

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2021

Country report: The Czech Republic

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Research Project Report

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2021. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and review

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

In The Czech Republic the CMPF partnered with Vaclav Stetka (Loughborough University), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the 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 II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental 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 Table 1).

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores, and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

The results for each thematic area and indicator are presented on a scale from 0 to 100%.

Scores between 0 and 33%: low risk

Scores between 34 and 66%: medium risk

Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, in order to avoid an assessment of total absence, or certainty, of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It 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, MPM2022 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2022, available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

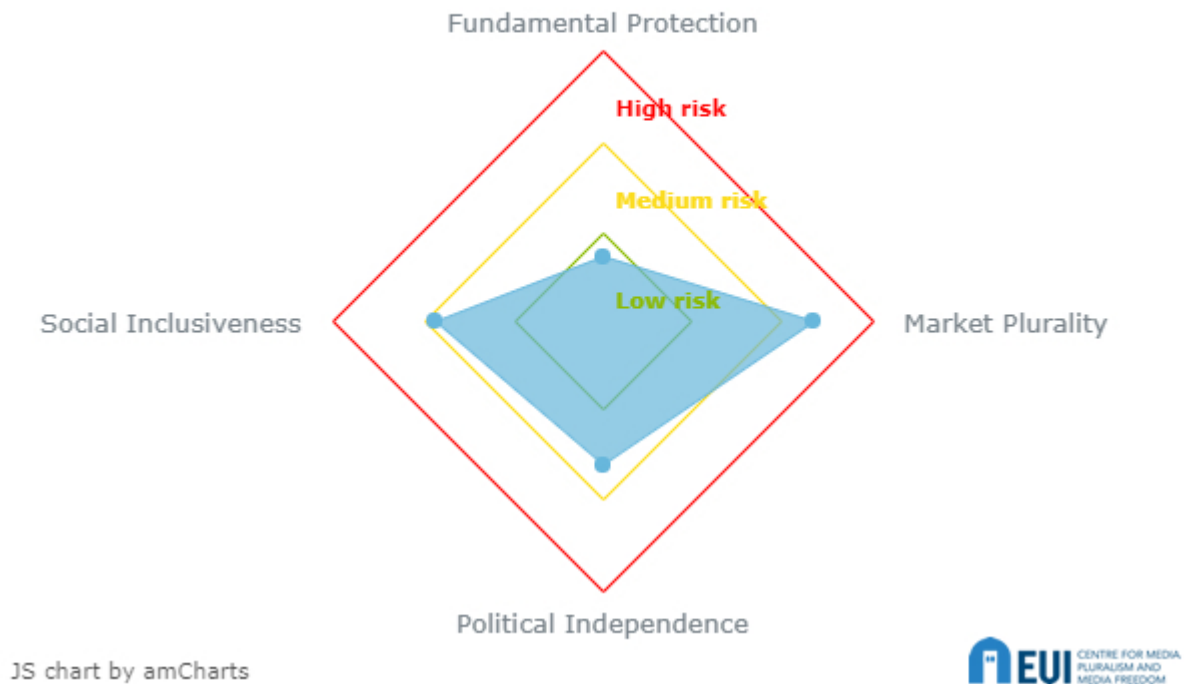
2. Introduction

- **Population:** The Czech Republic is a Central European country with an area of 78 866 sq km and a population exceeding 10.6 million inhabitants.
- **Languages:** The official (and virtually only) language is Czech.
- **Minorities:** The country is ethnically very homogeneous, with a relatively marginal presence of ethnic minorities (estimated 1.5-3% of Roma people, 1.6% of Ukrainians, 1.5% of Slovaks). However, since the beginning of the war in Ukraine, nearly 300.000 Ukrainians have arrived in the Czech Republic (April 2022), making the Ukrainian minority temporarily the largest one in the country.
- **Economic situation:** The GDP has recorded a 3.3% increase in 2021, according to the report of the Czech Statistical Office (published 1 March 2022), as the economy started shaking off the pandemic-induced downturn, especially towards the end of 2021. The GDP increase was slightly higher than originally expected by the Czech National Bank (+2.2%). The unemployment rate has further declined in comparison with the previous year, down to 3.4% in March 2022. Due to the impact of the war in Ukraine, the inflation rate jumped into double-digit figures, from the average rate of +3.8% in 2021 to +13% in April 2022, and with the prospect of further increase.
- **Political situation:** After four years of the rule of the government coalition composed of the centrist, technocratic-populist party ANO2011 (led by the billionaire PM Andrej Babiš) and the Czech Social Democratic Party (with the government being propped up by the Communist Party and occasionally also by the far-right Freedom and Direct Democracy), the General Election in October 2021 brought a victory for the democratic opposition. The centre-right coalition of ODS, TOP 09 and Christian Democratic Party, running under the label "Spolu" (Together), claimed the first spot with 27.8% of the vote, narrowly beating ANO2011 (27.2%), ahead of the coalition of Pirates and Mayors (15.6%). The only other party that exceeded the 5% threshold was Freedom and Direct Democracy (9.6%). The new government coalition of Spolu and Pirates and Mayors, led by PM Petr Fiala, has from the start had to cope with the combined economic impact of the still-ongoing (though slowly receding) pandemic, fast rise of energy prices, and the war in Ukraine, which has also sparked the largest immigration wave in the post-WWII Czech history. The government has adopted a firmly pro-Ukrainian stance and has provided Ukraine with significant military support.
- **Media market:** The media market has shown signs of recovery from the pandemic, and the advertising business has returned to pre-pandemic profits in 2021, although this has not been the case for the still-ailing print media sector, with most publishers continuing to record losses and being unable to offset the declining sales with online subscriptions. The war in Ukraine has brought new wave of misinformation and propaganda, and prompted an unprecedented action against disinformation, as the association of leading Internet providers (CZ.NIC) blocked eight main disinformation websites on 25 February 2022, the day after the Russian invasion to Ukraine. Further websites identified as spreading pro-Russian propaganda and disinformation were subsequently blocked by Czech mobile operators, following a request by the National Cyber Defense Centre (a special unit of the Czech military). However, the crisis has also sparked new media initiatives in support of the Ukrainian immigrants, including a launch of a new station "Radio Ukrajina" by the broadcasting network Media Bohemia; online streaming of the Ukrainian public service radio (Czech Radio) or a simultaneous interpretation of the main Czech TV news programme into Ukrainian (Czech Television).

