the basic knowledge level of individuals in the field of media and new communication technologies.
- (2)** Secondary and updating, which includes updating the abilities and skills of individuals following the constant development of media, new trends in communication technologies and communication systems. This level builds on and complements the knowledge acquired in formal education.

**(3)** Tertiary and specific, which includes all potential spheres of threat, the protection of specific groups of the population against media contents and services that could endanger them by their nature. It mainly includes the prevention of generational lag and social exclusion and the protection of disadvantaged groups and seniors, as well as other specific topics and areas of the given area (e.g. the ability to resist misinformation, fake news, etc.)

The individual levels follow each other, they are not mutually exclusive, and they can be combined during practical implementation.

## 5.5 Assessment of media related competencies among citizens

Research on media literacy and media related competencies has been a tradition in Slovakia for almost 15 years. Until 2010, most research activities focused on the position and problems of traditional mass media (television, radio, the press) and their anchoring in a social and individual context. Only marginal attention has been paid to the media competencies of media users. After 2010, research and publications focusing on digital media and online communication gradually increased. This fact can be considered as one of the opportunities in terms of deliberative communication, as theoretical reflection and empirical research on media communication is an essential element contributing to a better understanding of the development and current trends of the media ecosystem. However, in the analysis of the corpus of bibliographic outputs in Slovakia, we also identified a risk, which is the majority focus on the theoretical or normative approach. The theoretical grounding of the issue of media competencies is fundamental. Still, without empirical approaches and examination of their current state in the population, this domain is limited by a lack of necessary knowledge reflected in application practice.

In terms of target groups, most research projects focused on children, adolescents and young adults. This can be seen as an opportunity, as a better understanding of the young generation serving to outline the relationship of these target groups to media communication and for a systemic approach in preparing youth policies. In 2007, the first research was conducted through a project focused on assessing young people's media literacy level in Slovakia (Vrabec, 2008). In 2009, a second research project was carried out in Slovakia to assess the level of online competence among young people aged 13 to 30 years (Vrabec, 2009). In 2013, qualitative research on youth in the context of media communication was implemented in Slovakia. The research also included an examination of this target group's media and information competencies (Vrabec & Petranová, 2013).

Psychologically oriented research focused on the attitudes and behavior of children and adolescents in the online space also has a tradition in Slovakia (Gregussová, Tomková & Balážová, 2010; Madro et al., 2015; Tomková et al., 2015; Hladíková & Hulajová, 2016; Hladíková, 2018). The research focused on these aspects had a relatively limited area of interest in media competencies. In most cases, the researchers focused thematically on the risks of online communication and digital media and the possibilities of preventing risky online behaviour. As a result, research on online communication opportunities has only been carried out to a very limited extent (Vrabec, 2010; Vrabec, 2012; Velšic, 2012; Velšic, 2014; Fichnová, Wojciechowski & Mikuláš, 2014; Vrabec, 2015; Vrabec & Petranová, 2015).

We also consider the fact that a relatively wide range of research has focused on the media competencies of the senior population to be a positive factor regarding this issue (Petranová, 2013; Petranová, 2014; Velšic, 2014, Petranová, 2016; Švecová, Kaňuková & Kačincová Predmerská, 2019; Jurczyk-Romanowska et al., 2019; Švecová & Kaňuková, 2019). The risk factor in terms of deliberative communication is the fact that in Slovakia, there is no research on disadvantaged groups. The only exception is research focused on examining the media competencies of visually impaired citizens (Vrabec & Petkáčová, 2014). However, a wider spectrum of empiri-

cal examination of the media competencies of other disadvantaged groups (e.g., Roma, migrants, etc.) could be both a challenge and an opportunity for research in this area.

As an opportunity in the context of deliberative communication, we can see that research focused on media competencies in the educational context has a strong tradition. IMEC – Centre of Media Literacy at FMK UCM – conducted two surveys targeted on the scale and the form of the representation of media education in the educational system in Slovakia. These surveys focused on comparing the level of media education strategies at different schools in the country. The main aim was to map the current status of the implementation of media education into the curriculum in elementary and secondary education in the Slovak Republic. The first survey carried out in 2011 was focused on the current status of media education teaching at secondary schools. The research team collected data from 631 schools – this represents 82% of all schools in Slovakia (Kačínová & Kolčáková, 2013a). The second survey was conducted in 2012 on the representative sample of 567 elementary schools from different municipalities and regions in Slovakia. In both surveys, data collection was carried out by the method of a telephone interview with teachers or school directors. This method was combined with curriculum analysis (Kačínová & Kolčáková, 2013b).

Further research has focused on various aspects of teacher education in the field of media literacy and the development of media competencies (Biziková, 2015; Kačínová, 2015; Magová, 2016; Kačínová, 2016; Vrabec, 2017; Petranová & Burianová, 2014, Vrabec, Graca & Mazáková, 2015, Hekelj, 2017). Another part of the research in this area focused on the media competencies of the students themselves (Vrabec, 2017; Prostináková Hossová & Košťalová, 2021; Hladíková, 2019). After 2016, we record a shift in Slovakia from the risks and prevention aspects of the Internet and digital media to the research of disinformation, fake news and hybrid threats (Slovak Security Policy Institute, 2017; Slovak Security Policy Institute, 2018; Mesežnikov & Bartoš, 2020; N-Magazine, 2017; Kačínová, 2019, Čavojová, Panczová & Závacká, 2020; Bulganová, 2020; Kvetanová, Kačincová Predmerská & Švecová, 2021).

Slovakia ranks 22nd of 27 EU Member States in the 2021 edition of the Digital Economy and Society Index (DESI). The country stays at the same position as in 2020. Across the human capital dimension indicators, Slovakia is just below or close to the EU average. In comparison to the EU average of 56 percent and 31 percent, 54 percent of Slovaks have at least basic digital abilities and 27 percent have above-basic digital skills. Slovakia's overall improvement in the examined sectors is limited. So far, public money used to promote digital transformation have not always had the expected effect. Education's digitalisation is falling short of its promise due to a shortage of skills and resources among schools, teachers, and students.

One of the primary pillars of the Slovak Recovery and Resilience Plan (RRP) is digital transformation, with an emphasis on public services, skills, and business digitalization. Slovakia is strongly connected to the major European digital efforts, and the RRP will support various multi-country projects.

The COVID-19 pandemic highlighted existing gaps in Slovakia's digital economy and society, including as connectivity, digital skills acquisition, and digitalization of schools, households, businesses, and public services. Slovakia has pledged to improve its DESI score and position. The Ministry of Investments, Regional Development, and Informatics published a thorough strategy and action plan<sup>1</sup> with actual initiatives to resolve deficiencies indicated by DESI indicators. This document reflects the core DESI elements and intends to achieve significant improvements by 2025. (Digital Economy and Society Index (DESI) 2021: Slovakia, 2021).

According to the findings of a new edition of the Media Literacy Index for 2021, Slovakia ranked 22nd among the 35 monitored European countries. The index evaluates the resilience potential to fake news in 35 European countries by utilizing variables for media freedom, education, and

trust in people. Because the indicators are of varying importance, they are given varied weights in the model. The media freedom indicators (Freedom House and Reporters Without Borders) have the most weight, followed by the education indicators (PISA), with reading literacy having the most weight among them. The indicators of e-participation (UN) and trust in people (Eurostat) have a lower weight than the other indicators. (Lessenski, 2021).

