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Media Pluralism Monitor 2016 Monitoring Risks for Media Pluralism in the EU and Beyond

Country report: Ireland

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CMPF Centre for Media Pluralism and Media Freedom

Media Pluralism Monitor
Monitoring risks for Media Pluralism in EU Member States

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1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the first pan-European implementation of the MPM. The implementation was conducted in 28 EU Member States, Montenegro and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research was based on a standardised questionnaire and apposite guidelines that were developed by the CMPF.

In Ireland, the CMPF partnered with Dr Roderick Flynn of the Fujo Media Research Institute, who conducted the data collection and commented the variables in the questionnaire and interviewed relevant experts. The report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe I for the list of experts).

To gather the voices of multiple stakeholders, the Irish data collector organized a stakeholder meeting on May 24 2016 at the offices of the Broadcasting Authority of Ireland. An overview of this meeting and a summary of the key points of discussion appear in the Annexe 3.

Risks to media pluralism are examined in four main thematic areas, which represent the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of 20 indicators - five per each thematic area:

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/ regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The results for each area and indicator are presented on a scale from 0% to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk[1].

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report.

1 For more information on MPM methodology, see the CMPF report "Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey", http://monitor.cmpf.eui.eu/

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2. INTRODUCTION

The Republic of Ireland occupies 84,000 square km of the island of Ireland which is shared with Northern Ireland. As of 2016, the population is just under 4.8m people of whom 1.3m live in the capital, Dublin. Although Ireland has two official languages – English and Irish – the latter is not commonly spoken and daily use is confined to fewer than 80,000 people. (Indeed Polish is now the second most spoken daily language in Ireland)

Notwithstanding increased immigration since 1990, Ireland remains culturally homogenous as compared with other Western European states. According to the 2016 census 92% of the population was White Irish or came from another White background while just 3.5% of the population were identified as coming from a Black or Asian ethnicity. The Irish Traveller community accounts for approximately 0.66% of the population but is not yet officially recognised as an ethnic minority.

A period of rapid economic growth from the 1990s (commonly referred to as "The Celtic Tiger") fuelled a property bubble which burst dramatically in 2008. In 2010 the state was forced to seek a €85bn bailout from the European Union, IMF and European Central Bank. The loan conditions lead to significant public expenditure cuts. Unemployment rose from 4% in 2006 to 15.2% in 2012 while average earnings fell consistently between 2008 and 2014. In December 2013 Ireland exited the bailout programme but though most key economic indicators have improved since then, the economy has not yet reached the peaks of the 2000s.

Two parties have dominated Irish politics. The Fianna Fail party consistently held the most parliamentary seats until the economic crash of 2008 but at the 2011 election the Fine Gael party moved into the ascendancy. Both parties are ideologically centrist: their main distinctions being positions adopted in 1922 regarding the nature of Irish independence. The post-2011 political environment has witnessed the emergence of more broadly leftwing blocs with the Irish parliament but these have yet to play a leading role in an administration.

Ireland's small population limits the scale of media markets whilst the country's Anglophone status has seen UK-based media in particular account for a share substantial of media audiences. UK papers account for one in four weekday and one in three Sunday newspapers sales. In television the combined market share of all Irish-based television station, public and private, is just 47.5%. By contrast radio remains overwhelmingly Irish in terms of ownership and content.

Irish print media and television consumption is in line with EU average. According to Eurobarometer figures from 2014, the average Irish adult spends 208 minutes a day watching television of which 90% is consumed "live". 83% of people watch television via a TV set everyday. 28% of the population watch television via online platforms 2-3 times a week which is slightly higher than the EU average. 76% of the population claim to read a newspaper at least 2-3 times a week although historically newspaper circulation per capita has been lower than the European average. By contrast the Irish use radio more than any other EU Member State barring Germany, with 68% of the population listening daily. With 67% of the population claiming to access the internet daily, Ireland is somewhat ahead of the EU28 average of 60%.

The internet has altered local news consumption patterns. According to the 2016 Reuters Digital News Report for Ireland,[2] 70% of Irish adults respondents identify online sources as a weekly source of news, though television remains the leading source with 73%. Furthermore Irish audiences are more likely to source news through social media (52%) on a weekly basis than they are through either radio (47%) or print (45%).

