

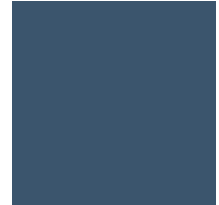


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Centre for Media Pluralism and Media Freedom

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

## Country Report: Luxembourg

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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 October 2017.

In Luxembourg, the CMPF partnered with Raphael Kies (University of Luxembourg, PI) and Celine Schall (Independent researcher/ University of Luxembourg) 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 (see Annex II for the list of experts).

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 total absence or certainty of risk. 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://cadmus.eui.eu/handle/1814/46786>



**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 MPM2016 ones. For more details, see the CMPF report on MPM2017, soon available on <http://cmpf.eui.eu/media-pluralism-monitor/>



## 2. INTRODUCTION

With 590,667 inhabitants in 2017, Luxembourg is one of the smallest, but also richest and most politically stable countries in Europe. The country is largely dependent on foreign working force (the number of inhabitants being largely insufficient to cover labor requirements) which explains that there is a persistently high migration rate (48% of foreigners on 1st January 2017, 1% more than in 2016) and an increasing number of cross-border workers (around 180.000, or 20.000 more than in 2016). This demographic feature creates political and social challenges not only in terms of social cohesion, but also of democratic legitimacy.

### Linguistic situation

The linguistic situation in Luxembourg is highly complex and peculiar as it is characterized by the practice and the recognition of three official languages (also referred to as administrative languages): French, German, and the national language Luxembourgish, established by law in 1984. Many other languages are spoken, in particular Portuguese (the largest foreign community, about 16% of the residents) and English (essentially spoken by employees of financial institutions and international organisations). While there are several commercial radio channels targeting this multilingual public (e.g. Radio Latina for the Portuguese speaking community or Radio ARA for the French, English and Italian speaking communities), the PSM (i.e. the sociocultural radio, Radio 100,7) and RTL (the main commercial radio and television company, that has public service missions) broadcast mainly in Luxembourgish.

### Minorities

While minorities are not legally recognized, the foreigners living in Luxembourg correspond de facto to linguistic minorities. On 1st January 2017, almost half of the resident population did not have Luxembourgish nationality and the ratio of foreigners continues increasing. The largest groups of foreigners are Portuguese (16,4%), French (7,5%), Italian (3,6%), Belgian (3,4%) and Germans (2,2%)<sup>1</sup>. The law does not guarantee access to airtime on PSM channels to these linguistic minorities, but there is a large offer especially in print media as well as in radio broadcasting targeting linguistic minorities.

### Media Market

The media market in Luxembourg is surprisingly rich compared to its size and the number of inhabitants. The country exercises an important role in the management of international media concessions. The print sector includes five daily newspapers, one free daily newspaper, 23 magazines, as well as weekly and monthly newspapers. The TV market is dominated by RTL and there are six TV stations (four local and two national), but residents also have access to channels from the neighboring countries. RTL is the biggest broadcaster and has a “public service mission” but is not a “public service medium”. There are about seven private radio stations with national coverage and only one radio broadcaster (Radio 100,7) that is officially recognized as a public service medium (PSM). Internet coverage is very good across the country. This apparent diversity, however, should not hide a very large concentration (horizontal and transversal) of the market, since the majority of the press belongs to three publishing houses (two of which have 47,5% of audience shares in 2016) and the audiovisual sector is dominated by two groups (the concentration of audience shares for the 4 largest TV owners is 70,6% for 2015/2016 and the concentration of the audience for the 4 largest channel owners radio is 78,6% for 2014/2015).

### New in 2017

Since the last study (2016), we can underline four main changes in the media landscape: 1) the creation of the Association Luxembourgeoise des journalistes professionnels in October 2017 through the merging of the three existing journalist associations; 2) the emergence of a new actor in the print sector, that is uniquely crowdfunded: reporter.lu; 3) CLT-UFA (RTL group) obtained in April 2017 an advantageous new concession contract (for the years 2021 to 2023) for continuing broadcasting in Luxembourg and providing their public service missions; and 4) the Prime Minister announced in the parliament (May 2017) that the government is working on an action plan aiming at promoting a more qualitative, plural and integrated media policy. One of its measures would be to support financially the local media (in which he also includes the community media).