In 2021, Slovakia achieved the following Media Literacy Index results in individual indicators:

Freedom of the Press (Freedom House): 26

*On a scale from 0 to 100 (best to worst)*

Press Freedom Index (Reporters without Borders): 22.67

*On a scale from 0 to 100 (best to worst)*

PISA score in reading literacy (OECD): 458

*The higher score the better; 500 is very good and below 300 is a very poor result*

PISA score in scientific literacy (OECD): 464

*The higher score the better; 500 is very good and below 300 is a very poor result*

PISA score mathematical literacy (OECD): 486

*The higher score the better; 500 is very good and below 300 is a very poor result*

Share of population (%) with university degree (Eurostat): 22

*In percentages from 100% to 0% (higher is better)*

Trust in others (Eurostat, EQSL): 4

*On a scale from 10 to 0 (highest to lowest)*

E-participation Index (UN): 0.7024

*On a scale from 1 to 0 (highest to lowest)*

*As for the risks and opportunities related to deliberative communication and democracy within the media related competencies domain, various statements need to be emphasized:*

**Risks** for deliberative communication:

- insufficient research into the cognitive abilities of media users (no empirical research focused on the ability to think critically, verify the objectivity and relevance of information, identify disinformation, hoaxes, conspiracy theories and the ability of logical argumentation in the context of interpersonal and social communication),
- the weak connection between educational activities and research aimed at target groups.
- relatively weak results in Media Literacy Index 2021 (Lessenski, 2021).
- relatively weak results in research “Trust in others” (Eurostat, EQSL)
- relatively weak results in the Digital Economy and Society Index (DESI).

**Opportunities** for deliberative communication:

- the sufficient number of competent actors (especially from academia and NGOs) who deal with the issue of media competencies of users.
- relatively favourable results in the E-participation Index (UN,
- relatively favourable results in the PISA score in reading literacy, scientific literacy and mathematical literacy (OECD).

## 6. Conclusions

The media ecosystem in Slovakia was affected by several sociocultural events. The first major event was the revolution in 1989, which ended the Communist regime in the former Czechoslovak Socialist Republic and started a democratic change. Another major event was the establishment of the independent Slovak Republic in 1993. These political changes were subsequently reflected in the media, within which a dual system was created – public and private media. In the field of media production, it was the digital revolution and the advent of the Internet in the last decade of the 20<sup>th</sup> century, which significantly affected the media ecosystem in Slovakia. These political and media changes created the background for the further development of the media in Slovakia in the years 2000 – 2020, which are the subject of the Mediadelcom project. Within these years, we have recorded the following **critical junctures** in the Slovak media space:

1. Development of online journalism since 2000 (more precisely since 1994).
2. Rise of social media since 2004.
3. Financial crisis in 2008.
4. Corruption case (called ‘Gorilla’) in 2011.
5. The murder of the investigative journalist Ján Kuciak in 2018.
6. Pandemic crisis since 2020.

All these critical junctures had a significant impact on the development of the media in Slovakia, as they opened the social and media system to change, whether positive (opportunities) or negative (risks), with a consequent impact on deliberative communication and democracy.

The advent of online news since 2000 (the first online newspaper was SME since 1994) as a pendant to print has, on the one hand, made it more accessible to information, but on the other hand has caused a decline in print media sales. For this reason, it was necessary to monetize online media. The news media are still struggling with this problem, as the free online media continue to win the fight for the reader’s attention.

Since about 2004, social media have been emerging in Slovakia, which, in contrast to ‘traditional’ media, represent a new interactive communication space. Social media, thanks to their freedom and interactivity, have become very popular and influential in all areas of social life. On the other hand, what can be seen especially during the pandemic is the spread of hate speech and disinformation.

In 2008, the economic crisis also affected Slovakia and, of course, many media outlets, which, due to their financial difficulties, were bought and influenced by various Slovak oligarchs. On the one hand, it is positive that the media managed to survive financially, but on the other hand, they had to adapt to the ideological or political orientation of these new owners.

These tendencies deepened in relation to the corruption case called ‘Gorilla’, which erupted in 2011. The affair was associated with the Penta financial group, which established a wide range of mutually beneficial relationships with politicians and thus gained financial commissions from the privatization of strategic companies. Subsequently, the company wanted to get the public’s approval, so it started to acquire some media, such as the elite daily SME. In response to these changes, there was a wave of resistance and some journalists left SME and founded its direct competitor, Denník N.

In 2018, journalist Ján Kuciak was assassinated. This event shook the Slovak public and resulted in the forced change of the country’s Prime Minister and the unexpected results of the 2020 parliamentary election.

In the spring of 2020, the COVID-19 infection broke out in Slovakia, which has persisted ever since. The pandemic also brought a 'boom' of various disinformation, including hoaxes and conspiracies. In general, the narrative prevailed and still prevails, which is also supported by the current Slovak government, that this disinformation is spread by social media and some 'alternative' media. On the other hand, the so-called mainstream media have received significant financial support from the government for vaccination advertising, which may cast doubts on their impartiality and objective information about the pandemic. However, research on mediated information about the pandemic in Slovakia is still ongoing, so this juncture in the development of the media in Slovakia cannot yet be definitively assessed.

Critical junctures in media development in Slovakia are also related to individual research domains of the project:

**A. Legal and Ethical Regulation.** In this domain, there is a noticeable lagging in terms of legislation, specifically media law, digital communication technologies, online media and social media. New media laws are currently being prepared in Slovakia, the aim of which is to transform Slovak media legislation, modernize it and update it for the 21<sup>st</sup> century. The main priority of the reform is to help journalists carry out their work freely and safely, which can be another impetus to promote deliberative communication. The key topics in this new legislation include transparent media ownership, source protection, equal rights and obligations for television, radio, print and online media, and online video platforms.

Within the ethical area of the domain, it can be said that every major media outlet has a code of ethics. These ethical codes and their particular regulations are more flexible than the existing legal regulation. For this reason, the regulation of the behavior of journalists on social media is currently being implemented into the codes of ethics.

The biggest risks of this domain in Slovakia include the slow reaction of the government to the existence and operation of new types of media (online, on-demand services, podcasting, etc.), a small media market with a small audience and globalization and media concentration represented by media conglomerates and media owners.

On the other hand, the greatest opportunities include a greater diversity of views and production of media and digital content, and a new media legislation that is supposed to be more comprehensive, normative and able to cover several types of media.

**B. Journalism Domain.** The Journalism domain is strongly influenced by the current state of the development of human rights in Slovakia, in particular freedom of expression and the right to free access to information. In 2000, the Act No. 211 Coll. on Free Access to Information was pushed. These rights are guaranteed by law, but in 2018 Slovakia was shaken by the murder of Ján Kuciak. After this tragic event, the safety of journalists began to be discussed more in the media. In addition to the protection of health and life, it is also the financial security of the journalist that has become riskier with the advent of digital and social media. During the COVID-19 pandemic, there were significant reductions of staff in the media.

Digitalization in Slovakia has been extraordinarily influenced by digital and especially social media. Journalists, as well as the general public, can discuss a variety of topics on social media, which promotes deliberative communication. On the other hand, hate speech has spread disproportionately, which, on the contrary, does not support deliberative communication. During the pandemic, various disinformation was disseminated through social media, including hoaxes and conspiracies, which extremely polarized society in Slovakia. However, the pandemic is still ongoing in Slovakia and more time and further theoretical and empirical research will be needed to assess the positive or negative role of the mainstream media in informing about the pandemic.

Within this domain, the greatest risks are considered to be: low level of journalistic freedom, insufficient public acceptance of the journalistic profession and insufficient financial evaluation of journalists.

The constitution-guaranteed freedom of expression and the right to information and other legal regulations, the pluralistic functioning of the media environment, a well-developed system of journalists' education and the existence of the Slovak Syndicate of Journalists can be considered as opportunities.

**C. Media Usage Patterns.** At the turn of the century, traditional media such as television, radio and the press dominated. Although online media had already existed, they could not yet compete with the traditional ones, because they only explored the online space and, moreover, Slovakia's Internet coverage was very weak. In 2003, only 15.8% of the population used the Internet regularly, 40.6% had already heard and knew about it but did not use it, and the remaining 27.6% had no information about using the Internet. There were 4.53 million Internet users in Slovakia in January 2020 and 4.64 million Internet users in January 2021 (out of a total population of 5.45 million). For deliberative communication, the credibility of the media is very important. The Median.sk agency regularly conducts media research on a long-term basis. The results show that there are no major differences in the credibility of print and online media (online newspapers). Respondents have the least trust in information on social media. The public television and radio RTVS and the news television TA3 have long been considered the most credible media in Slovakia. However, according to the Reuters Institute for Digital News, the credibility of the media in Slovakia is declining and in 2020 it fell by 5 points. According to the non-governmental organization INEKO, the print media and then public radio and television contribute the most to democracy.

