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CMPF
Centre for Media Pluralism and Media Freedom

Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Ireland

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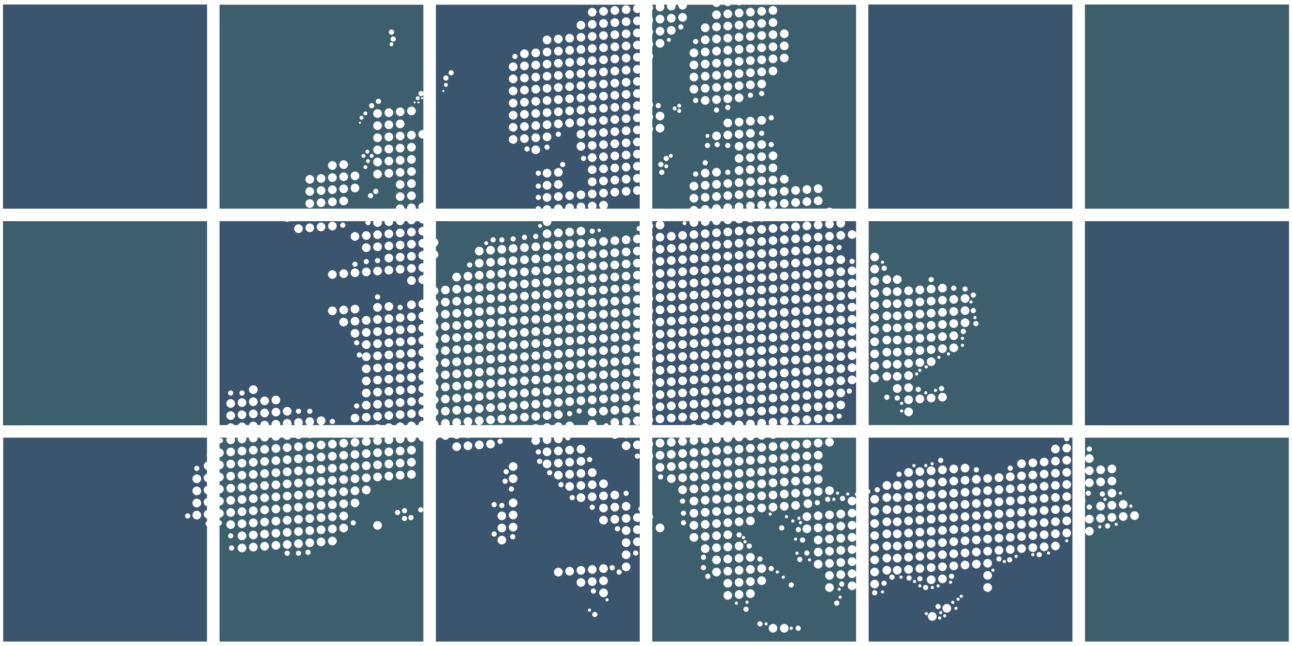

Media Pluralism Monitor
Monitoring risks for Media Pluralism in EU Member States

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1. ABOUT THE PROJECT

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 second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) 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 is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and December 2017.

In Ireland, the CMPF partnered with Dr Roddy Flynn of FuJo (the Institute for Future Media and Journalism) at the School of Communications, Dublin City University who conducted the data collection and annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national 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.

Risks to media pluralism are examined in four main thematic areas, which are considered to capture 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 a number of indicators for each thematic area (see Figure 1 below).

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 domain 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 a total absence or certainty of risk. For more information on the 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://cadmus.eui.eu//handle/1814/46786

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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. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with those of MPM2016. For more details, see the CMPF report on MPM2017, which will soon be available on http://cmpf.eui.eu/media-pluralism-monitor/

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. (In fact Polish is 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 and most key economic indicators have improved since then: monthly unemployment for example fell from 7.4% in January 2017 to 6.1% in January 2018. According to EU figures GDP growth in 2017 was three times the Euro area average at 7.3%, up from 5.1% in 2016.

Two parties have dominated Irish politics since the foundation of the state. From 1932 on, 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 (although the longest established of these – the Labour Party suffered heavy losses at the 2016 election) 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 allowed UK-based media to account for a substantial share of media audiences. UK papers account for one in four weekday and one in three Sunday newspaper sales. In television the combined market share of all Irish-based television stations, public and private, is just 46.1%. (It should be noted that the largest private television group in Ireland – TV3 - is owned by US-based giant Liberty Global). By contrast Irish audiences overwhelmingly listen to Irish radio stations, though the sale of the Wireless Radio Group in August 2016 means that the second largest private radio group is now owned by News Corporation.