- **Regulatory environment:** There have been no major changes in the regulatory framework for media and communications in 2021. One of the key pieces of the EU media legislation, the Audiovisual Media Services Directive, still awaits implementation into Czech law. Among the few legislative changes with an impact on the media environment was the adoption of the amendment to the Electronic Communications Act (No.127/2005 Coll.), transposing the EU-wide regulatory framework as set out by the European Electronic Communications Code, or the adoption of the Act on the Registration of Beneficial Owners (No.37/2021 Coll.), which includes owners of media companies too.
- **Covid-19:** The second year of the pandemic brought two more waves of infection, first at the start of the year (January-March) and then in late Autumn again, with the infection rates as well as the mortality rate being among the highest in Europe; according to OECD report, Covid-19 mortality (2 843 people per million inhabitants) was 80% higher than the EU average by August 2021 (OECD/European Observatory on Health Systems and Policies, 2021). This has been generally attributed both to the government mismanagement of the pandemic, as well as to the lower vaccination rates (by the end of 2021, only 60% of the population had completed their vaccination, which was one of the lowest rates in the EU (SeznamZprávy, 2021). The beginning of 2022 was marked by the arrival of the Omicron variant, causing another wave of infections, however with generally less severe health consequences, leading to the easing of the public restrictions and their ultimate removal by the government by April 2022.

3. Results of the data collection: Assessment of the risks to media pluralism

The Czech Republic: Media Pluralism Risk Areas



The results of the MPM2022 for the Czech Republic show that, just like in previous years, only one out of the four key areas displays a low level of risk for media pluralism, namely Fundamental Protection (24%). Two areas – Social Inclusiveness and Political Independence – scored in the medium-risk category (62% and 53%, respectively), whereas the Market Plurality has significantly exceeded the threshold for high risk (78%). While there were some changes to the individual scores compared to 2020, the overall level of risks in each key area remains the same.

In the **Fundamental Protection** domain, two out of five indicators scored medium risk, namely "protection of the right to information" (38%) and "journalistic profession, standards and protection" (39%). The medium risk for the right to information is mainly influenced by the non-existence of a legal framework for whistleblowing which has not yet been implemented, despite the obligation to transpose the EU directive. The journalistic profession, whilst physically safe, is still under strain stemming from the economic impact of the pandemic as well as from long-term precarious work conditions, especially in regional and local media.

As in previous years, the area of **Market Plurality** exhibits the highest level of risk, even if the overall score has dipped slightly (from 85% to 78%). This is mostly due to the relative improvement in media ownership transparency (reflecting the adoption of a new law enforcing greater transparency), but still not enough for this indicator to move below the high risk category (69%). The scores for the other three high-risk indicators have remained more or less the same compared to last year, with news media concentration and commercial and ownership influence over media content displaying highest risks (89% and 90%, respectively). The indicator for online platforms concentration and competition enforcement has partially improved (from 73% to 63%), pushing the risk level from high to medium.

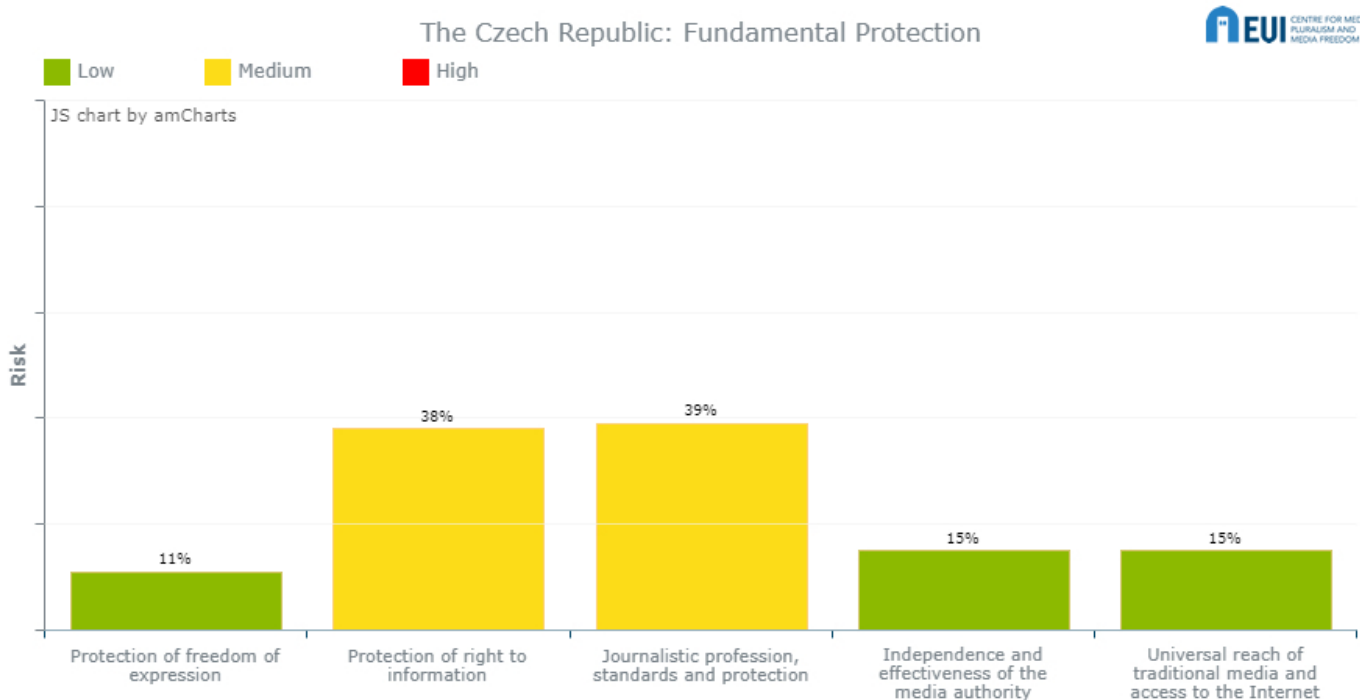
The area of **Political Independence** is characterised by a medium level of risk (53%), reflecting a divided media scene in the country, which includes a number of independent outlets but also those that are linked to

political actors, whether through informal networks or via ownership structures, in particular those that are controlled by the leader of the party ANO2011 Andrej Babiš, Prime Minister until December 2021. Public service media has faced significant political pressures throughout 2021, mainly stemming from the attempts to seize political control over their regulatory bodies.