The increased risks of the examined domain include a decline in media credibility from 33 (2019) to 28 (2020) points, necessary payments for some media content available online and media ownership by oligarchs with clear ideological and political intentions.

Opportunities include good Internet penetration in Slovakia and the credibility of the public broadcaster RTVS and the news media channel TA3.

**D. Media-Related Competencies.** Media literacy research has a tradition of more than 15 years in Slovakia. Until 2010, most research activities focused on the position and problems of traditional mass media (television, radio, the press) and their anchoring in a social and individual context. Only marginal attention has been paid to the media competencies of media users. After 2010, research and publications aimed at digital media and online communication gradually increased. However, in the analysis of the corpus of bibliographic outputs in Slovakia, we also identified a significant risk, which is the majority focus on the theoretical or normative approach. Still, without empirical approaches and examination of the current state in the population, this domain is limited by missing knowledge on the media practice. If there is empirical research, it is focused mainly on children and youth. Exceptionally, research is also carried out on the media competencies of seniors. Further research was conducted on the teaching of media literacy in schools and the media competencies of teachers.

The biggest risks in the given domain include the absence of research to determine the cognitive abilities of media users and the connection between theoretical and empirical approaches.

Opportunities include plenty of scholars who have great potential to research the media competencies of media users.

In **conclusion**, it can be summarized that in Slovakia, in terms of legislation and ethics, good conditions are created for the development of media and deliberative communication. It also supports the system of education of journalists and media education in schools. On the other

hand, the greatest risks to the media and deliberative communication are political influences and the influences of media owners, which can negatively affect media content. Risks also include job instability, weaker financial rewards for journalists and the current polarization of the media, and society as a whole, which is driven by disinformation about the pandemic.

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# SWEDEN

## Critical Junctures in the media transformation process

*By Peter Berglez, Örebro University*

*Lars Nord, Mid Sweden University*

*Mart Ots, Jönköping International Business School*

### Executive Summary

The purpose of this paper is to discuss Swedish media developments between 2000 and 2020 in terms of critical junctures. This includes examination of media developments in relation to four defined domains (Legal and Ethical Regulation: Journalism; Media Usage Patterns, and Media User-Related Competencies). In this paper we ask how the Swedish developments within the four domains can be understood in terms of opportunities and risks connected to deliberate communication. In the Swedish case, what seems to be significant is the relative absence of clearly defined country-specific junctures. Mostly, we observe many small, incremental changes and gradual developments of risks.

*Keywords: media development, Sweden, politics, media, journalism*

## 1. Introduction

Sweden has approximately 10 million inhabitants and belongs to the group of Western countries that has often been referred to as mature democracies (Ford & Jennings, 2020). Universal suffrage was established in 1921, and a parliamentary system has been in function since then. Swedish democracy has been characterized by comparably high levels of voter turnout in elections, high degrees of public trust in political institutions and high levels of satisfaction among citizens with the way democracy works in the country (Oscarsson & Holmberg, 2016). Sweden ranks high in international comparisons of democracy and freedom of expression:

- *Freedom in the World 2021*: status “free” (Score: 100/100, stable since 2017).
- *Liberal Democracy Index 2021*: Sweden scores highly in the Top 10% bracket – ranked 2 of 183 countries (Varieties of Democracy Institute, 2021).
- *Freedom of Expression Index 2018*: ranked 10 of 183 countries, down from 7 in 2016 (Varieties of Democracy Institute, 2017, 2019).

### 1.1. Political context

Politics in Sweden has historically been remarkably stable with the same political parties in the parliament for a very long time, and a dominant role played by The Social Democratic Party. During the last few decades however, electoral volatility has increased significantly, and the party landscape has changed dramatically (Oscarsson & Holmberg, 2016; Hagevi, 2019; Bolin et al., 2022). The electoral successes of the right-wing populist Sweden Democrats has challenged

traditional political alliances, existing conflict dimensions and power blocs and has complicated the process of government formation (tab. 1).

**Table 1. National Election results and voter turnout in Sweden 2000-2020 (percent)**

Election year/ Political party	2002	2006	2010	2014	2018
Centre Party	6.2	7.9	6.6	6.1	8.6
Christian Democrats	9.1	6.6	5.6	4.6	6.3
Liberals	13.4	7.5	7.0	5.4	5.5
Green Party	4.6	5.2	7.3	6.9	4.4
Moderates	15.3	26.2	30.1	23.1	19.8
Social Democrats	39.9	35.0	30.7	31.0	28.3
Sweden Democrats	1.4	2.9	5.7	12.9	17.5
Left Party	8.4	5.8	5.6	5.7	8.0
<b>Voter turnout</b>	80.1	82.0	84.6	85.8	87.2
<b>Parties forming government after election</b>	Social Democrats	Moderates Centre Party Liberals Christian Democrats	Moderates Centre Party Liberals Christian Democrats	Social Democrats Green Party	Social Democrats Green Party

Source: Valmyndigheten, [www.val.se](http://www.val.se)

## 1.2 Economic context

Sweden has been a member of the European Union since 1995 but decided not to join the monetary union after a referendum on this topic in 2003. Sweden was hit by the financial crisis of 2008-2009 but not to the same extent as many other countries. Key economic indicators such as unemployment rates and inflation figures have remained quite stable during the last few decades. Economic growth, in terms of GNP per capita, has developed positively between 2000 and 2010, but slightly declined or increased modestly over the last ten years. Inequality in society, as measured by the Gini index, has increased during the analyzed period, confirming the existence of resources gaps among segments of the population (tab. 2).

**Table 2. Basic economic data in Sweden 2000-2020**

	2000	2005	2010	2015	2020
GNP/capita (\$)	29.625	43.437	52.869	51.545	51.926
Unemployment (%)	6.1	7.8	8.6	7.4	8.3
Inflation (%)	1.0	0.5	1.3	0.0	0.5
Gini-index	23.0	23.4	25.5	26.7	26.9

Sources: World Bank, SCB, [www.countryeconomy.com](http://www.countryeconomy.com)

## 1.3. Social context

From a broader societal perspective, the most important change between 2000 and 2020 is probably the increased number of people of non-Swedish origin living in the country. As a result of comparably liberal immigration laws – at least until 2015 – the number of migrants arriving to Sweden increased significantly. In 2019, over 25 % of people living in Sweden were of foreign origin, meaning they were either born outside Sweden or both their parents were born in another country. Integration of migrants has generally speaking not been particularly successful. Social segregation and law and order are topics that have become more important on the political agenda (Bolin et al., 2022).

The outbreak of the Covid-19 pandemic in Spring 2020 initially led to international attention for Sweden as a country with a deviating approach, having no hard restrictions or lockdowns and instead relying on citizens' behavior (Jerneck, 2021). The voluntary-based strategy was questioned in the beginning as being too laid back, but in the long run Sweden did not perform worse than other countries regarding death tolls and people in need of intensive care.

Developments in Sweden between the years 2000 and 2020 indicate important contextual changes. But at the same time, contextual changes should not be exaggerated. Through an international perspective and comparison, recent transformations could be perceived as less dramatic. Distinct country-specific contextual critical junctures are therefore not so easy to pinpoint. Digitalization, the financial crisis and the Covid pandemic affected the Swedish society in several ways but can hardly be described as critical junctures, rather more as factors mainly slowing down or speeding up relatively steady transformation processes. Against this background, it is not easy to identify specific risks and opportunities for deliberative communication based on the contextual factors.

#### **1.4. Assessment of monitoring capabilities**

Monitoring the capabilities of the Swedish media system provides a wealth of data, often of acceptable quality, which allows for a deepened and full-fledged understanding of the Swedish media developments and transformations (see case study 1 of Sweden). It enables different actors in the Swedish society to foresee the media developments and to conduct deeper inquiries into certain aspects, be they market monitoring or social inquiries into the working conditions. In all four domains, there is a variety of reliable data sources from different sectors of society.