In addition to online viewing, television is accessed via satellite, cable and DTT. The late introduction of a state-run (via Radio Telifis Eireann, the public service broadcaster) DTT service to Ireland in 2011 means two international players, Sky and the Liberty Global dominate television distribution via, respectively their satellite and cable platforms. As of the end of 2016 just 11% of television homes exclusively rely on DTT for broadcast television although many more use it as a secondary platform along with cable or satellite.

Responsibility for media regulation is spread across a number of bodies including the Broadcasting Authority of Ireland (BAI), the Press Council of Ireland, the Internet Advisory Board and the Competition Authority. The role of the Press Council and the Advisory Board is limited to post-hoc medium-specific content regulation whilst the Competition Authority's role in relation to media is limited to assessing the market impact of media mergers. The role of the BAI is much broader: it not only licences independent radio and television stations, but administers content regulation codes (backed by the power to administer fines to broadcasters), operates the Broadcasting Complaints Commission and funds public service content production via the Sound and Vision Scheme. In addition, since the 2014 Competition and Consumer Protection Act, it plays a role in assessing the impact of media mergers on diversity and pluralism.

2 See http://www.digitalnewsreport.org/survey/2016/ireland-2016/.

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3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM

Public discourse in Ireland on media pluralism tend to focus on the increasing concentration of media ownership since the beginning of the 21st century. In 2000, the print and broadcast sectors were dominated by Independent News and Media and the public service broadcaster RTE respectively. Although both remain leading players in their respective media sectors, they have been joined by a number of other entities – perhaps most notably Communicorp, News Corp/21st Century Fox and Liberty Global – which have established prominent positions across the print, radio, television and broadcast distribution sectors.

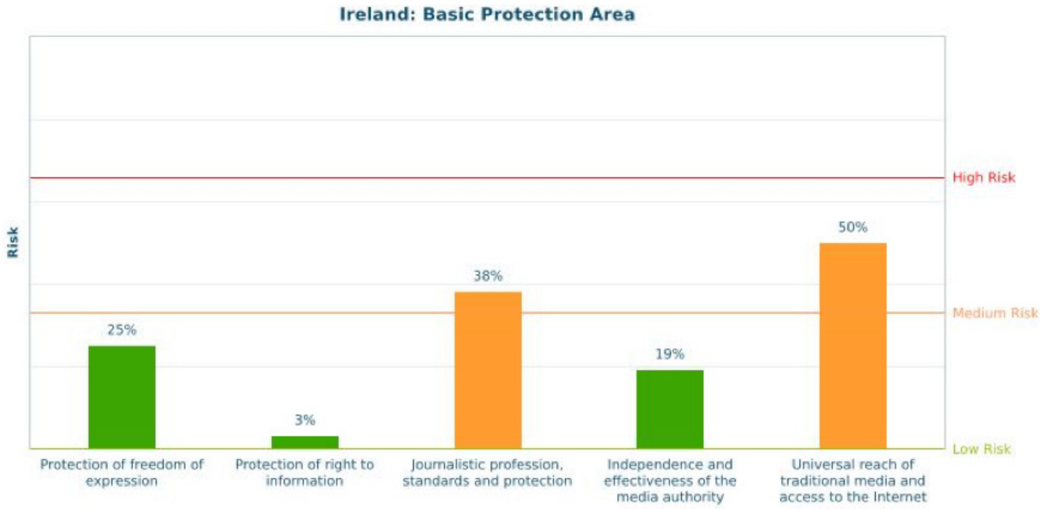
However, the attention devoted to the question of how/whether to regulate ownership has overshadowed other features of the Irish media system which challenge the capacity of the Irish public sphere to reflect and represent the variety of perspectives and outlooks characteristic of a pluralist society.

As the report below summarises, the question of ownership concentration needs to be considered in light of the ongoing threats to the viability of legacy media. This raises the question of whether ownership consolidation is an acceptable price for keeping media outlets operational. The straitened finances of mainstream media institutions is also reflected in the increasingly precarious position of Irish media workers: if the social and political role of the mass media is considered important, should it be left to journalists working on freelance/short-term contracts and who face increasing productivity pressures?

The report also emphasizes the importance of examining who works in and appears on our pages and screens. Ireland in 2016 is a far more diverse place than a quarter of a century ago, but the failure to reflect this in our media content, raises questions as to how far pluralism really extends.

3.1 BASIC PROTECTION (26% - LOW RISK)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector; and the reach of traditional media and access to the Internet.