Social Inclusiveness displays a medium-to-high risk level (62%), identical with last year, and also showing the same distribution of risk levels across the five main indicators. The highest risks are associated with Protection against illegal and harmful speech (77%), reflecting - among other issues - the weaknesses of the existing legal framework for countering disinformation; but also with the poor state of local media in the country (75% risk), as well as with the Access to media for women (75%), who continue to be heavily underrepresented in executive positions in the Czech media, as well as in TV discussion programmes.

3.1. Fundamental Protection (24% - low risk)

The Fundamental 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 area of fundamental protection (24% overall risk) has been classified as low risk ever since the start of the monitoring, reflecting an established legislative framework largely corresponding with democratic standards and expectations. **Freedom of expression** is well protected (11% risk); the restrictions upon this right are clearly defined, and legal remedies in case of its violation are considered effective. One of the few persisting issues concerns the fact that defamation remains a criminal offense (Art. 184 of the Czech Criminal Code, Act No. 40/2009 Coll.); yet actual accusations of defamation are rather rare.

The indicator **Protection of right to information** reaches medium risk (38%). The right to information itself is protected by a specific law (Freedom of Information Act No. 106/1999 Coll.) that is well developed and

gives citizens an effective instrument for their dealings with public authorities. In 2020, there were minor controversies during the first phase of Covid-19 pandemic when the authorities attempted to prevent publication of certain information (Kužílek & Hausvater, 2020; Floriánová, 2020), yet no such attempts have been reported in 2021. Experts on the right to information confirm that while violations of the law are not exceptional, there is a general tendency towards greater transparency by public authorities. The medium risk score for this indicator is primarily influenced by the non-existence of a legal framework for whistleblowing which has not yet been implemented, despite the State's commitment to transpose the EU Whistleblower Protection Directive by the end of 2021, which has however not happened yet.

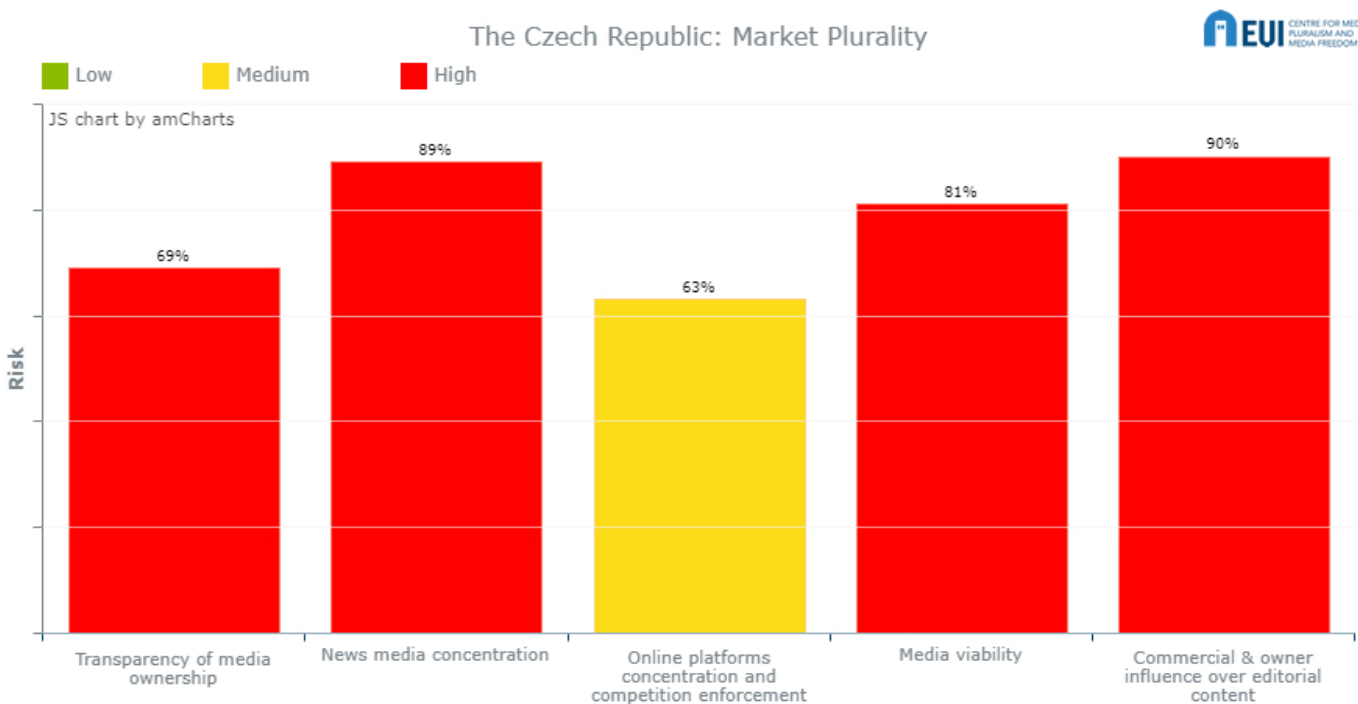
Medium risk (with 39%) is also displayed by the indicator **Journalistic profession, standards and protection**. The journalistic profession has been facing growing distrust of citizens (CVVM, 2021) as well as economic difficulties related to precarisation. Consequently, the media landscape is increasingly divided between a few large, economically secure, media houses, and a high number of low-quality news outlets whose operating conditions do not follow even the basic journalistic standards. The category of small-size professional media is diminishing, which is particularly affecting the segment of local media (Metyková & Waschková Císařová, 2020). Given that the position of the main professional association (the Czech Syndicate of Journalists) is weak, the necessary support for the specific needs of journalists and their working conditions is missing. The fact that strategic lawsuits against public participation (SLAPPs) are not regulated by the Czech law further increases journalists' vulnerability. On the other hand, the journalistic profession remains quite safe, with only rare cases of physical attacks or serious digital threats.