## **2. Risks and opportunities of legal and ethical regulation domain**

### **2.1. Development of agency and change**

It is difficult to define single critical junctures regarding legal and ethical regulations of the media sector in Sweden. National political institutions and existing legal arrangements seem to be resilient. For example, the implementation of GDPR in Sweden in 2018 has not changed media and journalistic working conditions dramatically as constitutional acts such as the Freedom of the Press Act and the Fundamental Law on Freedom of Expression take precedence over the new regulation. The state is still the most important actor in the domain of legal and ethical regulation.

Fundamental rights of freedom of expression and freedom of information have remained strong during the last two decades, 2000–2020. At the same time, there are some indications of growing problems with journalist's easy access to public documents and decreasing respect for the protection of sources in public administration. Public authorities are generally aware of laws and regulations but also meet demands for increased efficiency that sometimes challenge principles of openness and transparency. Privatization and increased market competition in several areas of society have contributed to less transparency in the public sector.

State actions influence media activities mainly on the system level. Press subsidies and strong public service media have been cornerstones in Sweden's media policy during the last two decades (Nord & Ots, 2019). They are both regulated in media laws and charters and supported by a political majority. At the same time, the views on media policy principles have been influenced by media technology developments. Over time, press subsidies have become less

controversial, and more marginalized in media politics (Ohlsson 2014; Ots 2009), while public service media have become more controversial from ideological perspectives.

The possible implications for deliberative communication in the legal and ethical domain could be perceived from different perspectives. Existing regulatory frameworks have proved to be resilient and continue to provide good opportunities for true and genuine deliberation in the Swedish society. At the same time, the lack of regulation in some areas such as disinformation and media ownership transparency certainly entail risks for the future development of deliberative communication.

## 2.2. Freedom of expression

Sweden was the first country in the world to include a Freedom of the Press Act in its constitution, as early as 1766. Since then, freedom of expression and freedom of information have been embedded in the Swedish Constitution, which provides stronger protection than common law as the Act can only be changed by two separate parliamentary decisions with a general election in between.

The democratic rationale for free speech is central to the Swedish Constitution, which states that democratic conditions are based on freedom of expression and every citizen's right to express their messages, opinions and views in speech, text, or visual forms (Kenyon et al., 2017). The Constitution states that freedom of expression may be limited on explicit issues regarding national security, public order, privacy and individual integrity and prevention of criminal acts (RF 1974: 152). However, there are several exceptions to these rules, including slander and aggression against minorities. Defamation laws do not exist, and Sweden does not have any laws against blasphemy, for example.

Freedom of expression and free journalistic speech are not limited due to implementation of data protection laws. When it comes to the GDPR and regulations on net neutrality, GDPR has been implemented since May 25, 2018. In Sweden, it is directly applicable as a law with the explicit provision that the Freedom of The Press Act (SFS, No. 105/1949) and the Freedom of Expression Law (SFS, No. 1469/1991) take precedence over the GDPR. This means that both constitutionally protected and unprotected media will be able to use personal data in the same way as before the implementation of the new Data Protection Act.

Finally, it is worth to note that there is no law that regulates disinformation but Sweden together with other EU countries are currently discussing measures to combat disinformation. Newsrooms are generally aware of the risks of misinformation and information coming from social media platforms and regularly discuss these problems. However, voluminous, and continuous information flows, time pressure, and limited editorial resources, make efficient checking of doubtful information difficult. While daily fact-checking procedures are not always working well, leading news media have been successful with single fact-checking initiatives (Kalsnes et al., 2021; Nord & von Krogh, 2021).

## 2.3. Freedom of information

Freedom of information is guaranteed in The Freedom of Information Act, that was originally established as early as 1766 (TF 1949: 105). In the early 1990s the Act was supplemented by the Freedom of Speech Act that covered not only printed media but also broadcast and digital media (YGL 1991: 1469). In comparative terms, media speech in Sweden is relatively free of legal restrictions (Bull, 2006: 335–340).

The Swedish jurisdiction is more detailed than in many other countries and includes important aspects such as the degree to which the approach differentiates between media and non-media

speech, strong protection for media sources, and rights of access to information held by public authorities (Kenyon et al., 2017).

The overarching principle of general access to public documents is an important subsection of the Freedom of the Press Act (SFS, No. 105/1949 [1]). The principle is rigorously implemented in practice. Access can be restricted by law, but the principle is extensive. However, during the past decades, some journalists claim that secrecy clauses have become increasingly common in legislation. The reasons for this are said to be privacy concerns due to the openness of digital documentation, protection of personal integrity, and protection of commercial and state interests.

Source protection is an important subsection of the Freedom of Information Act and stipulates that a source that wants to remain anonymous cannot be revealed and it forbids authorities from searching for sources who have given secret material to media for publication purposes. The law also provides protection to whistle-blowers. Sweden follows the European Convention for the Protection of Human Rights and Fundamental Freedoms (SFS, No. 1219/1994[3]).

There are no specific regulations on transparency for media companies in Sweden. Competition law has never been applied to the media sector in Sweden, so the concept of "excessively high" ownership concentration has never been assessed. Swedish law does not contain specific provisions requiring the disclosure of ownership details in the Swedish news media sector. Foreign ownership of Swedish media is at a low level and largely limited to Norwegian owners – e.g. Schibsted, A-media and Polaris (Facht & Olsson, 2021).

Instead, all companies are included and constrained to follow the general regulations in the Swedish Law of Financial Relations, the so-called Transparency Act (SFS, No. 590/2005) [8] which requires companies to be transparent about ownership structures, and the Competition Act (SFS, No. 579/2008) [9], and which regulates ownership concentration. There is a risk of treating media companies in the same way as any other company, and it may have a negative impact on Swedish media plurality in the long term. The level of news media concentration in Sweden is regulated by the Radio and Television Act (SFS, No. 696/2010, Ch. 4, 11§, 15§ and Ch. 13, 27§-28§) and by the broadcasting licenses.

## 2.4. Accountability system

### 2.4.1. Development and agency of change

The state is an influential actor in an indirect way in the accountability domain, accepting traditionally established corporative principles of self-regulation if they seem to work well. EU legislation is implemented but the state level is more important. Media organizations and related non-statutory bodies are gradually adjusting to changing media developments and the structural transformation of the media system.

It is probably correct to claim that the dramatic media developments (digitalization, globalization, commercialization) in the period 2000–2020 have been the driving force behind new initiatives and policy proposals. The structural transformations of the media landscape have raised concerns about the robustness of existing legal and ethical frameworks. There is certainly a general awareness among policymakers about the need to revise and adopt regulations to meet new demands. So far, this awareness has not resulted in distinctive turning points in media and politics-relations but rather in step-by-step adjustments following recent media developments.

### 2.4.2. Existing media accountability instruments and evaluations of their effectiveness

Sweden is characterized by a media system with institutionalised self-regulation (Hallin & Mancini, 2004). Systems for non-statutory media councils have existed for a long time. The Swedish Press Council, founded in 1916, was part of this corporatist structure. The council makes decisions concerning media ethics issues in public and publishes regular reports with considerations and explanations regarding its policy positions (von Krogh, 2016).

In 1969 a national Press Ombudsman was added to support the system and protect the interests of the public. In 2020, both institutions were replaced by The Media Council and the Media Ombudsman. Simultaneously, broadcast media were included in the self-regulation system alongside print and digital publications. The system is well recognized by news media organizations and has a general impact on journalistic practices (Nord & von Krogh, 2021).

The self-regulation system in Sweden is frequently under debate but has hitherto shown its strength and is generally respected by media companies. The system can't be described as completely decisive for daily newsroom work, but it is occasionally used when principles for news selection and publishing criteria are discussed. The self-regulation system was critically tested in 2017 when the threshold for publishing rumours and allegations of sexual harassment was lowered during the #metoo movement. 38 complaints were handled by The Media Council and 24 of them were approved, all criticising newsrooms for lack of reporting and substantiation.

A code of ethics for leading national news media has existed for more than 100 years and has been regularly discussed and updated. The code of ethics is issued by the Media Administration Agency, which is an umbrella organization for the main publishers' associations and the journalists' union. Codes of ethics are well established in the newsrooms and often referred to in the debate on media performance. Sweden also has many specialised journalists' associations for different purposes, such as investigative journalism, environmental journalism, science reporting, and so forth, that discuss ethical issues within these sectors (Nord & von Krogh, 2021).