The indicator Protection of Freedom of expression scored as a low risk (25%). Section 40.6.i of the Constitution guarantees the "right of the citizens to express freely their convictions and opinions" but qualifies this by stating that 'organs of public opinion' (i.e. media outlets) may not be used 'to undermine public order or morality or the authority of the State' (without clearly defining what utterances might be regarded as having this effect). However, Ireland has signed both the ICCPR and European Convention on Human Rights, which include stronger commitments to freedom of speech. Ireland is also unusual in that blasphemy has been an offence since 2009. Furthermore Irish journalists have assert that libel law has a "chilling" effect on their work in the past not least because of the unpredictability of the scale of damages that may be awarded in a legal suit. The 2009 Defamation Act's introduction of a "public interest" defence for the publication of a defamatory statement has partially remedied this while the removal of the charge of criminal libel, effectively de-criminalised defamation.

The indicator Protection of Right to Information (3%) is at a very low risk level. Although the right to information is not recognised by the constitution the Freedom of Information Acts of 1997, 2003 and 2014 oblige government departments and other public bodies (universities, health boards, etc.) to publish information on their activities and to make available information they hold, including personal information available to citizens. Compliance with the Act is generally good and although the imposition of a fee for FOI requests following the 2003 Act diminished the number of requests, the fee was removed following the 2014 Act.

The indicator for Journalistic Profession, Standards and Protection scored a medium risk (38%). Although there are no legal impediments towards becoming a journalist in Ireland (e.g., no state licencing system), the scarcity of some groups within the profession - working classes, ethnic minorities and the disabled – points to the existence of less tangible barriers. Furthermore if secure employment is necessary to allow journalists to adopt watchdog role, this is clearly undermined by the increasing prevalence of freelance employment and casualization. Although the National Union of Journalists Code of Conduct (together with the parallel code operated by the Press Council and the BAI's codes on fairness and objectivity) offers some guarantees for professional standards, the declining rate of NUJ membership in particular is not encouraging in this regard. There is also clear evidence that journalists – and in particular crime journalists – have been subject to threats to both their physical but also their digital safety via use of the Communications (Retention of Data) Act 2011 as a means to survey journalists.

Regarding the Independence and effectiveness of the Media Authority, this indicator achieved a low risk level (19%). Although there is a high level of political involvement in appointing the members of the main media authority - the Broadcasting Authority of Ireland - it operates within clearly defined legal structures, and consistently acts in a manner which is both transparent and independent from political and/or commercial interference.

The Universal reach of traditional media and access to the internet is at medium risk level (50%). Given the near-universal availability of legacy broadcast media the medium risk recorded here may seem surprising. However, the findings for broadband availability are general considered to constitute a high risk. Eurostat data from 2013 suggests

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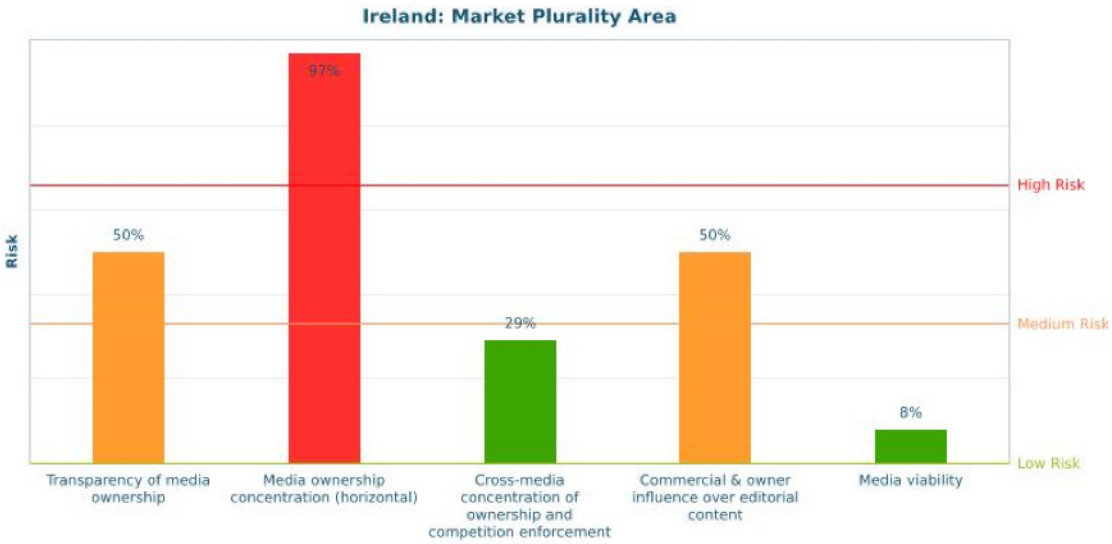
that although 2% of the overall population has no access to broadband, this rises to 7% in rural areas. Both figures are considered high-risk. However, as more recent figures for 2015 from the Irish Commission for Communications Regulation (Comreg). point to a higher level of household broadband penetration (83%) than Eurostat (75%) the reality of the situation is better than the MPM instrument suggests.