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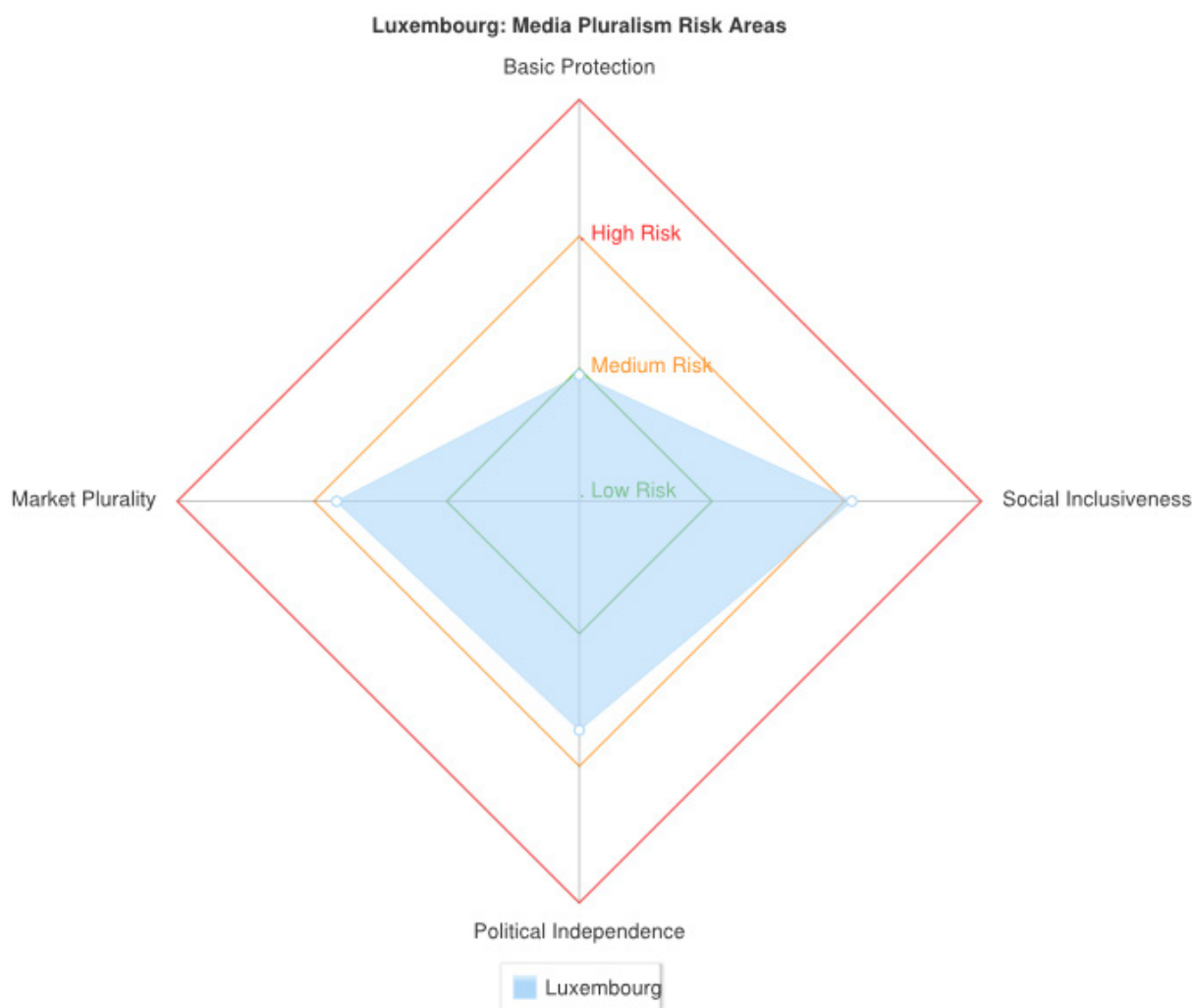
Source: Statec 2017.



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

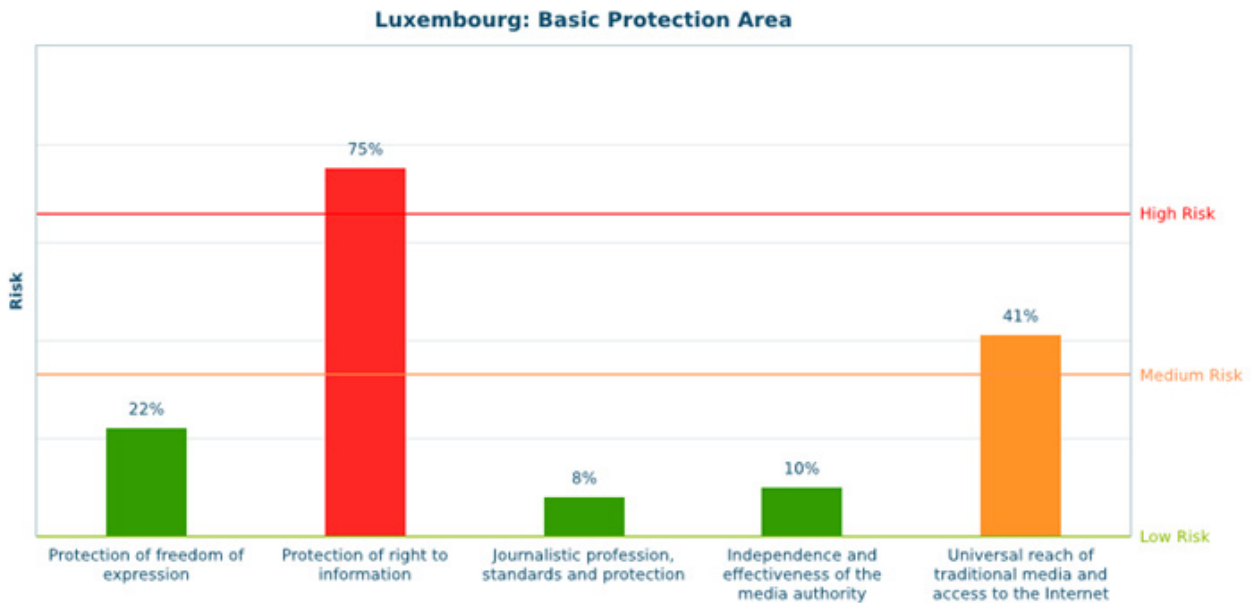
According to MPM2017, Luxembourg presents low risk for Basic Protection (medium in 2016), a medium risk for Political Independence (medium in 2016) and Market Plurality (high in 2016) and a high risk for Social Inclusiveness (medium in 2016). These changes, compared to last year (2016), are essentially due to the introduction of new variables and an evolution of the appreciation of certain variables by the national experts.