Irish print media and television consumption is in line with EU average. According to TAM Ireland/Nielsen figures for 2016, the average Irish adult spends 231 minutes a day watching television of which 90% is consumed "live". According to Eurobarometer figures for 2016 82% of people watch television via a TV set everyday. 37% of the population watch television via online platforms at least 2-3 times a week which is significantly higher than the EU average of 23%. 73% 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 and only 31% of the population read a paper nearly every day. By contrast the Irish use radio more than any other EU Member State barring Germany, with 65% of the population listening daily. With 69% of the population claiming to access the internet daily, Ireland is somewhat ahead of the EU28 average of 61%.

The internet has altered local news consumption patterns. According to the 2017 Reuters Digital News Report for Ireland,[2] 66% of Irish adults respondents identify online sources as a weekly source of news, though television remains the leading source with 68%. Furthermore Irish audiences are more likely to source news through social media (52%) on a weekly basis than they are through either radio (46%) or print (40%). It should also be noted that across all media their use for accessing news in Ireland is declining.

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 start of 2017 just 12% 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 and Consumer Protection Commission. The role of the Press Council and the Advisory Board is limited to post-hoc medium-specific

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content regulation whilst the Commission'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.

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

Recent elections and referenda across the western world may raise doubts as to whether the whole project of Liberal Democracy still has the capacity to engage citizens in the consensus building work critical to the operation of such a polity. Yet even if the Liberal Democratic project is not broken, it appears to be the case that the speed at which Irish legacy media outlets has declined over the past decade has not been matched by local policy responses designed to maintain the operation of a functioning public sphere (even assuming that such measures exist at all). The generally static or falling revenues of legacy media and declining readership for print media in particular has left such media institutions and their staff in an increasingly precarious position, one which undermines their capacity to gather and process the kind of information critical to informed public debate. In parallel with this, online media have emerged as both the single largest destination for Irish advertising expenditure and increasingly as the site in which fragmented public spheres (note the emphasis on the plural) proliferate. According to Eurobarometer figures from 2016, 54% of Irish citizens at least occasionally follow public debates via social media, yet Irish citizens also consider social media to be the least reliable medium: just 32% of citizens in 2016 considered it reliable as opposed to 66% for radio and 55% for both television and print media. (Eurobarometer, 2016) Media Pluralism and Democracy (Special Eurobarometer 452).

In this regard it is notable that, in Ireland as elsewhere, though existing regulatory regimes broadly work well, they are still overwhelmingly focused on the supervision of legacy media while online media – despite an acknowledgement of their growing influence – are, largely left to self-regulation. This is reflected at the level of broadband roll-out which has been primarily driven by market forces with the result that more than 20% of the population – especially in rural areas – still lacks domestic access to high speed internet services. At a point when media consumption increasingly relies upon online services, such disparities, limit the capacity for all citizens to make active use of notional communicative guarantees such as freedom of expression. (Against this, the networking power available to the majority who do have access to online and social media has facilitated the rise of social movements campaigning for changes to aspects of Irish constitutional law relating to marriage equality and the termination of pregnancies.)

Indeed, the presence of alternative news sources online has been used to legitimate the gradual consolidation of Irish radio, television and print media outlets into larger media group by suggesting that access to a diversity of views is sustained by the range of perspectives available via the Internet. This may also account for the absence of strict quantitative limits on the scale of media concentration within in Ireland. It is certainly the case that threats to media viability – and specifically the assertion that joining a larger media group may make otherwise financially marginal media propositions feasible – has been used to legitimate such media merger and acquisition activity in Ireland since 2014. What is less clear is whether the economies of scale such mergers afford have actually improved the overall viability of specific media sectors in Ireland.

The question of who is represented and who controls representation in Irish media also remains a live issue in Ireland. Although gender inequality is increasingly the subject of Irish public discourse this is not necessarily reflected in concrete actions to correct such imbalances within Irish media, especially amongst private media whose boards tend to male-dominated. Furthermore the focus on gender inequality in the media continues to obscure the absence of identities – and in particular non-White Irish ethnicities - from the mainstream media in Ireland. Such imbalances are not trivial since they are clearly reflected in the construction of national news and current affairs agendas.