Many awards such as "Guldspaden", "Stora Journalistpriset" etc, celebrate investigative and "proper" journalism practice. These topics are also discussed at the Publishers' Club's public debates and on and other platforms such as in "The Media", a weekly radio show about journalism practice on public service radio. Online transparency tools exist to some extent but are not widely used. There are also a few other institutionalized media-critical initiatives such as Nordicom and The Institute for Media Studies but their impact on journalistic practices is difficult to assess. Web based media criticism by civil society is not very prominent.

## 3. Risks and opportunities of journalism domain

### 3.1. Development and agency of change

Changing structural conditions on Swedish media markets entails risks of decreased diversity, both in terms of media content and media ownership. The lack of news media presence in several rural and suburban areas remains a problem as it generates an unequal supply of information about what is going on in society (Nygren & Tenor, 2020). Other risks involve the funding of journalism. Willingness to pay for news is still comparably high in Sweden (Newman et al. 2021) but the increased supply of non-journalistic sources of information for free is certainly a risk. So is also the growing level of harassments and threats to journalists in their daily work, particularly from extreme right-wing activists (Wadbring & Mølster, 2015).

What could be understood as a critical juncture is the entrance of social media platforms, or rather the public breakthrough of such platforms in society (Facebook in particular, but also

Twitter), which could be dated to the period from 2010 and onwards. In a more general sense, these required new types of competencies to be implemented in the very identification and development of news, of how to lead traffic from social media sites to the media platforms in an environment with an ever-more metric and algorithmic rationale. Here, clickbait hunting has been assumed to generate the kind of competencies that primarily pave the way for what Lewis (2017) refer to as ‘quick and dirty news’ and thus an unsustainable media development (cf. Berglez et al. 2017).

From another perspective, professional values in journalism still stand strong and have unconditional support from important actors in society, as well as from a huge majority of politicians from different ideological camps. It is also interesting to note an increased interest in, and support for, investigative journalism in national news media. Despite structural market changes, the news media sector still can provide citizens with high-quality journalism. In fact, some media mergers in economically weak regional markets may have contributed to higher journalistic quality as they have replaced a previously ruinous competition in the market.

A general analysis of the journalism domain in Sweden confirms that it is difficult to define decisive critical junctures as the development of journalistic conditions seems to be more of a gradual transformation and adaption to the overall changing media ecology. A media market under increased economic pressure certainly entails potential risks for deliberative communication as the number of arenas available for public debate is reduced. Growing competition and commercialization of the media sector probably also encourages production of content that is less deliberative. The main actors behind these processes include global dominant digital players as well as commercial media-related business, which shape new media market conditions in which journalism is of minor importance.

Market-driven changes in journalistic production conditions may on the other hand also – at least in theory – provide new deliberative opportunities if more rational and efficient newsroom routines due to digitalization saves money for more costly forms of watchdog journalism necessary to have powerholders accountable to the public. Accordingly, media mergers and concentration of newsroom resources can – under specific circumstances – result in more efficient investigative journalism if overall better working conditions are at hand.

Considering political actors’ behavior, the imposed limitations on public service media operations and efforts to undermine their autonomy – proposed by a strengthened right-wing political alliance – can be perceived as a risk from the same perspective. Still, the overall legal support for strong news media from most actors throughout the analyzed period must be considered a basic democratic strength.

### 3.2. Market conditions

The supply of news journalism all over the country decreased during the analyzed period. The number of local municipalities in Sweden without a local media presence increased, as did media ownership concentration given that 57 % of all news departments belonged to one of the five biggest media owners in 2020 (Wallentin, 2021). Recent years have also seen unexpected media mergers, with the biggest private media player, Bonnier, re-entering the local newspaper market in 2019 after nine years of absence, buying 28 local newspaper titles. One of the biggest problems for commercial news media has been the decline of advertising revenues. During the period 2008–2020, advertising revenues to news media declined by almost 60 % with the biggest drop in the last year to levels not seen since the financial crisis of 2008/2009 (Lidbom, 2021).

Consequently, the economic situation has been increasingly strained for journalism in Sweden. The effects have not been abrupt but gradual (e.g. Lindberg, 2021). Largely due to new digital

habits, newspapers had difficulty recruiting new subscribers to their print editions, and advertising revenue was lost to new competitors. Willingness to pay for online content was low and digital advertising revenues remained insufficient to finance journalism (Ots, 2014).

As a result, newspapers were selling off properties and streamlining operations to cut costs. At the same time substantial investments were required from media organizations who wanted to adapt their operations to compete on digital platforms. As a result, various acquisitions took place whereby newspapers could, through joint ownership, collaboration, and coordination, create scale efficiencies and share functions like photos, sports news, web development and printing across several newspapers (Ots 2012; Alström & Nord, 2000; 2003). The process of ownership concentration has fundamentally transformed the power distribution on the newspaper market but has also been deemed necessary for the survival of a local provincial press. As a result, the market for journalism is today dominated by a handful of large chains, in which foreign (Norwegian) ownership has also emerged (Facht & Olsson, 2021).

The previously existing oligopoly situation on media markets remains in place. On the newspapers market, there are three dominant players: Bonnier (Dagens Nyheter, Expressen, Sydsvenskan, Bonnier News Local), Schibsted (Aftonbladet, Svenska Dagbladet), and Polaris (Göteborgs-Posten and regional newspapers). Bonnier is the biggest owner group, and its business interests have expanded significantly in other parts of the country outside Stockholm. The national radio market is traditionally dominated by public service radio, although a few national private radio stations have been established in recent years. The national television market has four dominant players: Sveriges Television, SVT (public service); Telia (TV4 AB); Nent (Nordic Entertainment Group); and Discovery. They control a major part of the television market. In the last few years, the downward economic trend for newspapers seems to have been broken (Lindberg, 2021). Willingness to pay for online journalism has gone up; digital user maturity, the fake-news debate, and decreased trust in digital platforms after the Cambridge Analytica scandal may have affected this development. Certainly, the Covid pandemic has led to a very strong boost in digital readership. Studies from 2020 also indicated that younger segments of the audience increased their use of legacy media platforms (Nygren, 2020). While the industry is still shrinking in terms of total revenue, the profitability is growing in the industry (Lindberg, 2021). This positive trend is particularly prominent among the large and digitalized corporations that were able to use the Covid crisis to their advantage. For Sweden's largest morning daily, Dagens Nyheter, 2020 was their most profitable year ever, and in 2021 the result improved further.

### 3.3. Public service media

Public service media have enjoyed a strong legal protection based on the arm's length-principle and clear distance between politics and media operations regarding financing model, organization, and company structure. However, recent decades of increased media digitalization have raised questions about public service media operations on the Internet and competition conditions in relation to commercial media (Nord & Truedson, 2021). Centre-right politicians and the private media lobby have strongly argued for stricter regulations for public service media content on digital platforms. In 2009, Sweden followed many other EU countries and introduced 'Public Value Tests', assessing public value and market implications of new PSM services (Wormbs, 2011). The Swedish model of public service value tests have generally been perceived as relatively 'soft' version and until today no announcements of new services have been made to the Swedish Press and Broadcasting Authority, MPRT.

In 2019, the previous license fee model was abolished and replaced by a taxation system making public service media slightly less independent and potentially more sensitive to political intentions (SOU 2017: 79). The license model gradually became more obsolete; increasing numbers

of people refused to pay the license, households paid the same amount regardless of income and the abundance of digital and mobile devices made it less rational to base the fee on holding a TV set in your home or not. The new financing model is not directly linked to the annual state budget but based on a percentage of people's income and administrated by the Tax Authority. Still, a political majority can change the model of financing from one year to another.

Finally, a public inquiry on revision of the Freedom of Information Act concluded that there was no broad political majority behind the proposal to guarantee conditions of autonomy for public service media in the Swedish constitution in order to avoid overly dramatic changes to public service media conditions (SOU 2020:45).