The low-risk score (15%) for the **Independence and effectiveness of the media authority** indicator reflects to a large extent the fact that the main regulatory body (The Council for Radio and Television broadcasting) is considered primarily as an administrative authority, with powers relatively strictly defined by law (Radio and Television Broadcasting Act, No. 231/2001 Coll.). Compared to the regulators of the public service media, the Council works more independently and under less political pressure. However, the law does not effectively safeguard political and economic independence of the Council due to the design of the appointment procedures (the Council members are appointed directly by the Prime Minister following their nomination by the Parliament).

There has been a minor improvement in the indicator **Universal reach of traditional media and the Internet**, which scores low risk (15%, down from 21% in previous year), prompted by the growing reach and speed of the Internet connectivity. The coverage of the terrestrial (free) broadcasting is also high (99%). In the period considered, no serious threats to the net neutrality principle have been observed.

3.2. Market Plurality (78% - high risk)

The Market Plurality area focuses on the economic risks to media pluralism which derive from a lack of transparency and the concentration of ownership, the sustainability of the media industry, the exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on the transparency of media ownership. Lack of competition and external pluralism are assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), and we consider separately horizontal and cross-media concentration; the concentration of the online advertising market; and the role of competition enforcement. The indicator on media viability measures the trends in revenues and employment, in relation to GDP trends. The last indicator aims to assess the risks to market plurality that are posed by business interests, in relation to the production of editorial content, both from the influence of commerce and owners.



Despite the economy starting to show signs of recovery, the second year of the pandemic has continued to bring considerable challenges to the Czech media market, especially to the already struggling print media sector, where newspaper sales declined by further 10% in 2021, following a drop by -16% in 2020 (Vojtěchovská, 2022). Unlike in many other EU countries, the Czech publishers could not benefit from any State support to lessen the financial hardship caused by the pandemic, leading to further lay-offs and salary cuts. The situation has been considered as particularly dire within the segment of regional/local media. Even though the advertising expenditures were on the rise in the second half of 2021 (Nielsen Admosphere, 2021), the risk for the indicator **Media viability** continues to be high (81%).

The level of risk for **News media concentration** remains unchanged since last year (89%), reflecting both the high level of concentration, as well as the lack of specific regulatory limitations on horizontal concentration for print media (which are only subject to general restrictions by the Competition Law). In addition, there are effectively no limitations on cross-media ownership, due to which the Czech media market is dominated by a handful of media houses involved in print, broadcasting as well as online sectors. The level of concentration is particularly striking in the regional media market, with the segment of the

regional daily press being effectively monopolised under the company Vltava-Labe-Press.

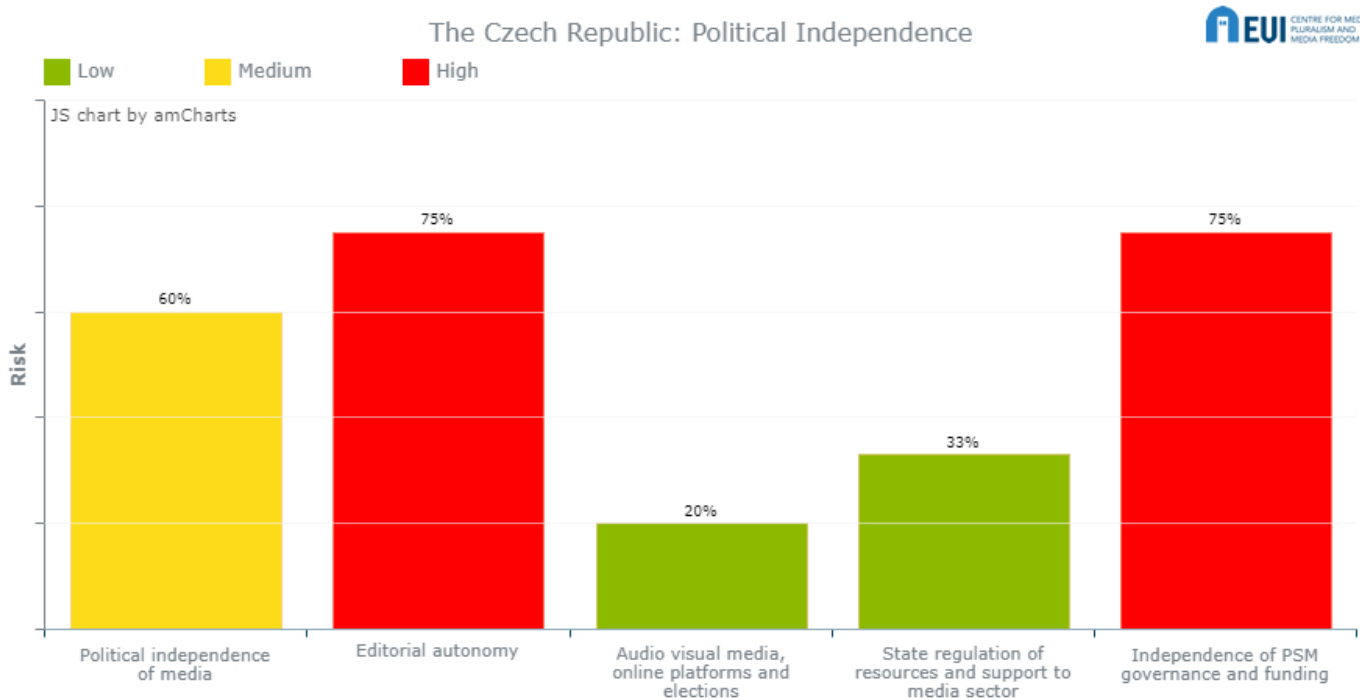
Although the risk for **Transparency of media ownership** remains high (69%), it has significantly decreased from last year (88%), following the adoption of the Act Nr. 37/2021 Coll., on the Register of Beneficial Owners, which obliges companies to provide information about their ultimate owners. While this Act does not target media ownership specifically, it has been welcomed as a positive step towards ensuring greater transparency of ownership in media as well. Nevertheless, given that the deadline for revealing that information only passed in December 2021, not all companies have managed to do so yet. In addition, Transparency International (2021) has cautioned that the information provided by the companies about their beneficial owners is not independently verified.