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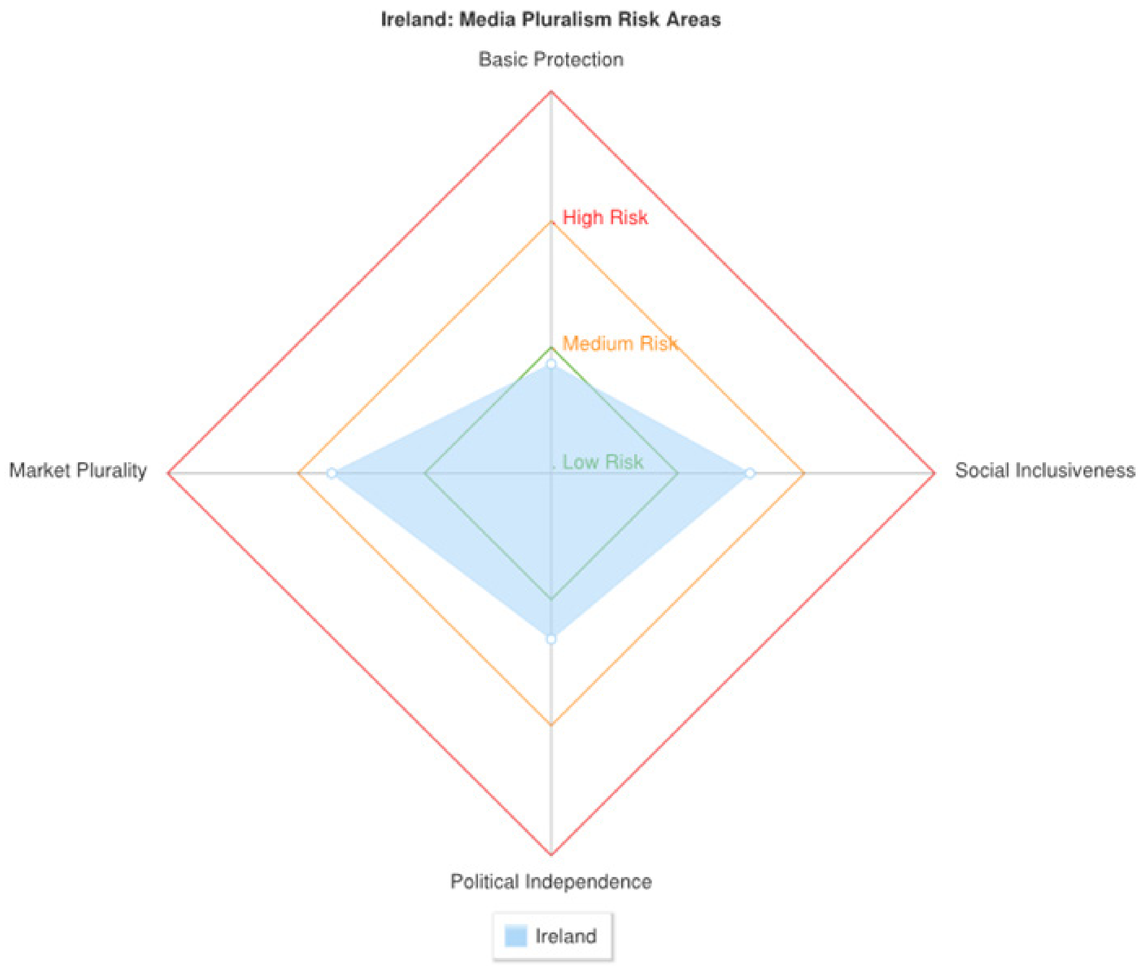

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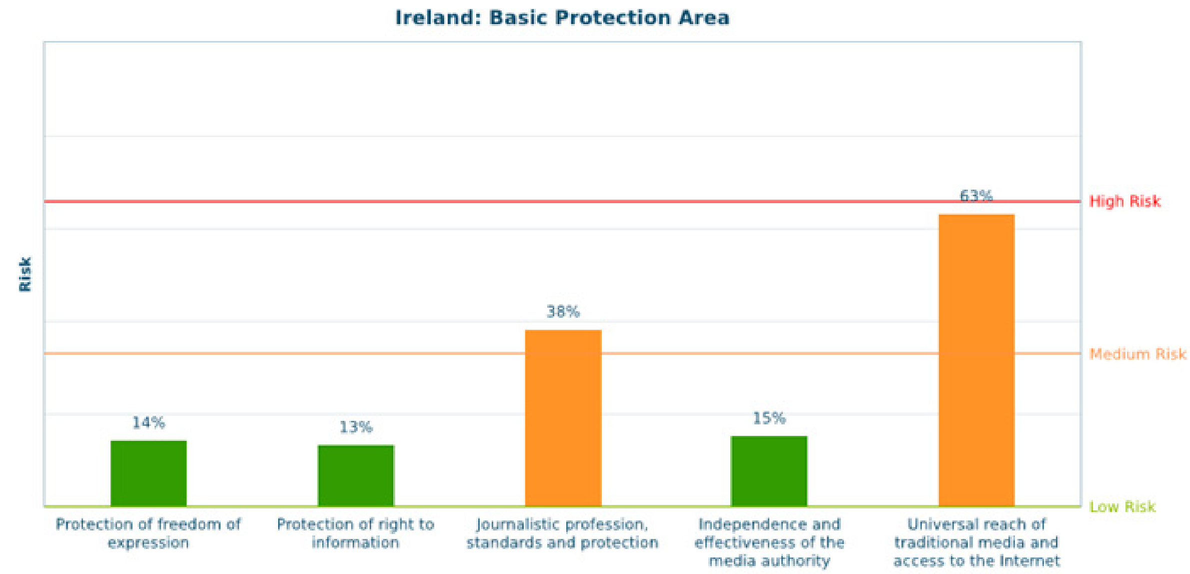
3.1 BASIC PROTECTION (29% - LOW RISK)