### 3.4. Production conditions

Digitalization processes affect working conditions. Robot journalism is commonplace today, with many newspapers using robots or sourcing robot-generated articles externally, for instance to create local content from public data (Clerwall, 2014). A more recent effect of digitalization is the new focus on content as the primary source of income, rather than advertising. Journalists see the opportunities of more digitally mature audiences that are willing to pay for very niched content. While this looks promising for future product innovation in the field of journalism, including for instance newsletters and journalism platforms like Substack, their real impact on the field remains to be seen.

### 3.5. Agency of journalists

In total there are 14 300 journalists (2021) who are members of the Swedish Journalist Union ([www.sjf.se](http://www.sjf.se)). The number has decreased gradually over the last few years, and although the union claims to organize around 90 % of all journalists, there are reasons to believe that the number of un-organized journalists has increased. This is particularly true of younger journalists and journalists working outside the legacy media sector. Roughly speaking, the number of journalists in relative terms in Sweden is thus around 1,5 journalists per 1000 inhabitants.

### 3.6. Journalist's working conditions

Sweden, like many other countries, also reports increasing cases of journalists being threatened or harassed (SJF/JMG, 2019). Leading politicians have declared that such actions should be perceived as threats to democracy and free media. Significant steps to protect journalists have also been taken by news media companies, who provide full and unlimited legal support for their journalists. Hatred and threats against media workers also existed before the era of the Internet, social media, and the expansion of the platformization of communication. However, society's digitalization brought this phenomenon to the next level. Much of the hatred and threats against journalists are thus linked to social media use, with lagging legislation and the rather passive approach of tech companies such as Facebook and Twitter an apparent problem.

### 3.7. Intra-organizational diversity of human resources; gender issues

The latest survey among Swedish journalists covering the period 2007–2011 showed an equal representation (50–50 %) of men and women working as journalists. A huge majority of journalists (83 %) had a university-level of education. Employment conditions were good as 75 % had a permanent position. 15 % said they were working on a freelance basis and the remaining share worked in temporary positions, except for 2 % who were unemployed for the moment (Asp, 2012).

### 3.8. Journalistic competences, education, and training

The first journalism school in Sweden was established in 1947 (Poppius) and the first formal journalism programs were launched in 1959 at universities. The first professor of journalism was appointed in 1990 at Stockholm University. In 2018, journalism programs were offered at 11 universities, 11 folk high schools, and two independent institutions. Quality of education is regularly assessed by the ministry of higher education using expert panel evaluations, and the standard of journalism training in the country is generally perceived to be good.

When it comes to competencies among journalists and media workers in general, what seems to have been a common thread throughout the two analysed decades (2000-2020) is increasing pressure to develop different kinds of skills in a work environment becoming embedded in the “high-speed society” (Rosa & Scheurerman, 2010). On the one hand, we can assume that journalists have been facing the pressure to increase their skills in different respects. Journalism has been a natural part of modern society, in which modernization has very much been characterized by constant development of knowledge (Giddens, 1990).

On the other hand, one could claim that the last two decades have indicated an intensification of this process, to a large extent due to the overall “internetization” and digitalization of society. In this respect, Sweden has been considered a global leader in multiple ways, although it could be critically debated whether the media sector has always been part of this Swedish process (i.e. as a leading actor) or if it has primarily been ‘reactive’, seeking to keep the same pace as other actors in Swedish society.

A crucial competence has thus been *digital/multi-media skills*, i.e. the ability to produce content that is integrated into digital society and intended for digital audiences. This has served as an opportunity, for example in developing and updating the media organization in a direction that is in line with the overall development of society (digitalization), but also entailing a of not being able to fulfil digitalization goals and thereby being associated with tomorrow’s society rather than the future. In terms of a risk, this is also connected to the issue of worsening working conditions and increasing pressure among journalists to cope with and develop multiple skills (Nygren 2012).

Other important aspects involve journalism’s epistemic competence to cover an ever-more complex society and world (i.e. globalization), associated with the new world order after 9/11 (Nohrstedt & Ottosen 2001, 2004); the anti-globalization movement/protests, the financial crisis in 2008; climate change, EU, etc. During this entire period of two decades, an increase in information involving transnational news (EU) or about local-global complexities has, despite its increasing importance due to Sweden’s integration in the world, not been clearly empirically visible in research (Berglez 2011).

The business crisis of the private media sector instead seems to have led to an emphasis on domestic news. The decline of traditional foreign correspondence might have been partly compensated by a gradual hybridisation of domestic and foreign news, in which ever-more international actors, events, and outlooks become embedded in domestic news instead (see Berglez 2013).

### 3.9. Professional culture and role perception

According to national surveys among Swedish journalists, a huge majority strongly endorse the professional goals of independent scrutiny of powerholders, gathering and distributing information to citizens to inform decisions in a democracy and giving a voice to the voiceless (Asp, 2012). These figures are high from a comparative perspective (Strömbäck et al., 2012). Leading national news media in Sweden can be considered highly professional and with sufficient and

sustainable resources to maintain basic democratic functions, including independent investigative journalism. Interviews with editors of leading media organisations in a study from 2019 led to the unanimous conclusion that investigative reporting is first on their list of priorities (Nord & von Krogh, 2021).

## 4. Risks and opportunities of media usage domain

### 4.1. Development and agency of change

As within the journalism domain, transformations in media usage patterns are mainly caused by global and transnational conglomerates providing media consumers with new platforms and devices for use. Media habits are also to a considerable extent dependent on the available output of media content offered. However, media usage is still also dependent on media consumers' rational choice of media diets, depending on individual preferences for information, entertainment etc.

### 4.2. Agency of media-users and analysts

Current developments in media usage patterns in Sweden indicate a process of fragmentation among audiences that is unfavourable for deliberative communication. Mutual understanding and equal conditions for participation for deliberative processes are more difficult to achieve if people's knowledge and experiences vary too much due to individual consumption patterns in the high-choice media environment (cf. Prior, 2007).

At the same time, it should be noted that increasing gaps in news consumption patterns are not always a democratic problem. All kinds of media available to citizens offer different mixtures of informative and non-informative content, as well as varying options for participation and deliberation. Traditional media are often understood in a democratic context but have no monopoly on democratic functions. As some studies have shown new media outlets may contribute to democracy by engaging citizens who were previously less interested in politics (Nord & Strömbäck, 2018). But if already well-informed and less well-informed groups in society continue to deviate in terms of news media consumption, there is a risk that increasing knowledge gaps and selective exposure trends will make democracies less sustainable and more vulnerable.

### 4.3. Access to news and other media content

Swedish people can be described as an increasingly digitized people. Virtually everyone uses the Internet, from the very young to retirees. This usage has been measured regularly since 1995, and online habits have been examined by both public research institutes (SOM, Nordicom and the World Internet Institute) and commercial research institutes (TNS-SIFO and Novus). What is apparent is that the use of social media has progressed in a short time span from being part of our private sphere to becoming a natural part of the public conversation (IIE, 2018). The use of broadband via fibre at home is increasing, and more than half of households nowadays are connected to the Internet via fibre. However, the most common way of using the Internet daily is via mobile phone: 100 % of young Swedish people, aged between 16 and 25, use smartphones.

The most significant media usage trends in Sweden 2000–2020 are related to this digital transformation and the introduction of a high-choice media environment. The migration from traditional to digital media is happening at a rapid pace. Digital media innovations are quickly adopted by large groups of media users when they have barely been introduced. Some important

milestones to be mentioned are the introduction of the iPhone in 2007 and the iPad in 2010 as well as the breakthrough of Facebook in 2006 and Netflix in 2012. These events could easily be referred to as ‘game changers’: global media trends influencing media usage patterns in single countries (Ohlsson, 2016).

In 2019, 92 % of Swedes had a smartphone and 70 % had a tablet (The Internet Foundation, 2019). Online and mobile platforms have, to a large extent, supplemented and replaced print and broadcast media in a country where broadband penetration is 97 % today and expected to be 100 % by 2025. 70 % of the Swedish population now access news via smartphones, and 30 % pay for online news (Newman et al., 2021). The digital media infrastructure encourages more fragmented media consumption patterns, with social media playing a more important role than ever, also as a news provider, and especially for younger generations. Although news media is available all over Sweden, it tends to reach people to a lesser extent than before.