As we have already explained in previous reports, this mixed performance is mainly due to the small size of the country, its demographic structure, its leading role in the international “concession market” and the lack of critical and independent report on the national market, legislation and media practices.



### 3.1 BASIC PROTECTION (31% - 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.



#### **Protection of the expression freedom (22%, low risk)**

As in 2016, the indicator Protection of freedom of expression scores a low risk (22% compared 16% in 2016). Freedom of expression is explicitly recognised in the Constitution and protected by national law. Luxembourg has also signed and ratified important international treaties related to this matter. Defamation is not decriminalised, but criminal defamation prosecutions against the media, and even more convictions, have been rare and not widely publicized until the last year when the former director of the National Museum of Contemporary Art (MuDAM) filed a complaint for defamation following the report broadcasted on October 2016 on RTL (see MPM2016). This case raised questions not only about the integrity of the journalistic profession, but also about the links between the government and the broadcaster, as RTL is indirectly funded by the state to fulfil public service missions.

#### **Protection of the right to information (75%, high risk)**

The indicator protection of right to information continuing scoring as a high risk even though less than last year (75% compared to 97% in 2016). The right to information is not legally enshrined in Luxembourg. The Ministry of State has elaborated a new draft bill on “open and transparent administration”, which has been widely criticised by civil society organisations as being too restrictive. It seems to not bring any fundamental change compared to the previous draft bill on the access of citizens to documents held by the administration. It contains numerous exceptions and the administration keeps important powers in terms of deciding when to issue the information. In addition, the Minister for Communications issued at the beginning of 2016 a circular letter stating that all requests need to be addressed to the communication officer, thus further restricting the work of journalists. While there is a regulatory framework in place to protect whistleblowers, it is considered to be too restrictive because it is mainly limited to cases of corruption, trading in influence or money laundering, and can concern only employment relationship.

#### **Journalist profession, norms and protection (8%, low risk)**

The indicator on Journalistic profession, standards and protection scores a low risk (8% compared to 10% in 2016). In practice, the journalistic profession is very open. Journalists are legally protected in cases of editorial change, and their sources are well protected as well. In recent years, no cases of physical or digital threats against journalists has been reported. It should also be noted that in order to further reinforce the protection of the interests of journalists the Association Luxembourgeoise des journalistes professionnels has been created on October 2017 through the merging





of the three existing journalist associations. The main goals of the new association are the defense of freedom of expression and the free access to information.

According to its new president: “the absence of access to information and economic pressure are the two key factors that make journalism in Luxembourg a rather difficult job to fulfil”. This position is shared by several journalists that we interviewed. Besides, some national newspapers have misleading practices with (e.g. there are several cases where advertorials are not marked as such). Our interviews point also to the existence of a wide disparity of salaries and working conditions, partly due to the extensive usage of short-term contracts.

Finally, in recent years, source protection has worked quite well and no physical or digital threat has been reported against journalists. But the Luxleaks affair – that sparked an uproar in the international community – continues raising concerns about freedom of the press and protection of sources. The affair concerns a French journalist, Edouard Perrin, who was accused in 2015 of complicity in breach of professional secrecy, for the publication of secret tax documents obtained through a former employee of Price Waterhouse Cooper (Pwc). Perrin was acquitted in 2016 in first instance and in 2017 in second instance after the state prosecutor appealed the verdict. In 2017, he filed a complaint against the Pwc, arguing that the protection of sources had been violated. In February 2018, the prosecutor of the High Court of Metz dismissed the journalist, who filed a new appeal. At the time of writing, the case is still in progress.

### **Independence and effectiveness of the media authority (10%, low risk)**

The indicator on Independence and effectiveness of the media authority scores a low risk (10% as in 2016). ALIA (Independent Luxembourgish Audiovisual Authority) is the newly created independent media authority (2013) which unifies the formerly fragmented regulatory landscape. While the independence of the authority is legally recognized and that it has sanctioning powers, the authors estimate that the selection procedures may become more transparent and that the annual budget and its workforces are insufficient to perform its numerous missions adequately. In particular, it cannot efficiently supervise the numerous broadcasters from different countries that have a Luxembourgish license.