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 the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The first indicator "Protection of Freedom of Expression" scored as a low risk (14%). Section 40.6.i of the Constitution guarantees the "right of the citizens to express freely their convictions and opinions" but qualifies this 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'. Ireland has signed both the ICCPR and European Convention on Human Rights, which include stronger commitments to freedom of speech. Unusually Ireland has included blasphemy as an offence since 2009. Furthermore Irish journalists routinely assert that libel law has a "chilling" effect on their work not least because of the unpredictability of the damages resulting from legal actions. The 2009 Defamation Act's introduction of a "public interest" defence for publishing a defamatory statement only partially remedied this although the Act's removal of the charge of criminal libel, effectively de-criminalised defamation.

At 13%, the indicator "Protection of Right to Information" is considered a low risk but is higher than last year's 3% because of a new sub-indicator relating to the treatment of whistleblowers. 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 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 in 2003 diminished the number of requests, the fee was removed following the 2014 Act. With regard to whistleblowers, the 2014 Protected Disclosure Act notionally protects employees in the event of their making a charge of wrongdoing by their employer or colleagues. In practice there have been a number of incidences where whistleblowers do not appear to have received such protection. The most notable example of this is that of Sergeant Maurice McCabe whose treatment by his Police force employees is currently the subject of the Protected Disclosures Tribunal.

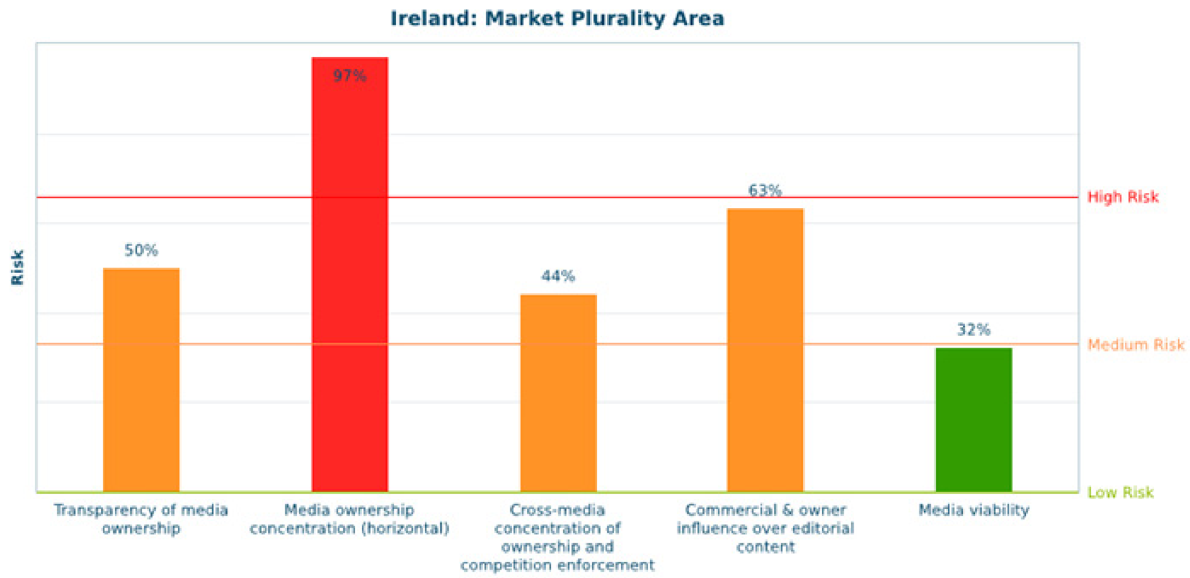
The indicator for "Journalistic Profession, Standards and Protection" scored a medium risk (38%). Although there are no legal impediments towards becoming a journalist in Ireland (e.g., no state licencing system), the scarcity of some groups within the profession – working classes, ethnic minorities and the disabled – points to the existence of less tangible barriers. Furthermore if security of tenure is a precondition for journalists adopting a watchdog role, this is clearly undermined by the increasing prevalence of freelance employment and casualization. Although the National Union of Journalist's Code of Conduct (together with the parallel code operated by the Press Council and the BAI's codes on fairness and objectivity) underwrites a commitment to professional standards, the ongoing decline in NUJ membership levels is not encouraging in this regard. Ireland generally scores well on the Reporters Without Borders Press Freedom Index (14th out of 180 countries in 2017). However, an incident in July 2017 when US-based blogger and political scientist, Catherine Kelly was temporarily detained by two police officers following an Irish government minister's complaint that Ms Kelly has harassed the minister on social media raises some concern. There is also evidence that journalists – and in particular crime journalists – have received threats to their physical safety from figures involved in an ongoing Dublin gangland feud. Furthermore, journalists have asserted that the Communications (Retention of Data) Act 2011 has been invoked by the Irish police force to legitimate digital surveillance of journalist communications.