3.2 MARKET PLURALITY (47% - MEDIUM RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media owners and advertisers, influence editorial decision-making.



Transparency of media ownership scores a medium risk (50%). Although in practice the public may have some knowledge of which individuals or companies own media outlets operating in Ireland, Irish company law does not require any company, media-related or otherwise, to disclose who holds the beneficial interest in shares. The public may consult the contracts of those radio and television media outlets licenced by the BAI which include information relating to ownership structures. Such contracts are not available online and must be physically examined at the BAI offices limiting their accessibility. Furthermore Section 28 of the 2014 Competition and Consumer Protection Act states that in the case of any media merger/acquisition the undertakings involved must notify the Minister for Communications of the proposed merger including details relating to the ownership of those undertakings.

The indicator on Media ownership concentration scores a high risk (97%). This is largely accounted for by the absence of specific upper limits on media ownership. The 2014 Competition and Consumer Protection Act, section 4 of which is entirely devoted to media mergers, does not specify quantitative thresholds which would automatically prevent an increase in media ownership concentration. Section 25 of the Broadcasting Act 2009 requires the BAI to maintain open, pluralistic and diverse, but again does not specify limits on ownership thresholds. In it's 2012 Ownership and Control Document the BAI argues that, since there is no obvious practical matrix for determining what constitutes a reasonable share of media markets, media acquisitions and mergers should be assessed on a case-by-case basis. Despite this, the high risk figure perhaps overstates the extent of concentration in Ireland where, in any case, some cognizance of the impact of small market size should be acknowledged. Although the 84% C4 score (measuring the market share of the top four players) for the newspaper sector is considered as high, the figures for radio (67%) and television (51%) would be regarded as constituting medium levels of concentration.

By contrast with the previous indicator, the low risk (29%) recorded for Cross-media concentration of ownership and competition enforcement (29%), possibly understates the real level of risk. Part of the difficulty with this indicator is its reliance on data not readily available for the Irish market, namely the market share of the top four cross-media owners in Ireland and the market share of the top four internet content providers.

At a regulatory level the 2014 Competition and Consumer Protection Act outlines a multi-stage process which can prevent high levels of media concentration involving the Competition and Consumer Protection Commission, the

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Minister for Communications, Energy and Natural Resources and - in some cases - the Broadcasting Authority of Ireland. Inevitably, answering the question of whether these processes have been used effectively involves a degree of subjectivity. It is unquestionably the case that the BAI's adoption of a new "lighter touch" code on media ownership in 2001 (supported by the Competition Authority) was followed by a marked increase in the degree of concentration in Irish media markets. However, the BAI have argued that pluralism is better served by ensuring the existence of the greatest possible number of media outlets, even if this is only possible by permitting ownership consolidation. Furthermore, the BAI have not always permitted media acquisitions to proceed, most notably blocking Communicorp's acquisition of FM104 in 2007. More recent practice, however, on the part of successive Ministers for Communication points to a de facto policy of supporting viability through economies of scale. Since 2015, all three commercial television stations - TV3, UTV Ireland and Setanta - in Ireland have been acquired by existing large communications groups, namely Liberty Global (TV3 and UTV Ireland) and Eir (Setanta). In summer 2016 News UK acquired the Wireless Radio Group and in Autumn 2016, Independent News and Media bid to acquire the Celtic Media Group. At the time of writing (December 2016) only the last of these has been subjected to a second stage analysis under the 2014 Act.