### **Universal reach of the media and Internet access (41% average risk)**

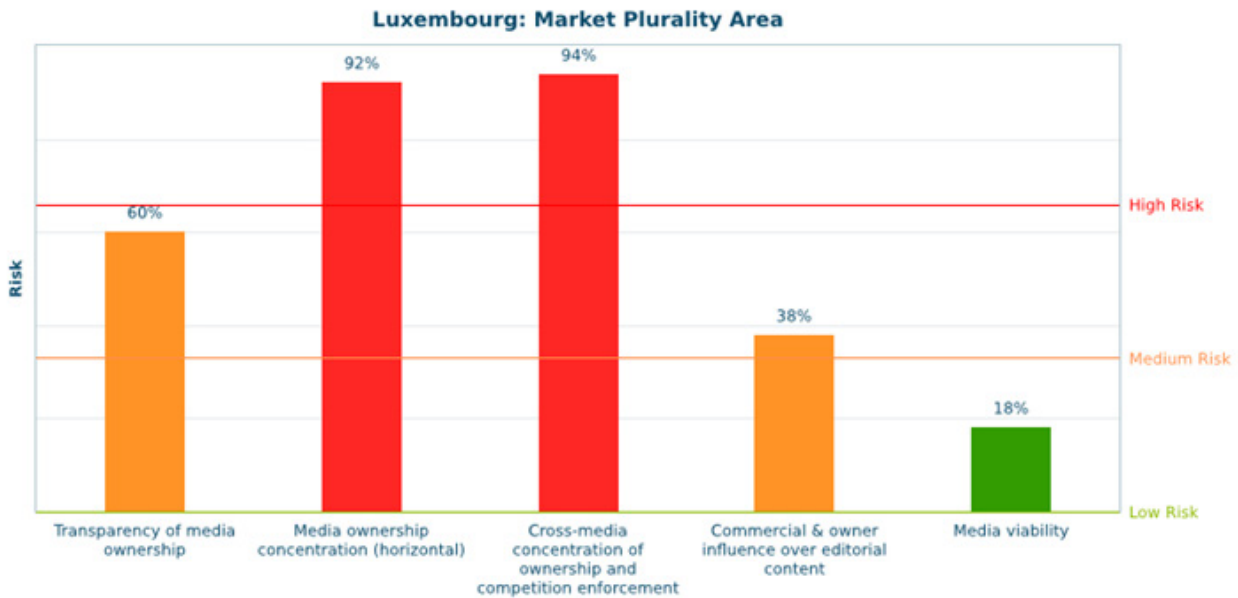
Finally, with regards to the reach of traditional media and access to the Internet score medium risk (41%). Regarding Internet coverage, the Paperjam newspaper states that 96% are connected to the broadband subscription (May 2017). The average internet speed in Luxembourg is 11.1 in 2017. On the other hand, regarding conventional media, there is no obligation (in law or in conventions) for universal coverage of public service media. Nevertheless, for the only national public service radio (Radio 100.7), the percentage of the population should increase to about 90% (against 80%) after receiving a second radio frequency on 4 July 2017.





## 3.2 MARKET PLURALITY (60% 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 (60%, medium risk)

The indicator on Transparency of media ownership scores a medium risk (60%) while is scored high risk in 2016 (69%). There is limited transparency in terms of media ownership in the print media sector as the law obliges the latter to publish their ownership structures only when one shareholder holds more than 25% of the company. Concerning TV and radio the situation is even more critical as the law does not contain any provisions concerning the ownership structure. There is moreover no legal duty to inform the public about changes related to the ownership structure in the press or audiovisual sector, and there is no sanctioning power for non-reporting or reporting incorrect ownership details.

### Concentration of media ownership (92%, high risk)

As in 2016, the indicators on concentration of media ownership scores a very high risk (92%). The media market is one of the most concentrated in Europe: three media companies clearly dominate the media market (two for the radio sector – RTL Group and Saint-Paul Group –, two for the press sector – Editpress and Saint-Paul Group – and one for the TV sector – RTL Group) while one site largely dominates the Internet content intermediaries' sector (Google.com). The press sector is very specific because it benefits from a large direct and indirect public subsidy (which explains the presence of five paid daily newspapers). In all, the four major TV owners (including non-Luxembourg media owners) account for 70,6% of the national audience, the four largest radio owners, 78% and the four largest print owners, 49,4% (we do not have figures for Internet content providers). This high level of concentration can be explained by the very limited size of the market and the absence of specific legal provisions aimed at controlling media concentration. The role of the Competition Authority is to control mergers in the event of abuse of a dominant position, but this concerns the economic market in general, and there are no specific provisions concerning the media sector. Media concentration is generally seen as an inevitable fact due to the very small size of the market (around 590.667 inhabitants in 2017) and its linguistic fragmentation (more than 45% of residents are strangers). That said, it must be considered that the majority of the population also consumes the media of neighboring countries (especially television).