Regarding the "Independence and effectiveness of the Media Authority", this indicator achieved a low risk level (15%). Although there is a high level of political involvement in appointing 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 which appears to be independent from political and/or commercial interference.

The Universal reach of traditional media and access to the internet is just short of constituting a high risk at 63%. Given the near-universal availability of legacy broadcast media this may seem surprising. However, the ongoing delay in extending high speed broadband to rural areas raises the risk profile. Eurostat data from 2016 suggests that 77.2% of the Irish population had access to 30MBps or faster: anything under 78% is considered high risk by the MPM instrument. Furthermore, although EU directive 2015/21201 cemented the principle of net neutrality into EU law from 30 April 2016, at the time of writing (September 2017) the Irish State had not published penalties relating to infringements of the directive. As a result the relevant regulator – Comreg – was effectively unable to enforce the directive.

3.2 MARKET PLURALITY (57% - 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 - which include information relating to ownership structures - of BAI-licenced radio and television media outlets. Such contracts are not available online and must be 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 details relating to the ownership of those undertakings.

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The indicator on Media ownership concentration scores a high risk (97%). This is largely accounted for by the absence of defined 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 to prevent an increase in media ownership concentration. Section 25 of the Broadcasting Act 2009 requires the BAI to maintain open, pluralistic and diverse media markets, but again does not specify limits on ownership thresholds. In it's 2012 Ownership and Control Document the BAI argues that, in the absence of a practical matrix determining 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 C4 score (measuring the market share of the top four players) for the newspaper sector is considered as high at 79%, the figures for radio (61%) and television (52%) would be regarded as constituting medium levels of concentration.

The indicator on cross-media ownership scores a medium risk (44%) due in part to – again - the absence of specific upper limits on media ownership but also the practical implementation of the media merger measures contained in the 2014 Competition and Consumer Protection Act. For the most part media mergers since 2014 have proceeded without significant regulatory intervention. Since 2015, TV3, UTV Ireland and Setanta have all been acquired by larger players, namely Liberty Global, ITV Plc and Eir. In the radio market, UTV's former Irish radio holdings were acquired by News UK in July 2016 as part of the latter's purchase of UTV's Wireless Group. The only recent example of active intervention with regard to a media merger relates to Independent News and Media's September 2016 move – subsequently abandoned - to acquire the Celtic Media Group regional newspaper chain. The overall risk figure would be higher still were it not for the presence of annual monitoring of the level of state funding paid to public service media in Ireland. Since the passage of the 2009 Broadcasting Act, there has been a robust regime designed to ensure that, in keeping with EU competition law, 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. 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.

The medium-to-high score (63%) under "Commercial and owner influence over editorial content" is primarily informed by the lack of formal protections to prevent such influence rather than consistent evidence that such influence is being exerted. Although the 2003 European Communities (Protection Of Employees On Transfer Of Undertakings) Directive ensures new owners must observe workers' pre-existing terms and conditions, this does not specifically afford protections to journalists. 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.

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 Media viability score (32%) represents a significant increase on the 8% for the previous MPM report in 2016. The increase is driven by the ongoing revenue difficulties for media sectors. Though online and television advertising revenues in Ireland have risen consistently since 2013, radio revenues appear to be static while newspaper advertising figures appear to be declining. Though print media attempts to explore new revenue models – especially by monetizing digital content – have met with only limited success and do not compensate for the reduction in print advertising revenues. Though there has been some public discussion of shoring up private sector media either by establishing new state funds or diverting broadcast licence fee income, there seems to be little political appetite for such schemes.