The indicator **Commercial & owner influence over editorial content** continues to display high level of risk (88%). Despite the long-term concerns related to the prevailing type of ownership of Czech news media – the majority of the largest outlets belong to the country's most powerful business elites – there is a lack of efficient instruments (either legislative or in a form of self-regulation) safeguarding editorial independence from owner's undue influence, offering adequate protection to journalists in case of the changes of ownership, or ensuring that appointments and dismissals of editors-in-chief are not influenced by commercial interests. The risks associated with the conflict of interests are most palpable in case of the titles controlled by Andrej Babiš, the leader of the movement ANO2011 and until December 2021 Czech Prime Minister, who – despite the fact that his company Agrofert has been in a trust fund since 2017 – is still regarded as a beneficial owner. His dailies are considered by experts largely as not independent, and journalists who left them speak of perceived lack of editorial autonomy and self-censorship (Kotišová & Waschková-Císařová, 2022). The Union of Publishers disputes the severity of the risk, pointing to the lack of direct evidence and to the overall plurality on the market; nevertheless, the fact that at least some of the leading news outlets are clearly not independent from their owner's interests leads to evaluating the risk as high.

The indicator for **Online concentration and competition enforcement** is the only one showing medium level of risk (63%). The level of concentration within the segment of online media is lower than in the offline market, however it is still dominated largely by the same players, in addition to Google and Facebook (though the exact figures about their market share are unavailable), and the largest Czech digital corporation Seznam. The Act on Digital Services Tax, proposed by the Czech government already in 2019, is still awaiting to be passed by the Parliament, and there are no indications that the tax revenue would be used to support new media industry and media pluralism.

3.3. Political Independence (53% - medium risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



In the Political Independence domain (53% risk), the levels of risk for the five indicators are divided between low and high, suggesting that while in some respects the Czech media system manages to evade undue political control, there are also some areas that are a cause for concern.

Just like last year, the indicator **Political independence of media** displays a medium risk score, close to high (60%), largely due to the continuing problem of the conflation of political and media power in the hands of (former prime minister) Andrej Babiš, via his company Agrofert. Even though Mr Babiš had to transfer Agrofert into a trust fund, following the adoption of the 2017 amendment to the Conflict of Interest Act (Nr 159/2006 Coll.), he has remained *de facto* in control of the company, as confirmed by the European Commission's audit (Nelsen, 2020). A few other media owners have either been active in politics, or openly declaring their political ambitions, including Ivo Valenta (shareholder in several online news servers and regional TV stations) or Jaromír Soukup (owner of the Empresa Media group). In an attempt to fix this apparent loophole, a group of MPs have drafted an amendment to the Conflict of Interest Act strengthening the current conditions and preventing active politicians from any form of involvement in print or audio-visual media business exceeding certain revenue thresholds (Rožánek, 2022).

Even though the majority of other media houses are not directly influenced by political actors, the market share of the media outlets controlled by the ex-Prime Minister Babiš (including the Nr1 non-tabloid daily

newspaper, and the Nr1 commercial radio station) and the other politically active owners mentioned above is alone a reason for the elevated risk level of the indicator **Editorial autonomy** (75%). The risk is further sustained due to the fact that self-regulatory instruments (such as codes of ethics) are largely invisible (if existing at all) and considered ineffective to provide sufficient safeguards against political influences, especially if those influences are coming from politically active media owners.

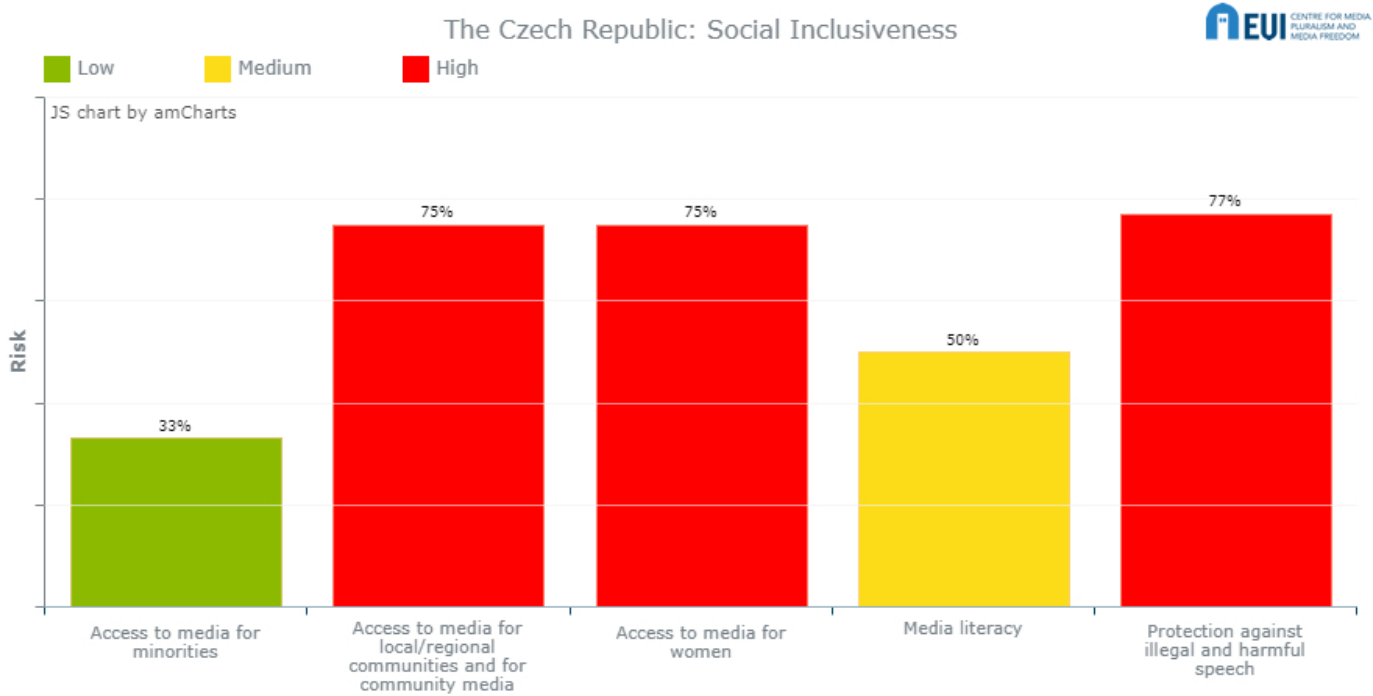
The indicator **Audiovisual media, online platforms and elections**, assessing the existence and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints in audiovisual media, scored low risk (20%), having improved from 29% in the previous year. This reflects both the existence of a reasonably well-functioning regulatory system in this area, as well as an absence of controversies regarding the representation of political viewpoints and actors during the 2021 Parliamentary Election, as evidenced by the fact that none of the analyses of the major audiovisual channels commissioned by the Czech Broadcasting Council found any breaches of the provisions on fairness and impartiality in the Radio and Television Broadcasting Act (RRTV, 2022).