### **Concentration of cross media ownership (94%, high risk)**

Similarly, cross-media ownership concentration also scores a high risk (94%). Luxembourgish law contains no limit or specific criteria that would allow control of cross-media concentration. Major groups (Editpress, Saint-Paul and RTL Group) are present in several media sectors (print media, radio, television and the Internet). The competition authority is seized only if an abuse of a dominant market position is observed, but it does not take into account the specificities of the media sector. Finally, it should be noted that there are no data available to assess market share.

### **Commercial influence and owner influence on editorial content (38%, medium risk)**

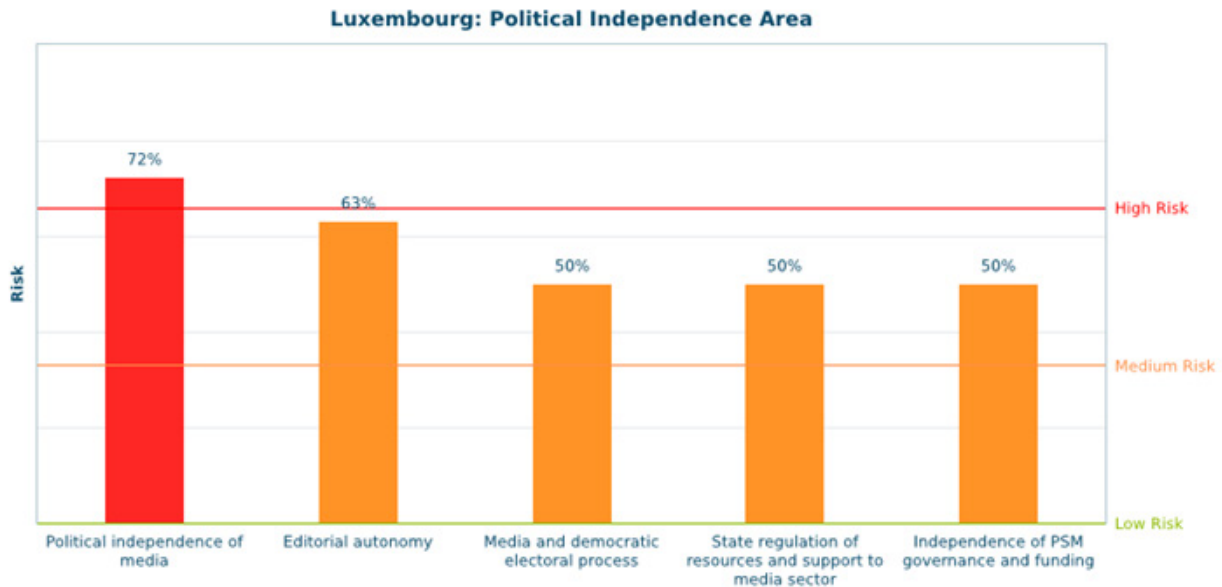
The indicator Commercial and owner influence over editorial content remains at medium risk (38%). In case of changes of ownership or editorial line, journalists are granted social protection by law. If a new editorial line conflicts with the personal convictions of the journalists, the latter may put an end to his contract without prior notice. In this specific case the executive board cannot contest the full unemployment benefits of the journalist. The deontological code for journalists requires journalists and editors to be independent of any commercial interest and to not accept any benefits or promises that could limit their independence and the expression of their own opinion. However, there are no national laws or self-regulatory instruments ensuring that the decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. Advertorials (i.e. advertising that could be confused with editorial content) are regulated by the consumer code, but are still widely published in a misleading way, especially in the free press. There are no national laws or self-regulatory instruments ensuring that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. Journalists who were interviewed for this study estimate that commercial demands are frequent, but do not prevent them from doing their work in an independent way.

### **Viability of the media (18%, low risk)**

The indicator on Media viability scores low risk (18% compared to 27% in 2016). This score may seem misleading as the press faces serious challenges in face of the changing reading habits and the rise of digital media. It should be taken into account that many questions could not be answered as there is no publically available data that would allow to evaluate the evolution of the revenues in the audiovisual and print media sector. As far as state subsidies are concerned, the government has so far granted various international licenses to RTL Group in exchange for providing a public service while newspapers benefit from generous direct and indirect public subsidies. Even if it is challenging to provide an overall evaluation of the public support schemes since they differ according to the sector, we consider that they overall contribute to maintain diversity in the media landscape, especially in print media. Finally, it should be underlined that there is a limited number of media organisations developing alternative source of revenues. In particular Maison Moderne that also supports business companies and animates the largest national business club in the country and, since 2017, the newly founded online news media called Reporter which business model based on crowdfunding (which means no advertising).