By contrast, since the passage of the 2009 Broadcasting Act, there has been a robust regime in place to ensure that, in keeping with EU competition law, that public funding to public service broadcasters does not exceed the amount necessary to fulfill their public service remit. RTE and TG4 must submit annual budgets to the BAI with detailed plans for public service content production and broadcast. The BAI uses these to make annual recommendations to the Minister for Communications as to the level of public funding required by RTE and TG4.

Although the 2003 European Communities (Protection Of Employees On Transfer Of Undertakings) Directive ensures a new employer must continue to observe the terms and conditions of pre-existing their ownership, this does not specifically afford protections to journalists in the event of a change of media ownership or editorial line. Nor does any other Irish legislation afford such protection. That journalists are occasionally subjected to unfair dismissal by Irish media outlets seems supported by a number of high profile legal cases taken since 2001. This is reflected in the indicator on Commercial & owner influence over editorial content which scored a medium risk (50%).

By contrast there are regulatory measures obliging Irish journalists to avoid commercial influence – Article 10 of the NUJ's Code of Conduct and Section 2.3 of the Press Council Code of Practice warn against endorsing commercial products or allowing undisclosed interests to influence editorial content. There is one potentially grey area in this regard, however: "Advertiser Funded Programming" is a mechanism which permits broadcasters to charge "guests" on, for example lifestyle programming, to promote their brand. If the broadcaster displays a product placement graphic in advance of such segments, such practices are not considered as breaches of the BAI's General Communications Code.

With regard to owner influence, there have repeated public assertions – to our knowledge not legally challenged – suggesting that media owners have sought to directly intervene in editorial content. However, such overt interference does not appear to be extensive and, in any case, it is not clear it directly leads to an actual change of content. By definition it is much harder to establish the extent to which the simple fact of media ownership can indirectly shape editorial content by creating a context where journalists may avoid adopting lines which they believe to run counter to the interests or preferences of their owners.

The apparently low risk score of Media viability (8%) is problematic in the Irish context because – as per the MPM Instrument – it is based on very recent media revenue trends. Spending on radio, television, print and especially online advertising in Ireland has increased – slightly – since 2013. However, 2013 probably represented the nadir of a five year revenue decline and 2015 and 2016 revenues remain well below their mid-2000s peak levels. In practice, there remain substantial doubts over the viability of even high profile Irish media outlets.

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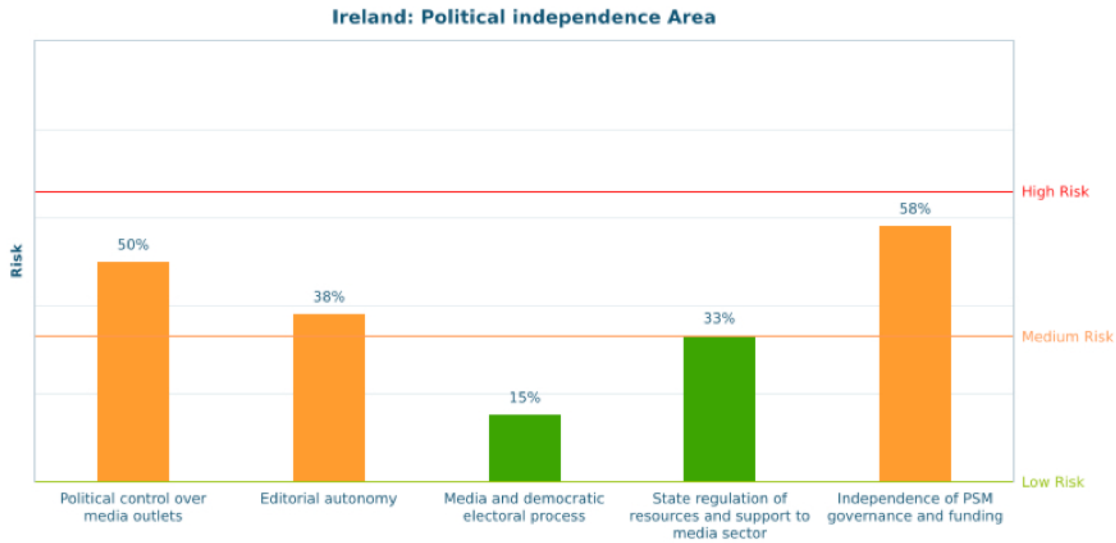
3.3 POLITICAL INDEPENDENCE (39% - MEDIUM RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



The indicator on Political control over media outlets scores a 50% risk. Despite the medium risk recorded here there is little evidence of political control over public or private media in Ireland. Serving politicians are barred from sitting on the board of both state-owned broadcasters - RTE and TG4 – and the Broadcasting Authority of Ireland. Furthermore, since the closure of the Irish Press Group in 1995 there has been no "party press" in Ireland. Nonetheless, the medium risk score is based on the fact that there is no absolute prohibition on an individual simultaneously holding political office ad owning media outlets in Ireland.