#### 4.4. Relevance of news media

At the end of the analyzed period, media usage patterns in Sweden had changed – especially when older and younger segments of the population were compared. In 2020, 80 % of the entire population consumed legacy media (both private and public) on any platform every day. 43 % consumed news by social media, and in the younger category – under 25 years old – social media dominated as a news source (Ohlsson, 2021).

Despite these changes displayed in consumer patterns, viewers tend to stay with traditional media — newspapers and the public broadcasters — when it comes to news. The battles over movies, sport and fiction seems largely to have been lost to commercial media, but public service radio and TV have maintained their position as trustworthy and reliable news providers. In the broadcast market, there are almost no other providers of news, except for commercial channel TV4 (Carlsson & Facht 2010).

There are great differences in generational media use, as young people (aged 16–29) have social media as their main news source. 69 % in this age category regularly consume news on social media platforms, compared with 16 % of social media users among senior citizens. Even if there have always been age-based differences in news consumption, the contemporary generational digital divide based on social media use is remarkable (Andersson, 2019).

The *Reuters Institute Digital News Report* also indicates that Swedish peoples’ general use of specific media as a news source is falling. Traditional media, such as print newspapers, saw a decline between 2016 and 2019, going from 43 % of the population saying they use newspapers as a news source to 30 %. During the same period, television figures have dropped from 72% to 67 % and the trend is the same on social media, where numbers declined from 56 % in 2016 to 46 per cent in 2019 (Newman et al., 2021).

News is consumed regularly by segments of the population, but overall news consumption figures are declining. As shown by data from *Reuters Institute Digital News Report*, 22% of Swedish media consumers consider themselves as ‘news avoiders’ and actively stay away from news either often or sometimes (Newman et al., 2021).

The larger gaps in news consumption have developed step by step, but the change is profound when comparing the years of 2000 and 2020. Gaps in news consumption have often been perceived as a fundamental challenge for democracy in terms of people’s political knowledge, participation and interest (Prior, 2007; Aalberg & Curran, 2012). The main democratic concern is that narrowing media use to mainly online and social media could have negative effects such as filtering crucial information by creating so called ‘echo chambers’ or ‘filter bubbles’, which have a severe impact on the quality of the public discourse and may contribute to fragmentation

by pushing communities apart or creating and increasing information disparities (Bonfadelli et al., 2022).

#### 4.5. Trust in media

Faced with a wider range of different media formats than ever, the Swedish audience also perceives media performances differently. Trust in news media has been relatively unchanged during recent years. About half the population says that they trust news media in general and 56 % of the Swedish citizens declare that they trust the news media they consume. Over time, trust in news media has increased from 40 % in 2016 to 50 % four years later. The most trusted news media brands are the public service media companies Swedish Television, SVT (76 %) and Swedish Radio, SR (75 %) followed by local and regional newspapers (73 %) (Newman et al. 2022).

These results are in line with national surveys showing that public service television and radio and the commercial TV station TV 4 are the most trusted media in Sweden. Regional newspapers and daily papers maintain a middling position in this respect, while tabloid newspapers and private radio stations are not considered to be especially trustworthy among Swedish citizens.

## 5. Risks and opportunities of media related competencies domain

### 5.1. Development and agency of change

Most activities are concentrated on young people, children, and adolescents. In their rich database, consisting of recurrently produced reports (Statens Medieråd 2005; 2008; 2019a, 2019b), mainly involving surveys, we cannot observe any drastic critical junctures. Instead, one can observe several gradually developing opportunities and risks in relation to the values of deliverable communication and deliverable democracy.

### 5.2. Overview of media related competencies in policy documents

In Sweden, *Nordicom*, serves as an important producer of data and knowledge about the underlying structural, e.g. socio-economic or generational conditions for media usage (see above) and development of media competencies. This is done through the annual data collection of *MedieSverige* ([www.nordicom.gu.se/sv/statistik-fakta/mediestatistik](http://www.nordicom.gu.se/sv/statistik-fakta/mediestatistik)), which might include, for example, the extent of different kinds of media and/or devices per household. Nordicom as such has been rather active in highlighting the topic of media competencies through the various contributions of Prof. Ulla Carlsson.

Furthermore, The Swedish Media Council has a central role in monitoring and analyzing the development of Swedish citizens' media competencies (often in combination with a focus on their media use).

### 5.3. Information about the media literacy programs in formal and/or in non-formal education

Media literacy is obligatory in the civics curriculum. Since there are no media literacy programs *per se* in the Swedish context, the answer to this question is not straightforward. In addition,

since media literacy is only one of six core aspects in civics, it may be dealt with differently by individual teachers and/or schools, but there are books examining teacher's perspectives.<sup>321</sup>

#### 5.4. Actors and agents of media related competencies: risks and opportunities

During these 20 years, the media ecology surrounding individuals has developed tremendously. To begin with, this has generated opportunities such as the capacity to interact through many different channels and devices (Madianou & Miller 2013), and often to find the kind of communication that suits one's preferences and needs, thus enabling different kinds of competencies to develop. Risks are instead associated with a digital divide in terms of different groups' contrasting media literacy, but also a certain vulnerability in relation to the massive amount of information and communication to which people becoming exposed in everyday life. They have to treat, interpret, share, etc. different kinds of media information, often with blurring lines between professional media/journalism and other types of media content. Source criticism has therefore become an ever-more important competence, both among citizens in general and among children. In the latter case, media literacy education has become integrated into the Swedish school system.

#### 5.5. Assessment of media related competencies among citizens

The *Swedish Media Council (Statens Medieråd)*, coordinates the national effort for greater media and information literacy in the general population<sup>322</sup>. The Council annually produces reports about these issues, available on its website ([www.statensmedierad.se](http://www.statensmedierad.se)), where the focus is on the younger population. The idea is there is to contribute with knowledge about how to prepare children and adolescents for citizenship and thus contribute to deliberative communication and ultimately deliberative democracy.

### 6. Analytical conclusions

The overall impression of developments in the four domains analysed in this paper suggest that *gradual transformations have been more prevalent than critical junctures*. Consequently, the distinctive role of different actors in terms of changing processes is not particularly easy to detect as these processes have commonly been embedded in negotiations, bargaining and compromises between single actors, which is typical for a democratic corporatist media system. Furthermore, actors' potential influence in these processes needs to be related to overarching structural conditions such as digitalization, globalization, marketization etc.

We can speculate whether the dominance of gradual transformations in media developments has to do with the overall Swedish political, cultural, and economic context, which also, seems to be characterized by gradual transformations instead of very drastic changes/events happening 'overnight'. In some sense, however, we need to be cautious about taking the premise of gradual transformation for granted. We might simply miss important data, which is easy in the case of Sweden, which is so rich of knowledge that might point in different direction. Another reason is that that the owl of Minerva flies at dusk, i.e. in some cases it is not until long time afterwards that one can understand which event and/or actor was crucial for the development.

In the *legal domain*, political actors on the national level seem to be of greatest importance for understanding developments in risks and opportunities. During the period of analysis, 2000–

<sup>321</sup> [https://gupea.ub.gu.se/bitstream/handle/2077/32107/gupea\\_2077\\_32107\\_3.pdf?sequence=3](https://gupea.ub.gu.se/bitstream/handle/2077/32107/gupea_2077_32107_3.pdf?sequence=3)

<sup>322</sup> <https://www.statensmedierad.se/ovrigt/about-the-swedish-media-council> (retrieved 2022-02-11)

2020, Swedish governments of diverging political colours have imposed new regulations on the media sector that could be perceived as risks to media freedom: the implementation of public value tests, the replacement of the licence-fee system by taxation system and reluctance to protect public service media in the constitution. The political steps taken are based both on adaptations to overall digital media developments, EU directives and increasing ideological polarization in some distinctive media policy areas.