### 3.3 POLITICAL INDEPENDENCE (57% 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.



#### Political independence of the media (72%, high risk)

Political control over media outlets scores remains at high risk (72%). The law does not regulate conflict of interests between owners of media and ruling parties, partisan groups or politicians. There is no distribution group<sup>2</sup>, TV or radio channel that belongs to a political party. In contrast to the audiovisual sector, most newspapers are ideologically close to a political party or interest group (see report MPM2016). Compared to last year we have considered that the level of political control on newspapers got worse, due to the eviction of the redactor in chief of the Luxemburger Wort Jean-Lou Siweck, who had implemented a more liberal line in the traditionally conservative media in view of the coming national election in October 2018. An expert estimated that “the political pressure on the media will get stronger over the next year (due to holding of legislative elections in October) - but the perspective of a loosening grip after the elections is realistic”. It should however be noted that another expert considers that high risk is too severe to describe the national newspaper landscape. On his view, there would be a form of genuine opinion press according to which “every political party can have a media promoting its view (all the spectrum of the political public sphere being then represented)”. This implies that the situation in Luxembourg is not comparable to other countries like Hungary or Poland where most the media is getting under the control of a single pro-governmental party. While we have kept our initial evaluation (high risk), we agree that the question of political control should be more nuanced in order to take into consideration the existence of multi-partisan forms of opinion press.

#### Editorial autonomy (63%, medium risk)

The indicator on Editorial autonomy scores a medium risk (63%). Despite the absence of common regulatory safeguards that could guarantee autonomy when appointing or dismissing editors-in-chief and reports of independent bodies commenting the situation, political influence on the editorial line of the newspapers is still strong as suggested by the recent eviction of the chief editor of Luxemburger Wort (see supra). An expert however rightly pointed out that the situation has globally improved compared to the “the times where a simple phone call from a headquarter of a political party would make a headline”. (For more detailed analysis, see MPM2016).

<sup>2</sup> The most important distribution group is Post, a company that belongs to the state (some services have been liberalised in recent years).



### **Media and democratic electoral process (50%, medium risk)**

The indicator on media and democratic electoral process was downgraded from low risk (33%) to medium risk (50%). There is a limited control over political media coverage (also in campaign period) which leads regularly to the unfair representation of some parties in the PSM and commercial channels (see MPM2016). Complaints concerning the non-respect of pluralism must be directed to ALIA, but most of the citizens are not aware of its existence and ALIA does not have sufficient means and sanctioning power to actively control the presence of a fair media coverage. Moreover, there are no legal restrictions for political advertising, and there is no regulatory framework requiring to explicitly informing the public that the message is a paid political advertisement.

### **State regulation of resources and support of the media sector (50%, medium risk)**

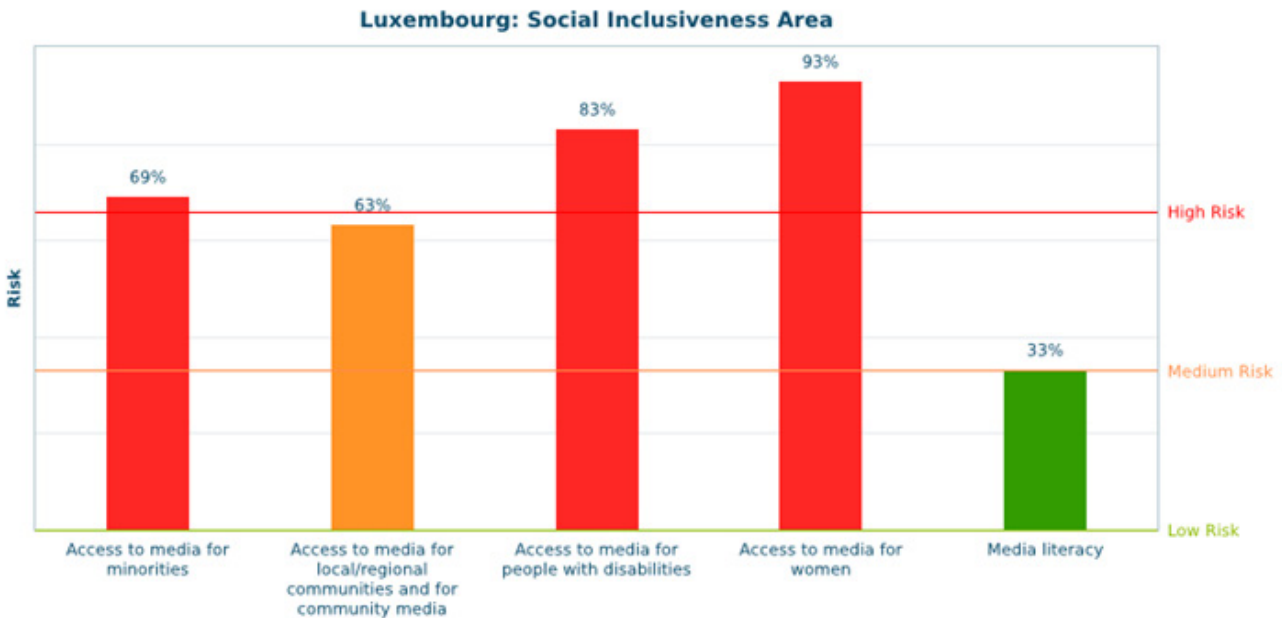
The indicator on State regulation of resources and support to the media sector was also downgraded from low risk (33%) to medium risk (50%). The legislation provides transparent rules on spectrum allocation and on the distribution of direct subsidies to print media outlets (see MPM2016). The government aims at renovating the financing plans of the print sector and to adapt it to the online reality. A first transitory step in this direction has been the introduction of a supplementary subsidy of 100.000 € benefiting to the online media that fulfill several strict conditions enumerated in the governmental regulation of January 13, 2017. While this new help to the online media aims to reinforce the media pluralism, we estimate that they risk to further benefit to the existing two major editorial groups (Editpress and Saint-Paul) and therefore to reinforce the existing media concentration phenomenon. Differently from newspapers, there are no transparent rules for the distribution of direct subsidies for audiovisual media, i.e. to RTL (that belongs to CLT-UFA). The State Ministry allocates subsidies amounting to 950.000 € (from 2018 it will be 700.000€) to the Broadcasting Center Europe (RTL group) on a yearly basis. Moreover CLT-UFA (RTL group) obtained in April 2017 an advantageous new concession contract (for the years 2021 to 2023) for continuing broadcasting in Luxembourg and providing their public service missions. Accordingly, the State undertakes to reimburse the financial deficit of the Luxembourg TV channel up to 10 million euros per year. In addition, RTL will retain the right to use national frequencies until 2030. Frequencies estimated to be worth some € 5 million, up from 10 to 15 previously. Officially, the increase of the State subsidy should compensate for the loss of values of national frequencies. As far as indirect subsidies are concerned (state advertising, official notices, preferential rates for postage, etc.), there are no transparent rules applying for any media outlet and there are no public information permitting to assess if these are fairly distributed.