The risk level for the indicator **State regulation of resources and support to the media sector** is right on the edge between low and medium risk (33%). While there is generally no issue with the broadcasting spectrum allocation, questions are sometimes raised about the distribution of state advertising to media outlets, mainly due to the missing rules and lack of transparency and publicly available data, occasionally leading to suspicions of favouritism by state-owned companies to media close to the government (Chaloupská, 2021; Čápková, 2019).

The risk score for **Independence of PSM governance and funding** has further increased, to 75%. This reflects heightened attempts by certain actors within the Czech political system (including parties informally propping up the government, as well as the President Miloš Zeman) to erode the independence of the Czech Television and to enforce a removal of its Director General Petr Dvořák. These attempts, carried out using their allied members of the Czech Television Council, have been denounced by various media advocacy groups home and abroad, as well as by professional organisations, such as the European Broadcasting Union, in Spring 2021. The public service Czech Radio has been embroiled in a controversy as well, as hundreds of employees signed a petition in December 2021 against the appointment of a new Director of News, which some observers saw as politically motivated (MediaGuru.cz, 2021).

3.4. Social Inclusiveness (62% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech.



High risk levels in three out of five indicators of the Social Inclusiveness domain reflect some long-term deficiencies in the Czech social and educational policies – “blind spots”, in the opinion of some sociologists (Prokop, 2020), that result in the persistence or deepening of various social problems. Issues such as insufficient public representation of marginalised social groups, intolerance to minorities, lack of attention to the problems of people in the regions, or inequality and lack of critical thinking in education are subsequently observed in the media as well. The problems are exacerbated by the fact that many policy instruments common in Western EU countries are not included in the Czech law, and activities and programmes aiming at enhancing social inclusiveness are to a large extent provided by non-profit organizations.

The risk score for the indicator **Access to media for minorities** reached 33%, the border value between low and medium risk. While access to media for national minorities is enshrined in the law (Act on Radio and Television Broadcasting, No. 231/2001 Coll.), there is a significant difference between PSM channels and commercial stations. Whereas PSM channels are required to safeguard proportional access for minorities (and they strive for it), there is no such obligation for private channels. There are also some deficiencies in the provision of media content to people with disabilities, especially in case of private broadcasters and on-demand video services.

Access to media for local/regional communities and for community media scores high risk (75%), which stems partially from the non-existence of any law on community media and partially from poor State

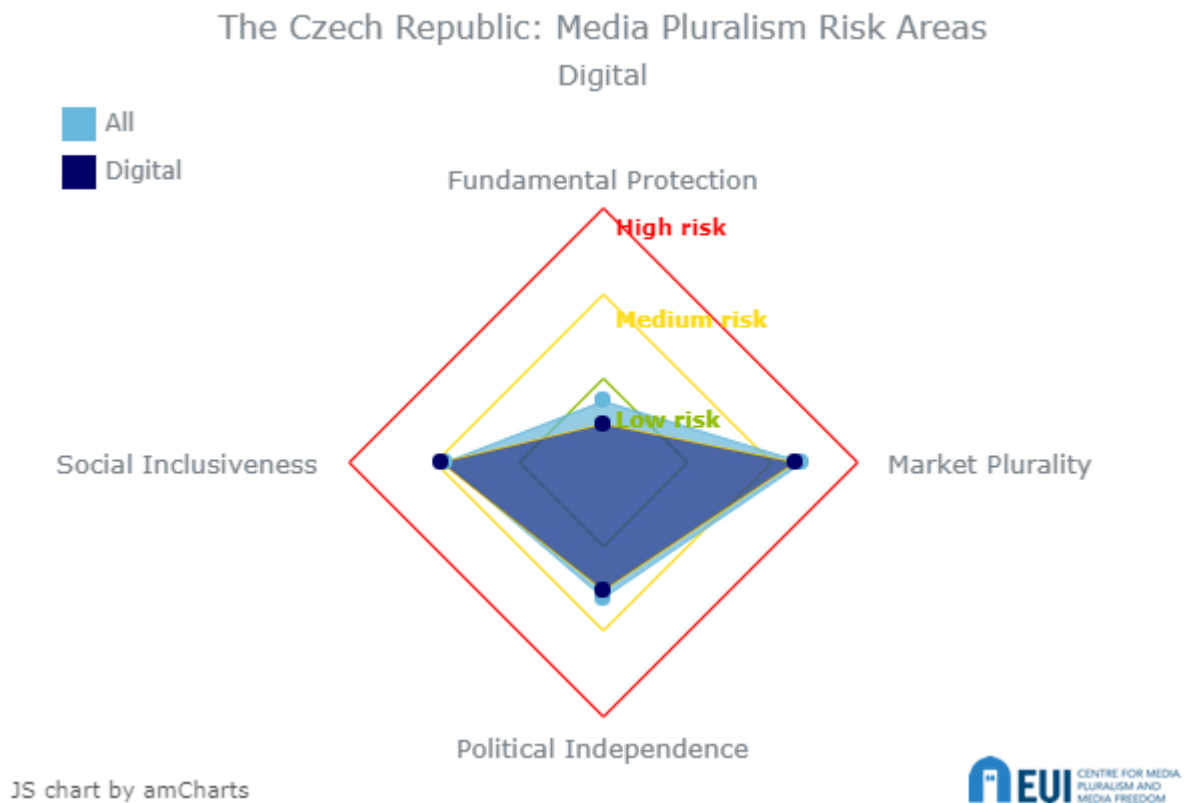
support for local media. As the entire local media sector faces economic hardship, experts have been repeatedly warning against the growth of 'information deserts', the regions with no independent media coverage of current affairs (Waschková Císařová, 2020). There is no designated programme in support of regional and local media, and no frequencies are reserved for regional/local broadcasting either. Community media are not part of the media system despite a strategic plan for their implementation that was prepared already in 2013.