However, the role of politics is complex. In other media policy areas, political confrontation has declined and common support behind more efficient media subsidies has emerged. The ongoing revisions of the existing subsidy systems certainly entails better opportunities to offer news media services in different parts of the country and reach more people. The role of national political actors in regulation processes is thus ambiguous; they are basically reactive; they respond to external developments and their corresponding actions are resulting in laws and regulations that include both risks and opportunities for deliberative communication.

At the organizational level, media companies must naturally comply with the regulatory framework, but they do also sometimes act as lobbyists in media policy processes and defend their own self-interests. During the last decades, in particular private media conglomerates have been involved in public campaigns aimed at restricting public service media activities online and they have also initiated their own inquiry on the topic (The so-called Public Service Commission). At the same time, public service media companies have on their side provided lawmakers with several arguments for strengthening public media positions.

Even if both private and public media organizations have been relatively successful in incorporating their arguments into the public debate, they cannot be considered particularly important actors who produce risks and opportunities in this area. The most important contribution of media companies here is likely mostly related to the self-regulation accountability mechanisms and a well-functioning system aimed at maintaining trust and credibility in news media.

At the group and individual level, prospects for influencing legal processes are even more limited. Specific interest groups such as the journalists' trade union and publishers' associations often express views on media regulations but cannot be perceived as important or key actors. Outside the sectors of media and politics, public interest in media regulatory frameworks is limited and seldom more generally discussed in public fora. However, the increasing polarization regarding public service media has resulted in more emotional and confrontational debates between groups and individual, particularly on social media platforms. So far, these debates have generally not found their ways into the decisive political and legislator processes.

In the *journalism domain*, the organizational level is the most important for analyzing risks and opportunities. Influences on journalism practices at the political level are highly controversial in line with the commonly accepted arm's length principle governing relations between media and the state. The few politicians commenting upon journalistic content in programs and articles are also regularly condemned in public debate for questioning the autonomy of news media. The principle of media freedom regarding newsroom work practices is widely accepted by the political system and offers good basic opportunities for professional news journalism.

Media companies play a bigger role in determining journalism conditions. Structural transformations have taken place on media markets due to increased economic pressures and loss of advertising revenues. This development has resulted in an increasing number of media mergers and closures of local newsrooms to save money. The risks to the production of news journalism are obvious as the number of newsrooms and journalists decline in several geographic areas of the country.

The implementation of more cost-effective newsroom procedures, driven by digitalization, metrics, and multiplatform production conditions, may also contribute to more streamlined and

audience-oriented content of lower journalistic quality but which are cheaper to produce. At the same time, newsroom values of journalistic professionalism are still valid and should not be underestimated when analyzing production conditions. Investigative journalism is practiced, and enjoys more resources being spent on it, at least in bigger national media companies. Overall, it is relevant to perceive media companies mainly as drivers of risks for news journalism, and only to a minor degree contributing to improving opportunities for journalism watchdog role.

At the individual level, journalists' work is generally deteriorating. This is to some extent a consequence of market-driven newsroom transformations, but also because threats and harassment of journalists have become more common. This development certainly entails risks to professional journalism. The threats against journalists are sometimes expressed by single persons, but quite often also articulated in posts and threads associated with groups on social media, in particular right-wing populist factions. In these groups, journalists are generally perceived as representatives of political elites with a hidden agenda to promote left-wing ideas and perspectives in reporting.

When it comes to tech-oriented media-related competencies among journalists, one could, roughly speaking, divide the period 2000-2020 into two phases, the first one (2000-2010) being relatively tech-optimistic and the other one characterized by a more realistic understanding of journalists' digital multitasking and multimodal skills in editorial milieus/newsrooms or in the field. The latter case, which is then primarily associated with the first decade, could be understood as the media sectors' desire to be a central node in the information society; to be modern and digitally cutting-edge and to embrace technical innovations, and so forth.

The agents of this development were all those individuals in managerial or editorial environments who could be considered early adopters of different technological trends, assumed to be relevant for the development of media. Part of this notion was thus the multitasked journalist who would, by means of smart tech solutions, be able to manage work tasks that were previously handled by several different employees. But gradually – and now we are moving into the later decade (2010-2020) – this instead became associated with the budding crisis in the media sector with ever-shrinking economic resources. This then presumably laid the foundations for a less romanticized understanding of tech-oriented skills and thus led to the bad working conditions and de-professionalization of the journalistic profession instead. In turn, this also created a less obvious connection between tech-advanced skills among media practitioners and the media's role as contributor of deliberative communication. In this case, the introduction of new digital technology became more of a risk than an opportunity for deliberative communication. The main agents of this process were then very much the management teams of media companies.

In the *media usage patterns domain*, the individual level is very important. Swedish media consumers live in a high-choice media environment and media diets vary significantly between individuals. The increased supply of media options available entails both risks and opportunities for deliberative communication. The opportunities to gain more knowledge about what is going on in society have never been better but the same is true for the opportunities to completely avoid news and information. Knowledge gaps may increase and jeopardize prerequisites for mutual understanding and constructive dialogues between groups of citizens.

However, individual media consumption patterns do not occur in a vacuum. Media choices offered also depend on media actors' behaviour and strategies. Households' media budgets are limited and the costs of media subscriptions, pay-tv fees, mobile devices and pay walls on web sites influence peoples' choice of media usage. In the case of Sweden, the dramatically increased media supply in recent decades – offering more consumer choice – has resulted in less money spent on media providing news and journalism.

In this domain, it is also necessary to underline the importance of global companies offering new services to audiences worldwide. The accumulated power of global monopolies such as Google and Facebook have significant implications for democratic societies (Moore & Tambini, 2018). The continuous introduction of new digital channels and social media platforms certainly drives fundamental changes in media usage patterns.

In the *media user competencies domain*, it can be said that Sweden is a country with a high level of competencies in terms of using different media, also among the elder generation, and knowledge about competencies is well-developed (this thanks to institutions such as *Nordicom* and *Statens Medieråd*). However, this does not mean that there are no differences or digital divides within Sweden. For example, such divides could be linked to citizens' socio-economic background.

## 6.1. Final comments

The studies of the four domains in this paper confirm to a large extent the ideas suggested in previous research about the Nordic media model, namely that media system features of the Nordic countries seem to develop and change, while retaining key features (Syvertsen et al., 2014). The book of the *Media Welfare State* analyzed four periods: establishment of universal service in telecommunication and broadcasting (1875-1950), expanding public service, decline of party press and press support (1950-1980), deregulation and competition in broadcasting (1980-1990) and digitalization and convergence of media services (1990-). In this paper, the following period between 2000-2020 has been investigated.

An overall conclusion based on this review of media developments in Sweden suggests that observing the continuity factor may be equally as relevant as possible changes and shifts in trends. However, in our view, continuity should not primarily be perceived as an absence of change, but rather an adaptation to new realities within the framework of durable principles. There have certainly been important transformations over the last few decades, such as the breakthrough of digital and social media and the increased use of mobile devices by almost everyone. News media have moved to digital platforms and competition with other types of content is higher, but news media are still followed by most Swedish citizens. Resilience seems to be a stronger force than reshaping.

In the case of Sweden, insidious transformations have been further facilitated by a comparably pragmatic relationship between the state and public and private media. The democratic values of professional journalism are widely acknowledged by the state, political actors, public agencies, and private companies. Thus, deteriorated working conditions for news media are generally perceived as a societal problem that needs to be met by political actions. The continuous establishment of new media inquiries and the political intention to protect a well-functioning dualistic public/private media system is probably not enough to prevent global media trends from happening in Sweden, but they may slow down transformation processes at least from a short time perspective.

Basic challenges from accelerating digital media developments and continuing social fragmentation of media usage patterns remain as distinctive features of the contemporary Swedish media landscape but have so far not originated from significant single moments, or critical junctures, where conditions for media democratic functions have changed dramatically. On the contrary, tendencies of resilience can be observed where existing functions and relations have been sustained and, in some cases, advanced. If these tendencies will continue to be as strong in the future is however an open question. In the long run, it may be wise to foresee a future in which the Swedish media landscape, step by step, undergoes a transformation and becomes less likely to meet standards of deliberative communication.

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