As regards Editorial autonomy Ireland scores a 38% risk. Again the medium risk recorded reflects the absence of regulatory safeguards guaranteeing autonomy from political interference when appointing senior editorial staff to media outlets. However, given the nature of Irish media, it would be hard to imagine how the state or a political party could effect such influence, given the absence of party media in Ireland. More broadly, with regard to political influence on editorial content, it might be argued that the reliance of Irish news media on "official sources" complicates efforts to remain independent of political influence, but it is hard to imagine a national news ecology where this is not the case. Furthermore, although some media groups have adopted editorial lines which are consistently negative towards specific political parties, there is no evidence to suggest that this occurs as a result of influence from other political parties.

The indicator on Media and democratic electoral process scores the lowest risk in the area of Political Independence (15%). The 2009 Broadcasting Act strongly asserts the need for fair representation of viewpoint in broadcast coverage. Article 39 states that all broadcasters must ensure that "the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views". Furthermore the BAI has actively defended this principle via a series of decisions taken in the context of its Broadcasting Complaints process. However, although BAI rules imply that competing political parties should be able to access broadcast media on an equitable basis, there is no overt obligation on either public service or private broadcasters to facilitate such access. Furthermore political advertising is banned outright in Ireland. In practice, RTE routinely offer airtime for party political broadcasts in the run-up to elections though this is less common on private channels. Furthermore, the question of which factors to take into account in allocating airtime (proportion of parliamentary representation, opinion poll performance etc.) is not defined by the BAI and thus remains contested. More generally since the regulator does not actively monitor the extent and nature of how different political actors are represented – relying instead on complaints from the public (including political parties) to draw attention to disproportionate representation - there is a lack of objective data which could be used to definitely assess the fairness of political representation.

State regulation of resources and support to media sector scores a low (33%) risk, but borders on the medium risk band. Ireland lacks the kind of direct state media supports to private media found in, for example France and some Scandinavian countries. However, the state is a significant advertiser in its own right, spending €47m in 2015, raising the question of what criteria are used when choosing media outlets for such advertising. The answer is not entirely clear. Any public body seeking to place an advert in Irish print media must do so via an intermediary (usually an ad agency) appointed via a public tender process. This intermediary places print ads on behalf of public bodies as per the instructions of the latter. In other words, it appears that the public body should determine where the advertising is placed. A study of the placement of state-ads in Irish newspapers between 2010 and 2012 suggests that circulation is a primary determinant – the best-selling Irish daily, the Irish Independent secured more state advertising than any other single paper - but other, less clear, factors also seem to play a role.

Finally, the indicator on Independence of PSM governance and funding records the highest risk to political independence although at 58% it remains in the medium risk band. This reflects the fact that six of RTE's 12 Board members are directly appointed by the Minister for Communications – subject to a consultation cross-party Joint Oireachtas (Parliament) Committee. That committee nominates a further four candidates as directors although the Minister is not absolutely required to accept them. As such, there is clear political influence involved in these appointments. Furthermore, although the Director-General of RTE is chosen by the RTE Board, the appointment is subject to the consent of the government. The determination of the level of public funding for public service media in Ireland is less subject to political influence than in the past. However, the Minister for Communications remains the final arbiter of the licence fee. Section 124 of the 2009 Broadcasting Act outlines a mechanism which relates increases in the fee to the Consumer Price Index subject to annual BAI reviews of the adequacy of RTE and TG4's funding. Although CPI increases since 2008 have been small, the BAI has recommended concomitant increases in the level of the licences in several years. However, as of 2016, the government has consistently refused to do so. In effect then, a political decision (probably motivated by a wish to avoid public anger at another perceived "tax" increase) has denied RTE access to funding which the regulator has acknowledged as being required.

3.4 SOCIAL INCLUSIVENESS (51% - MEDIUM RISK)

The Social Inclusiveness indicators are concerned with access to media by various groups in society The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.