### **Independence of governance and public service funding (50%, medium risk)**

The indicator on Independence of PSM governance and funding was also downgraded from low risk (33%) to medium risk (50%). The country has only one public service (Radio 100,7) fully financed by the state. While appointment procedures both for the management and the board are transparent, they do not guarantee for independence from political and economic influence. This issue has recently been raised (in September) in relation to the nomination of the new chairman of the Board who is a close friend of the Prime Minister. Economic independence is also problematic as the state nominated several members of the management board that are closely connected to financial and economic interests. Moreover, the annual budget has to be approved by the government and voted by the parliament.

### 3.4 SOCIAL INCLUSIVENESS (68% - HIGH 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.



#### Access to media for minorities (69%, high risk)

The indicator on access to media for minorities remains at high risk with 69% (from 75% in 2016). While Luxembourg does not have any minorities in the sense of the Council of Europe's definition (which implies that such minorities should have Luxembourgish nationality), it has important linguistic minorities as almost half of the resident population are foreigners – among them a large number does not speak Luxembourgish. The law does not guarantee a proportional access to airtime on PSM channels to minorities (Radio 100.7). Relating to the audiovisual sector, dominated by RTL (that also assumes public service missions), the programming hours dedicated to minorities are considered to be overall not proportional to the size of the linguistic minorities in the country. As for the radio sector, the offer is more proportional as several radios target the linguistic minorities. Relating to the print sector, the minority press, i.e. the press targeting foreign residents in Luxembourg, is considered to be rather proportionate.

#### Access to media for local/regional communities and for community media (63%, medium risk)

The indicator on access to media for local/regional communities and for community media scores medium risk with 63% (from 56% in 2016), close to high risk. There are no subsidies or particular policy measures in support of local/regional media, nor are there any specific provisions granting legal recognition to community media as a distinct group (alongside commercial and public media). There is only one radio (Radio ARA) that offers services largely corresponding to what one might expect from community media. The latter receives a small state subsidy for the promotion of a youth program. On a more optimistic note, the Prime Minister recently announced in the parliament (May 2017) the government is working on an action plan aiming at promoting a more qualitative, plural and integrated media policy. One of its measure would be to support financially the local media (in which he also includes the community media) “which work is important and strongly appreciated by the population”.

#### Access to media for people with disabilities (83%, high risk)

The indicator on access to media for people with disabilities scores high risk with 83% (from 75% in 2016). While Luxembourg has elaborated action plans to achieve several objectives of the United Convention on the Rights of Persons with Disabilities ratified in 2011, the outcomes are still insufficient because the objectives defined in the convention are not transposed into specific national laws. In parallel, the Independent National Authority (ALIA)

has the mission “to encourage audiovisual media service providers under its jurisdiction to ensure that their services are gradually made accessible to people with visual or hearing impairments”. It does however not have any binding power, which means that ALIA cannot impose any measure and does not have any budget for promoting such initiatives. This “soft approach” probably explains that progresses to promote a greater media accessibility for the people with disabilities tend to be very slow and unequal (see MPM2016).