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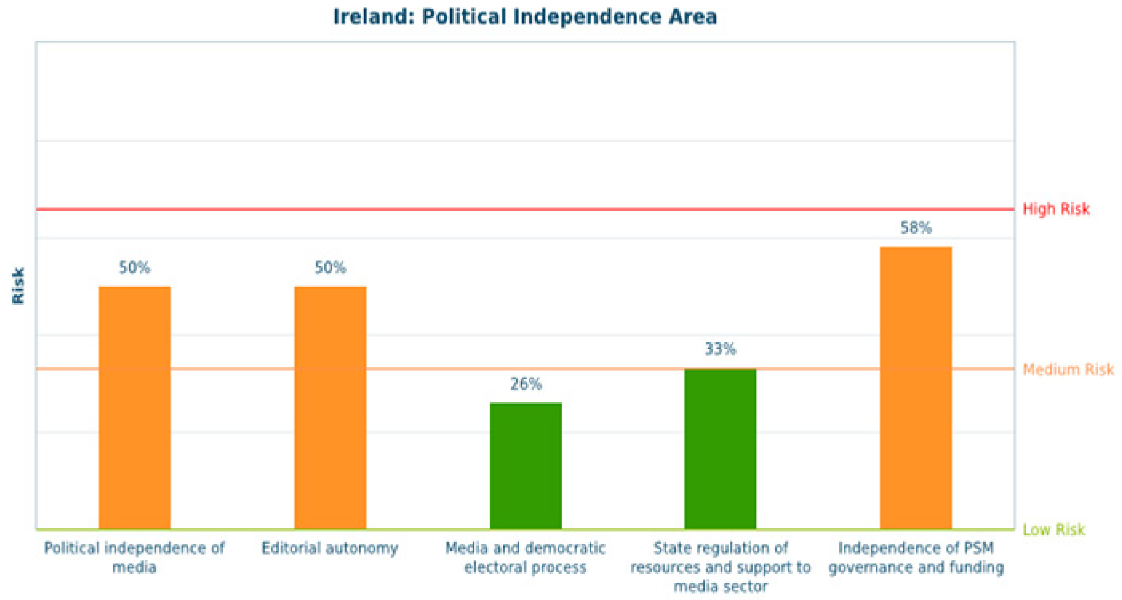
3.3 POLITICAL INDEPENDENCE (43% - MEDIUM RISK)

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 the "Political Independent of Media" outlets scores a 50% risk. Despite the medium risk recorded here there is little evidence of direct day-to-day 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 and owning media outlets in Ireland.

Again though the figure for editorial autonomy records a medium risk (50%) this should not be interpreted as pointing to evidence of active interference by politicians in editorial content. Rather it reflects the absence of regulatory or industry-wide adherence to self-regulatory codes prohibiting, for example, political interference when appointing senior editorial staff to media outlets.

The indicator on Media and democratic electoral process scores the lowest risk in the area of Political Independence (26%). 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. 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. Finally, although paid-for political advertising on radio and television – other than party political broadcasts - is banned outright in Ireland, the same restrictions do not apply to either print or the increasingly significant online markets and there is no institution in Ireland charged with monitoring how political actors use online political advertising in the country.

State regulation of resources and support to media sector scores a low (33%) risk, but borders on the medium risk

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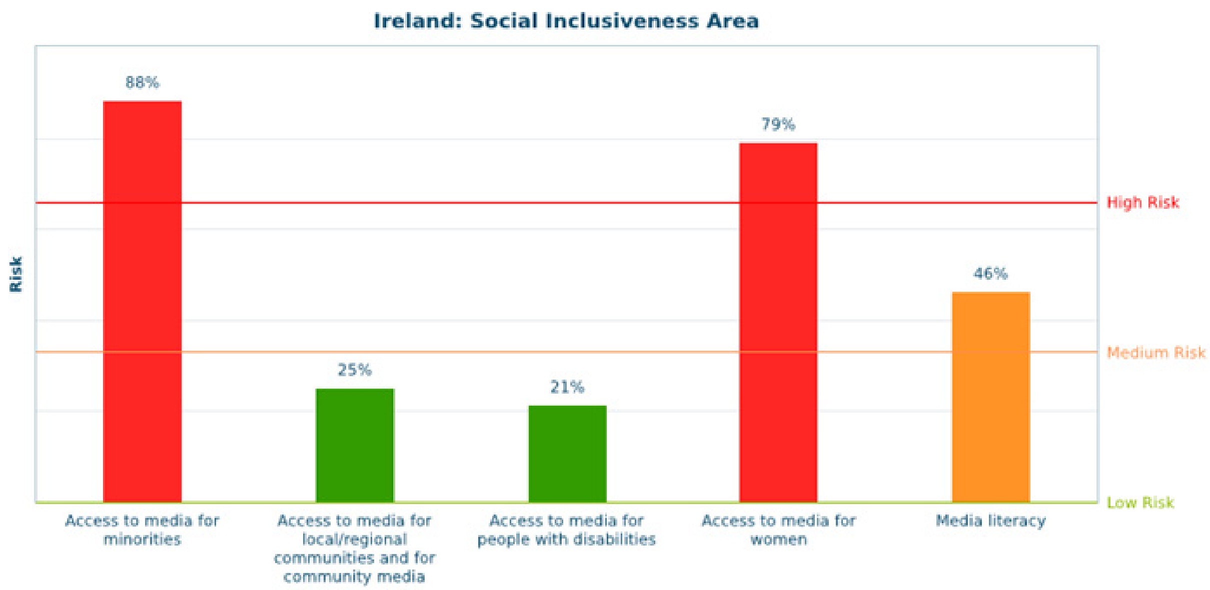
band. Ireland lacks the kind of direct state media supports to private media found in, for example France and some Scandinavian countries. However, the state and related bodies are significant advertisers in their own right. Neilsen figures suggests that "Government, Social and Political Organisations" spent spent just over €60m on advertising in 2017, 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. With regard to the placement of state advertising in Irish newspapers circulation is a primary determinant 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. Similarly, although public funding for public service media in Ireland is less subject to political influence than in the past, the Minister for Communications remains the final arbiter of the licence fee. Section 124 of the 2009 Broadcasting Act outlines a mechanism relating increases in the fee to the Consumer Price Index subject to BAI advice. Since 2008 the BAI has made several recommendations for such increases but as of 2017, the government has consistently refused to do so.