High risk (75%) in the **Access to media for women** indicator reflects the long-standing and persistent under-representation of women in executive positions and on management boards of the Czech media – an observation confirmed by a recent study (Adamčíková, 2021) according to which there are less than 10% of women among the editors-in-chief in the most read Czech news media. In this context, it comes as no surprise that women are also much less represented on the main political TV discussions (Homfray & Adamčíková, 2022).

The **Media literacy** indicator implies medium risk, yet the score (50%) is slightly worse than in previous years. The state of media literacy is not changing that much – formally, it is part of the curriculum at schools, but it is lacking efficient implementation, including appropriate and up-to-date materials for the teachers. However, the contemporary rise of disinformation makes the need to implement and expand on media literacy programmes even more urgent. The Covid-19 pandemic has confirmed that a significant proportion of citizens struggle with critical approach to the media and information they consume, and that more effort needs to be invested in developing digital literacy skills, both among young and elderly population.

The issue of disinformation is specifically addressed by the indicator **Protection against illegal and harmful speech**. High risk here (77%) reflects the weaknesses of legal framework on countering disinformation, with existing laws not allowing to effectively prosecute the spread of disinformation and its harmful consequences. This became evident in 2021, as the country faced a wave of disinformation spreading falsehoods about the pandemic and targeting the Covid-19 vaccination programme, which is considered to be among the main causes for the relatively lower vaccination rates among the population (63% by April 2022). The lack of policy instruments to counter harmful online content is also evident in the insufficient regulatory framework on hate speech.

4. Pluralism in the online environment: assessment of the risks



Fundamental Protection

For digital media, the fundamental protection domain scores a lower risk compared to the overall result (15% vs 24%). The Czech law makes no difference in the approach towards freedom of expression online and offline; both are protected by the Charter of Fundamental Rights and Basic Freedoms that is part of the Constitution both for online and traditional media. Freedom of expression is generally respected both by the State and the commercial companies, as evidenced e.g. by the country's top score in the latest edition of the Internet Censorship ranking (Bischoff, 2022).

In general, journalists in the country work in safe conditions, which applies for both online and offline environments. Compared to other CEE countries, there has not been any significant case of digital surveillance, hacking or other forms of digital attacks towards journalists. Of course, except harsh language, intimidation, verbal abuse, and threats that has become the "norm" of social media comments. Unfortunately, we are not able to evaluate whether women are more vulnerable since there is no data for that. The legal framework protects journalists against illegal monitoring (Act No. 110/2019 Coll., on Personal Data Processing) and allows them access to information and sources as well as the right to publish all findings that are in the public interest.

The coverage of broadband Internet connection and broadband subscription is continuously increasing. The broadband coverage reached 96.9% (low risk), the broadband subscription 88% (medium risk), with expectations of further improvement. The ISPs market is rather concentrated in the segment of cable connection, yet highly fragmented in the sector of wireless connection which has more than 10.000 ISPs. There are no exact data on ISPs market shares (because there is no legal obligation to provide such data) and there is not much public concern about ownership concentration in this sector.

The indicators related to net neutrality show low risk. The key regulatory framework regarding net neutrality is the EU Regulation 2015/2120. The monitoring of the Internet providers' compliance by the Czech Telecommunication Office, which is the designated supervisory body for net neutrality in the country, has not found any major transgressions against the regulation in the period covered by this report (ČTÚ, 2021).

Market Plurality

The level of risk for market plurality in the online environment is slightly lower than for media overall (75% vs 78%), but still in the high risk zone. This suggests that online media is not necessarily exempt from challenges to pluralism that are troubling the offline media in the Czech Republic. This concerns particularly the issue of ownership transparency; even though the situation has arguably improved following the adoption of the Act Nr. 37/2021 Coll., on the Register of Beneficial Owners (which covers online media companies as well), the same caveats apply as mentioned with regard to offline media, especially the fact that the data in the Register is not independently verified. The problem of ownership concentration is comparatively smaller than in case of traditional media sectors, given the high amount and diversity of online outlets that are available on the news market; nevertheless, the majority of those that generate most traffic belong to the same established media houses that are also leaders on the offline news market (MAFRA, Czech News Centre, Vltava Labe Press, Economia, CNN Prima News, and the public service media). A notable exception to the rule is the digital-born company Seznam, which is not only running one of the strongest news media brands (SeznamZpravy.cz), but also maintaining a significant position in the digital advertising market – representing a unique case of a market that is not fully dominated by the global “duopoly” of Google and Facebook.

In terms of media viability, the online news sector has been able to cope with the impact of the pandemic comparatively better than the offline one, benefiting from the fast rebound of the online advertising market and an increased online traffic during 2021. Unlike most legacy publishers, Seznam reported a revenue increase in 2020, and was able to expand the number of journalistic staff. Generally, the arrival of the pandemic has fastened the process of digital transformation and search for new revenue streams, including crowdfunding, introducing premium content or increasing the subscription base. There are, however, no public support schemes for online media, and no form of help was offered by the State to alleviate the impact of the pandemic.

Political Independence

The level of risk for the political independence of the digital media (51%) is comparable with the overall score (53%), both pointing to medium risk. Contrary to the legacy media houses (most of which have a strong online presence too), there is no evidence of any substantial political control over the leading digital native media in the Czech Republic. Some concerns about possible political affiliations have been voiced with regards to smaller online news outlets, which however have relatively limited market reach (with the exception of Parlamentnilisty.cz, belonging to an ex-Senator Ivo Valenta).