#### **Access to media for women (93%, high risk)**

The indicator on access to media for women dropped dramatically from medium risk in 2016 (50%) to high risk in 2017 (93%). This difference is due to the fact that the gender related questions are in 2017 more numerous and specific. While in 2016 questionnaire looks essentially at the presence of legal protection of minorities (including women), the 2017 questionnaire also assesses the presence of women in key positions. Luxembourg is particularly weak in this domain. Accordingly, the PSM does not have a gender equality policy, there is a drop of the presence of women in the PSM management board – from 44% in 2016 to 33% –, and there are no women in the executive board. In the audiovisual sector (i.e. RTL television) the result is even worse as its management board (clt-ufa) is composed of only 10% of women (i.e. 2 women out of 20 members) and there are no women in the executive committee. In contrast, there is an equilibrated share of women in subjects and sources in traditional and online media and among the reporters in newspapers, radio and television news.

#### **Media literacy (33%, low risk)**

The indicator on media literacy scores low risk, close to medium risk, with a score of 33% (from 25% in 2016). The policy on media literacy is still nascent and policy measures are fragmented. Media literacy is present in the 2009 law on the organisation of primary school that states that media education should be integrated at different levels of the teaching and in many initiatives aiming at promoting some aspects on media literacy within and outside the formal education system. However, the teaching concerning media literacy are not, unlike in other countries, embedded in the educational national curricula but are embraced throughout different kinds of activities inside and outside classrooms. Most of them depends on individual efforts of dedicated teachers. In secondary education, the ministry of education is finalizing a bill aiming at reforming the entire educational curriculum. This bill plans to integrate in the curricula of different courses a certain number of sessions dedicated to media literacy. The recent exchange we had with the ministry of education however suggest that, similarly to the fundamental curriculum, the lessons would not be binding. Finally, media literacy initiatives are numerous and widespread. The director of ALIA and the person in charge of the media literacy program at the governmental agency SCRIPT however recognized the necessity to promote a more centralized, coherent and binding media literacy program in formal and non-formal education.





## 4. CONCLUSIONS

The 2017 report identifies, as the previous ones (2015, 2016), several potential risks to media pluralism in Luxembourg, many of which find their roots 1) in the absence of media competition law which favors the development of a high level of concentration and 2) the complexity of the national market that is particularly small and characterized by a strong linguistic diversity.

Compared to last year the Market plurality and Basic protection scored lower risk<sup>1</sup> and that Political Independence and Social Inclusiveness scored higher risk. These changes are essentially due to the introduction of new variables and an evolution of the appreciation of certain variables by the national experts. For example, in the Social inclusiveness domain media access to women is assessed with a higher risk compared to 2016 due to the introduction of additional questions that reveal serious cases of gender imbalance that would otherwise have been ignored. In the same vein, Media and democratic electoral process is evaluated with a higher risk due to the political eviction of the redactor in chief of the main national journal, Luxemburger Wort.

On a more optimistic note we observe three rather positive changes for the defense of the national media plurality: 1) the creation of the Association Luxembourgeoise des journalistes professionnels in October 2017; 2) the emergence of a new actor in the print sector, that is uniquely crowdfunded: reporter.lu. 3) the PM declaration (May 2017) that the government is working on an action plan aiming at promoting a more qualitative, plural and integrated media policy.

In addition to the recommendations we elaborated in 2016, we invite the state to elaborate legal reforms that guarantee the full transparency of the media ownership structure (both offline and online).

To recall the 2016 recommendations were the following:

1. to encourage policy makers to conduct and finance more studies on media issues such as the public, market shares, the influence of political actors and the public service. These surveys should fuel public debate and could be initiated by civil society or the University of Luxembourg;
2. to increase the human and financial resources of independent public authorities such as the ALIA to ensure more consistent and continuous supervision;
3. launching debates and consultations on the right to information – Luxembourg being one of the few countries in Europe where this fundamental right is not legally protected;
4. to launch debates and consultations on the possible form of a media “public service”, which would be in line with the social reality of Luxembourg.
5. improve the media education system, at a time when it is still nascent, decentralized and largely based on the goodwill of certain people or institutions.

<sup>1</sup> In the *Basic protection* domain, the *right to information* especially is assessed with a lower risk in 2017 probably because of a different method of calculation because we do not observe any novelty in the field. In the *Market plurality* domain, the *transparency of media ownership* and *commercial influence over editorial content* are also assessed with lower risk for the same reason.





## ANNEXE 1. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2016 CT Leader (please indicate with X)
Raphaël	Kies	Researcher in political sciences	University of Luxembourg	X
Céline	Schall	Researcher in Information and Communication Sciences	Independant / University of Luxembourg	

## ANNEXE 2. GROUP OF EXPERTS

First name	Last name	Position	Institution
Romain	Kohn	Representative of the media regulatory institutes	ALIA
	Vojtěchovská	Lecturer	Metropolitan University in Prague
Luc	Caregari	Representative of a journalists' association	Woxx / Syndicat des journalistes
	Nesbitt	Department Chair	University of New York in Prague
Christian	Lamour	University researcher, specializing in media in Luxembourg	Université du Luxembourg
Bernard	Philippe	Representative of a consumer association	Centre européen des consommateurs
Mike	Koedinger	Representative of a media	Maison Moderne