The indicator on Access to media for minorities scores a very high risk (97%). Although in general terms the Broadcasting Act of 2009 provides for the access of different social and cultural groups to broadcast media, this is less an obligation and more an aspiration. Thus, with the exception of Irish-language communities, Irish media face no specific requirements to provide access to minority groups, however defined. Although the mid-2000s saw the emergence of some media addressing "new Irish" audiences and the inclusion of "multicultural" programming on radio and television, these were not sustained and are now largely confined to community media and one show on a commercial radio broadcaster.

Irish language audiences are served by a number of dedicated state-owned and "community of interest" broadcasters, including RTE's Raidió na Gaeltachta, the second public service television broadcaster TG4, and the Dublin-based Raidio na Life community radio station. Reflecting the low level of Irish-language use in everyday life, audiences for these stations tend to be small: even the most successful (TG4) rarely surpasses a 2% market share.

The indicator Access to media for local/regional communities and for community media scores low risk (31%). Although there is no strict legal obligation for it to do so, the PSM RTE maintains eight regional offices (with associated correspondents) which broadly cover the entire island of Ireland. Local and community media in Ireland are mainly constituted by independent radio stations and have been a feature of the Irish broadcasting landscape since the 1988 Radio and Television Act. The 2009 Broadcasting Act requires broadcast network providers to allocate space for any BAI-licenced broadcast service: at present the BAI licences 22 community/community of interest stations (or which two are television) and 32 local or regional commercial broadcasters. Although commercial broadcasters rely on advertising revenue, community stations are restricted in this regard and tend to rely on short-term – and thus unpredictable - funding from a variety of state bodies such as the Community Services Project, an initiative funded by the Department of Social Protection.

The indicator Access to media for people with disabilities scores medium risk (38%). Although active regulatory and practical efforts are underway to facilitate access to broadcast and print content for people with disabilities, these do not yet constitute a well-developed policy. The 2009 Broadcasting Act requires the BAI to draw up "Access Rules" laying down requirements for the provision of subtitling, captioning, audio description and Irish sign language. In practice the extent of these varies according to the specific access method and the nature of the broadcaster. Thus while subtitling obligations are quite significant, the provision of audio description is very limited. Furthermore public service media face more stringent obligations in this regard than their commercial counterparts.

The indicator Access to media for women scores medium risk (44%).This indicator is mainly assessed by reference to public service media. RTE is subject to the 1998 Employment Equality Act which prohibit discriminatory treatment on the basis of gender and though RTE's Staff Manual refers to a gender equality policy this is very brief. At a senior level the RTE Authority currently has a 50/50 gender balance although secondary data from the Global Media Monitoring Project suggests that women are significantly underrepresented amongst both news reporters and as subjects/sources for news.

The indicator Media literacy scores medium risk (44%). Although efforts to mainstream media literacy as part of the primary and secondary level education curricula go back to the 1980s, the state has only recently adopted media literacy as an overt policy objective. Although a new National Literacy and Numeracy Strategy in 2011 expanded the definition of literacy to include media literacy and the introduction of a new Junior Cycle (typically 13-15 year old students) in 2014 has further integrated some media literacy courses into the curriculum, universal access to media literacy activities is currently limited to primary school students. Access at second level education is patchy and at third level, it is limited to those who have actively chosen to study the subject. Outside formal education, although organisations like the Irish Film Institute offer some evening classes these tend more towards a film appreciation-style than a media literacy approach.

4. CONCLUSIONS

Although the report finds that Ireland exhibits a medium or high risk in 12 out the 20 indicators described above, it should be emphasized that in some of these cases, the risk is potential rather than present. Thus under the political indicators, although political influence clearly plays a role in appointments to public service media and to regulatory bodies and in setting the precise level of the licence fee, there is limited evidence that such power is substantially abused.

Nonetheless there are clearly issues to be addressed. In outlining policy recommendations below the report has sought to identify means to address the following key issues:

- the financial precarity of both media entities and those who work for them
- the lack of diversity amongst both those who oversee/regulate media and those who work within them

Recommendation One – The Minister for Justice should consider a redraft of the 2009 Defamation (already under consideration) to place a maximum cap on the level of financial damages to be awarded in libel cases. The main objective of libel law is to protect the reputation of the libelled party, not to enrich them. Protection of reputation can arguably be achieved through high-profile public acknowledgement of this when a media outlet is found to have libelled an individual. This suggests capping financial damages at a level which while retaining their power as a disincentive avoids reaching levels which can potentially put a media outlet out of business.