However, there are other risks - especially those stemming from the loopholes in the regulation ensuring transparency of political advertising online, as well as political parties' conduct on social media, particularly during election campaigns. According to the report on the transparency of the 2021 Parliamentary Elections by the Czech branch of Transparency International, several parties - including the governing party

ANO2011 - displayed a very poor record of transparency about their online ad spending, often using “product marketing” on social media as a backdoor tool for promoting their candidates without having to label these as advertising (Transparency International, 2022). As the 2021 election campaign revealed, candidates holding public office in times of the election campaign (e.g. sitting government Minister, or Mayor) have learned to circumvent the current legislation by posting posts or videos on social media that appear to promote their office (and their own activities as holders of that office), while in fact engaging in electoral communication. The costs of such self-promotion are not included in official reports that parties are bound to submit to the Office for Supervision of Political Parties and Political Movement for the monitoring of political parties and movements' financing. According to TI, most parties also did not disclose external social media profiles that were engaged in promoting the party and/or candidates during the campaign.

As Transparency International mentions, there is also a tendency by parties/candidates to spread campaign messages and promotional communication among Facebook groups (open or closed), which is done often by PR agencies that are hired to work on election campaigns, however this kind of communication (persuasion) is neither listed in the final reports from the campaign, nor is such communication properly labelled so that FB users could distinguish its origin.

Social Inclusiveness

Medium risk in this domain (63% - close to high) is, first of all, a reflection of insufficient emphasis on media literacy and digital competencies, leading to a significant part of the population having low digital skills (24% according to Eurostat 2019). Furthermore, the existing policy framework tackling the problems of disinformation as well as online hate speech is broadly considered as inadequate. There is no specific law on disinformation (although the new government has reportedly been preparing one, also prompted by the war in Ukraine that has brought additional urgency into the struggle against disinformation and pro-Russian propaganda), and the specialised bodies that operate in this area (such as The Centre Against Terrorism and Hybrid Threats operated by the Ministry of Interior) work mostly reactively (monitoring, issuing warnings, etc.). A legal (or self-regulatory) framework tackling specifically online hate speech is missing as well, and the enforcement of the general Criminal Code has been so far rather limited, with the first unconditional punishment for hate speech sentenced only in March 2021.

5. Conclusions

Based on the MPM2022 results, it is apparent that the greatest risks for media pluralism in the Czech Republic continue to be tied to the area of Market Plurality. While there has been a minor decline in the risk score, partially also due to the adoption of a new law enhancing public transparency of media ownership, some old problems remain, including the high level of media concentration or the confluence of media ownership structures with business and political interests, placing serious limitations on editorial autonomy in case of some of the most prominent news outlets. Although the economic impact of the pandemic on the news media markets has been comparatively less severe in 2021 than in the previous year, it has still significantly added to the ongoing woes of the Czech print media, particularly on the local and regional level. As a result - despite some encouraging developments in digital media, some of which have managed to economically prosper - the journalistic profession is arguably less secure and more vulnerable to commercial and political pressures than it was before the pandemic.

Aside from market-related issues (most of them of a structural character), other risks to pluralism stem from the intensified flow of disinformation, and the lack of adequate instruments by the State to counter it. This has become evident during the pandemic, especially in the context of the anti-vaccination/anti-Covid movement that has been mobilised with a strong help of hoaxes and conspiracy theories disseminated via social media (but also through chain emails). However, further impetus for a more systematic, legally sound and efficient framework for dealing with disinformation has come from the Russian invasion to Ukraine in February 2022, which was quickly followed by an inflow of Russian propaganda, often weaponizing war-related disinformation. While the immediate response of both the EU and national actors - switching off the Russian state media (RT and Sputnik) as well as blocking some of the most prominent disinformation news websites - might have been effective in temporarily limiting the amount of pro-Russian disinformation and conspiracy narratives in the Czech communication ecosystem (Šlerka, 2022), they have also raised concerns about the potentially unintended consequences of such an extraordinary State intervention into the freedom of speech online.

Finally, the ongoing battles for the political independence of the Czech Television - which in 2021 have resonated even beyond the Czech Republic's borders, having drawn the attention of international press freedom organisations and professional associations - have further exposed the unsustainability of the existing model of governance of public service media, which is all too dependent upon the balance of powers in the Parliament, and easily prone to abuse, as the recent events around the Czech Television Council (as described above) have documented. The high risk level for political independence of PSM is currently also exacerbated by their economic vulnerability, given the long-standing unwillingness of the political representation to raise the licence fee.

To tackle some of the most pressing risks for media pluralism highlighted in this report, the following policy recommendations are proposed (see also Štětka et al., 2021):

Fundamental Protection:

- **Stimulating more efficient and representative functioning of journalistic organisations;**
- **Creating legal framework to regulate strategic lawsuits against public participation (SLAPPs);**

Market Plurality:

- **Introducing a transparent and fair system of financial support for quality journalism, and especially in the regions;**
- **Finalising the process of adoption of the Act on Digital Services Tax;**

Political Independence:

- **Fixing the loopholes in the regulation of political advertising and online election campaigning;**
- **Diversifying the system of appointment of the members of public service broadcasting councils to better ensure their political independence, favour their actual expertise and enhance the involvement of the civil society in their selection;**

Social Inclusiveness:

- **Implementing a programme to increase digital skills and media literacy of the population across different sociodemographic categories, including the elderly;**
- **Enhancing the State's instruments for fighting disinformation, including the legislative framework that will allow for more efficient and legally appropriate ways of countering disinformation and hostile propaganda, whilst preventing the system from political abuse and protecting the freedom of expression.**

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2022 CT Leader
<i>Vaclav</i>	<i>Stetka</i>	<i>Senior Lecturer in Communication and Media</i>	<i>Loughborough University</i>	X

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 that make up the MPM2022. Consulting the point of view of recognized experts was aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as being subjective, and, therefore, to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Tomáš</i>	<i>Samek</i>	<i>Member</i>	<i>Czech Television Council</i>
<i>Václav</i>	<i>Mach</i>	<i>Executive Director</i>	<i>Czech Union of Publishers</i>
<i>Michal</i>	<i>Klíma</i>	<i>Chair</i>	<i>International Press Institute - Czech National Office</i>
<i>Martina</i>	<i>Vojtechovská</i>	<i>Media Lecturer, editor-in-chief of a media news portal</i>	<i>Metropolitan University Prague</i>
<i>Marie</i>	<i>Fianová</i>	<i>Secretary</i>	<i>Association of Commercial Televisions (AKTV)</i>
<i>Filip</i>	<i>Rožánek</i>	<i>Journalist focusing on media and technology</i>	

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