3.4 SOCIAL INCLUSIVENESS (52% - MEDIUM RISK)

The Social Inclusiveness indicators are concerned with access to the 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 the 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 (88%). Part of the issue lies in the fact that, as per the Irish Human Rights and Equality Commission, there is no Irish legal definition of what constitutes a minority and thus there are no legally recognised minorities. 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.

The indicator "Access to media for local/regional communities and for community media" scores low risk (25%). 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 Department of Social Protection.

The indicator "Access to media for people with disabilities" scores as a low risk (21%). This reflects active regulatory and practical efforts to facilitate access to broadcast and print content for people with disabilities. Nonetheless these efforts have not yet resulted in a comprehensive set of policies in this area. 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. Finally, although on-demand audiovisual media services constitute an increasingly popular offering from both PSM and private media, there is as yet no legal obligation to attach any audio description or subtitling to such content.

Part of the high risk (79%) for "Access to Media for Women" derives from the lack of available relevant data (which constitutes a risk in and of itself). Although the Global Media Monitoring Project does survey Ireland, it aggregates UK and Irish figures for publication so it is not possible to state what share of news is constituted by female reports and subjects. With regard to representation at board and executive level, Irish PSM are relatively equal: one PSM is currently headed by a woman, the other by a man while both have near 50:50 gender representation on their boards. The same is not true of private TV companies in Ireland which are overwhelmingly male at both executive and board level.

The indicator "Media literacy" scores medium risk (46%). 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 integrated some additional 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 an overt media literacy approach.

4. CONCLUSION

As with previous reports, although this year's edition 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, it remains the case that 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 particularly focused on addressing 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 Act to cap the level of financial damages 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 bankrupt a media outlet.

Recommendation Two – The Department of Communications and/or the Broadcasting Authority of Ireland should maintain an up-to-date publicly accessible online database of media ownership in Ireland which allows users to identify cross-outlet and cross-medium ownership structures.

Recommendation Three – The television licence fee should be immediately replaced by a Household Broadcasting Charge to circumvent ongoing levels of revenue losses through broadcast licence fee evasion. The Department of Communication should also consider whether and how 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 but 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 – Though it may make relatively little different to current actual practice, the Department of Communications and Department of Business, Enterprise and Innovation should consider the implications of adjusting the 2014 Competition and Consumer Protection Act to

a) prohibit serving politicians from owning media outlets and

b) introduce a clause prohibiting beneficial owners of media outlets from overtly influencing editorial content.

Given that there may be an argument in favour of media owners having precisely the right to exercise such influence, proposal b) might be replaced with a requirement that the exercise of ownership on influence should operate in a transparent manner (e.g. through a publicly available written letter as applied during the operation of Section 31 of the 1960 Broadcasting Act).

Recommendation Six – Commencing rollout of the long-promised National Broadband Plan is vital to bringing broadband penetration in Ireland to a level considered a low risk by the MPM instrument. Given that the plan has repeatedly been delayed by the reluctance of private partners to fulfill the plan, the Department of Communications should consider whether the state should take on direct responsibility for completing the project. This costs associated with this are far from trivial but in an era where broadband access is already a de factor consumption norm for those in urban areas, lack of such access for those living in rural areas constitutes a growing social, civil and political disadvantage.