Recommendation Two – The Department of Communications and/or the Broadcasting Authority of Ireland should maintain a publicly accessible online database of media ownership in Ireland. (Disclosure – the current author has already put such a proposal to the BAI but feels that, regardless of who takes on the task, it should be carried out.)

Recommendation Three – The television licence fee should be replaced by a Household Broadcasting Charge – as has been proposed for some years - immediately. This would circumvent ongoing levels of revenue losses through broadcast licence fee evasion. The Department of Communication should explore whether the additional funding raised might be used to support a broader range of public service media production conceptualised as referring not just to RTE output or even to broadcast content also to public service content production by private or community-based entities operating in non-broadcast media (print/online etc.)

Recommendation Four – The Department of Communication should consider a new mechanism for appointing RTE and BAI authorities to broaden the range of individuals considered for such boards. This might be done by drawing on advice/nominations from what might broadly be termed social partnership groups (e.g. trade unions, employer bodies, universities, migrant groups, the charity sector, churches, environmental groups, sporting bodies etc.)

Recommendation Five – The BAI should promote a public debate to identify mechanisms to bring a greater diversity of ethnicities, social classes and physical/mental abilities to the fore within Irish media organisations. The range of measure may include, redrafting those sections of the 2009 Broadcasting Act which (indirectly) refer to minority groups, promotion of minority media education within third level institutions, more emphasis on minority personnel /content within broadcast schedules, adoption of codes of best practice within media organisations, etc.)

Finally, given that the report clearly identifies concentration of media ownership as a very high risk, it might reasonably be asked why this is not addressed in the recommendations above. The main reason for this is that the report finds that the existing legislative structure regulating media ownership – the 2014 Competition and Consumer Protection Act – already offers sufficient powers to the Minister for Communications to restrict further concentration if and when it threatens to undermine media pluralism and diversity. If there is a recommendation, however, it is to encourage the relevant Minister to consider whether, given the relatively high levels of concentration already evident in some Irish media markets, the initial assumption when assessing future mergers is that they will lessen diversity and pluralism. In other words that the onus would be on the parties to a merger to demonstrate that it does not have such an impact rather than on the Department of Communications and/or BAI to assert that it would.

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ANNEXE 1. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2016 CT Leader (please indicate with X)
Roddy	Flynn	Principal Investigator	The Institute for Future Media and Journalism, Dublin City University.	X

ANNEXE 2. GROUP OF EXPERTS

Any country-specific deviation from the standard Group of Experts procedure should be briefly explained here.

First name	Last name	Position	Institution
Lisa	Ni Choisdealbha	CEO	Independent Broadcasters of Ireland
Ciaran	Kissane	Senior Manager	Broadcasting Authority of Ireland
Ailbhe	O'Neill	Lecturer	School of Law, Trinity College Dublin
Seamus	Dooley		National Union of Journalists

ANNEXE 3. SUMMARY OF THE STAKEHOLDERS MEETING

- 24 May 2016
- Offices of the Broadcasting Authority of Ireland, 2-5 Warrington Place, Dublin 2.
- All seven experts then attached to the research were invited but only four were able to attend. These were:
- Dara McMahon (Newsbrands Ireland)
- Lisa Ni Choisdealbha (Independent Broadcasters of Ireland)
- Ciaran Kissane (Broadcasting Authority of Ireland)
- Ailbhe O'Neill (School of Law, Trinity College Dublin)

The discussion ranged over the overall methodology or the Monitor to specific issues with some of the conclusion arrived at. In terms of methodology the experts emphasized the importance of distinguishing between theoretical and actually present risks. (Particular emphasis in this regard was laid upon state advertising indicator which though recorded as a very high risk in the Monitor because of a lack of data was not regarded by the experts as constituting a genuine risk to pluralism.)

There was also some debate as to how the views of the experts could be used to inform the final report conclusions. A particular concern was raised as to how the research accommodated contrasting assessments coming from different experts. It was agreed that it would be preferable for the final report to reflect the variety of perspectives offered rather than attempting to present them in aggregate form.

Finally, the experts expressed a desire to see the full content of the MPM platform to better understand the basis on which ome conclusions – in areas where their feedback was not sought – were arrived at.

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