Recommendation Seven – Future iterations of the Global Media Monitoring Project should disaggregate the reporting of results for Ireland from the UK figures. The current conflation of two often quite different media ecospheres does not offer a solid basis on which to draw up policies relating the promotion of gender equality within the Irish marketplace.

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Recommendation Eight – 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 recommendation 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.

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2017 CT Leader (please indicate with X)
Roddy	Flynn	Associate Professor	Institute for Future Media and Journalism, School of Communications, Dublin City University.	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Ciaran	Kissane	Senior Manager	Broadcasting Authority of Ireland
Lisa	Ni Choisdealbha	Executive Director	Independent Broadcasters of Ireland
Seamus	Dooley	Irish Secretary	National Union of Journalists
Ailbhe	O'Neill	Assistant Professor	School of Law, Trinity College, Dublin
Gavan	Titley	Senior Lecturer	Maynooth University

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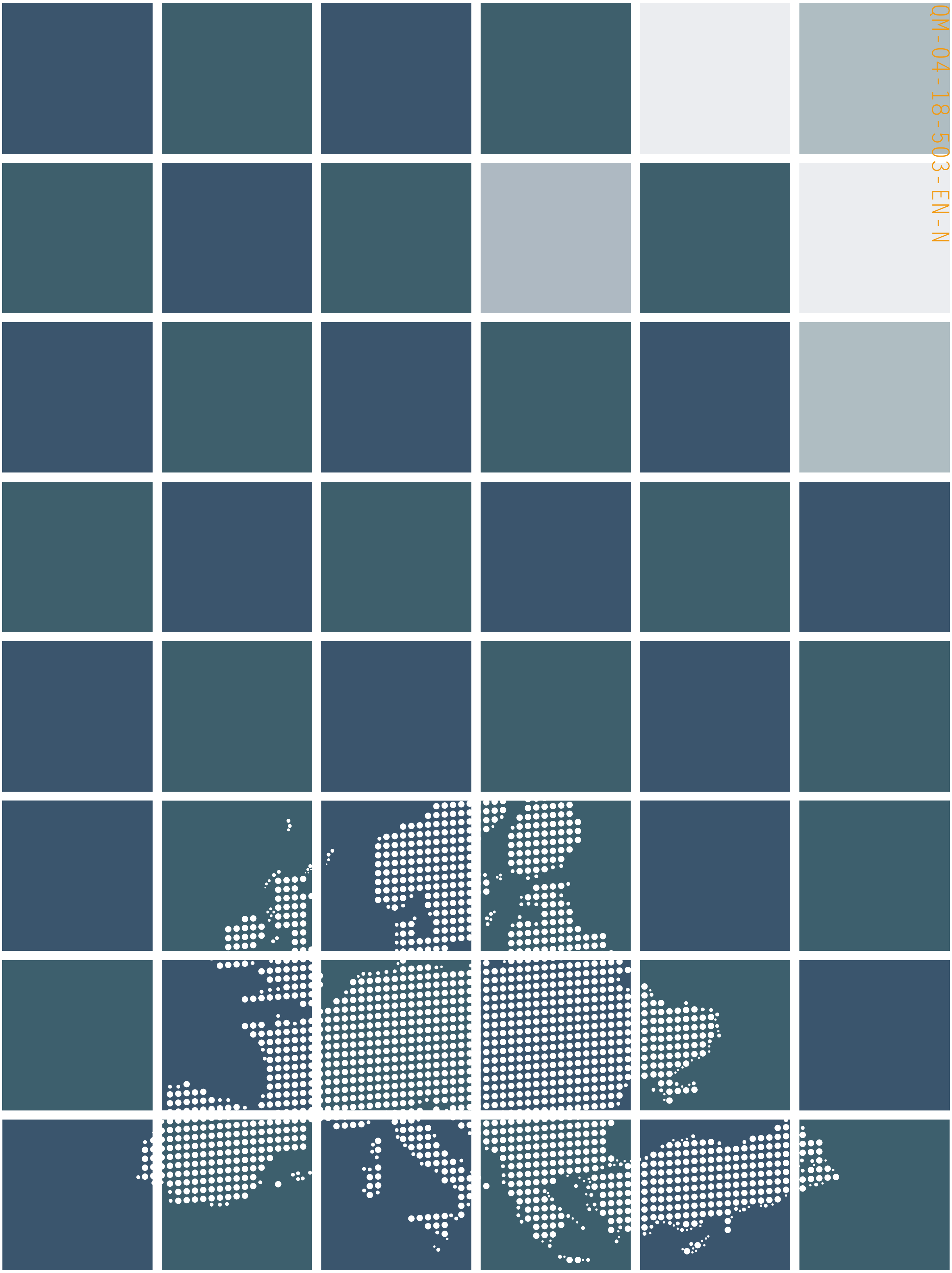

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