World Trends in Freedom of Expression and Media Development:

Regional overview of
WESTERN EUROPE AND NORTH AMERICA

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UNESCO

United Nations
Educational, Scientific and
Cultural Organization

**Communication and
Information Sector**

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INTRODUCTION

Freedom of expression in general, and media development in particular, are core to UNESCO's constitutional mandate to advance 'the mutual knowledge and understanding of peoples, through all means of mass communication' and promoting 'the free flow of ideas by word and image.' For UNESCO, press freedom is a corollary of the general right to freedom of expression. Since 1991, the year of the seminal Windhoek Declaration, which was endorsed by our Member States, UNESCO has understood press freedom as designating the conditions of media freedom, pluralism and independence, as well as the safety of journalists.

The present text is part of a compendium of regional overviews produced as a supplement to the 2014 publication *World Trends in Freedom of Expression and Media Development*.[1] The *World Trends* report, along with its supplemental regional chapters, examines progress as regards press freedom, including in regard to gender equality, and makes sense of the evolution of media actors, news media institutions and journalistic roles over time. The global report also contains an in-depth examination of the gender-related aspects of press freedom, through dedicated sections in each of the four thematic chapters.

World Trends in Freedom of Expression and Media Development was prepared as the basis of a summary report on the global state of press freedom and the safety of journalists, presented to the General Conference of UNESCO Member States in November 2013, on the mandate of the decision by Member States taken at the 36th session of the General Conference of the Organization.[2]

The overarching global trend with respect to media freedom, pluralism, independence and the safety of journalists over the past several years is that of disruption and change brought on by technology, and to a lesser extent, the global financial crisis. These trends have impacted traditional economic and organizational structures in the news media, legal and regulatory frameworks, journalism practices, and media consumption and production habits. Technological convergence has expanded the number of media platforms, and access to them, as well as the potential for expression. It has enabled the emergence of citizen journalism and spaces for independent media, while at the same time is fundamentally reconfiguring journalistic practices and the business of news.

The broad global patterns identified in the report are accompanied by extensive unevenness within the whole. The trends summarized above, therefore, go hand in hand with substantial variations between and within regions as well as countries. It is these variations that are explored in the chapters that follow.

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1   Available at http://www.unesco.org/new/world-media-trends
2   37 C/INF.4 16 September 2013 "Information regarding the implementation of decisions of the governing bodies". http://unesdoc.unesco.org/images/0022/002230/223097e.pdf; http://unesdoc.unesco.org/images/0022/002230/223097f.pdf

WESTERN EUROPE AND NORTH AMERICA: MEDIA FREEDOM

OVERVIEW

The freedom to publish in the 27 countries of the Western Europe and North America region has remained strong and widely upheld, although there have been some developing countertrends, particularly at the nexus of media freedom and new media technologies.[1] Criminal penalties have remained for defamation in the majority of countries, but there has been an emerging trend towards their repeal. In most of the region, a stable consensus has existed on the principles of freedom of expression and media freedom. However, how to implement these principles has been more contested, particularly online and with respect to digital platforms. This has been partly due to technical changes that blur the boundaries of professional news and citizen journalism, and partly due to a tendency by some media outlets to test the boundaries of established ethical restraint [see WESTERN EUROPE AND NORTH AMERICA: MEDIA INDEPENDENCE].

Greater threats to freedom of expression have often come from private bodies rather than directly from the state. This trend appears to have been accentuated by the increasing economic pressure on business models supporting journalism at the same time as subscriptions and advertising decline rapidly [see WESTERN EUROPE AND NORTH AMERICA: MEDIA PLURALISM]. Due to legal protection of speech, and practical and jurisdictional limits on effectiveness of controls, censorship functions have increasingly been carried out by private bodies. Privatized censorship by internet intermediaries has involved (i) the widening range of content considered 'harmful' and justified to block or filter; (ii) inadequate due process and judicial oversight of decisions to exclude content or to conduct surveillance; and (iii) a lack of transparency regarding blocking and filtering processes, including the relationship between the state and private bodies in the setting of filters and the exchange of personal data.

There have been some significant trends and developments, notably those reflecting technological changes and their attendant economic pressures, that have further underscored that media freedom is not limited to a specific distribution platform or media institution. Chief among these technological changes have been radical developments in news distribution and increasing access to, and use of, the internet that have expanded the number of people who are free to publish, and therefore to enjoy media freedom. At the same time, during this period, the quality and range of protection afforded (such as protection of source confidentiality) has been controversial and has largely remained restricted to professional journalists in mainstream media houses. Increasing access to the freedom to publish and disseminate news and information has been accompanied by emerging frameworks for national or subregional internet governance, as a range of national, regional and international institutions have sought to resolve emergent problems such as copyright protection and 'harmful' content, particularly by the imposition of liability

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1   According to a longitudinal analysis of the annual *Freedom of the Press* survey, over the past six years the number of countries classified as having 'Free' and 'Partly Free' media in Western Europe and North America has remained relatively static.

on internet intermediaries. There has been debate about whether such frameworks have measured up to international standards for safeguarding freedom of expression.

The case of Wikileaks underscored the matter of state jurisdictions for other publishers attempting to exist in a supra-national jurisdictional space. By mid-2013, the source of the leaked material had been prosecuted but not Wikileaks, the publisher, or the media outlets that published related content. Other means were used to engage the private sector to constrain Wikileaks. The website meanwhile has sought justification for its publication through citing freedom of expression norms, and it has also used technical means of protection, such as relying upon encryption and multiple mirroring sites.

LEGAL/STATUTORY ENVIRONMENT

All 27 countries in this region have had constitutional protections for free speech or freedom of expression. The steady stream of reviews of national laws has indicated the effectiveness of constitutional review, and accounts for continuity in the high level of legal protection for press freedom in both theory and practice. In the European Convention on Human Rights (ECHR) system and in North American constitutions, press freedom has not been interpreted as an absolute right, but rather a qualified right balanced with other rights, such as the right to reputation and privacy.[2] Legal restrictions on media freedom have remained relatively stable, continuing a gradual longer-term post-war pattern in favour of freedom of expression across the region. In law reform, there has been a trend towards repeal of blasphemy and religious offence laws. There has also been reform of copyright laws, primarily to enable new forms of enforcement through technical measures.

While public interest and truth defences have served to protect journalism in many cases, there have been countervailing factors that have risked constituting a chilling effect on media freedom and making news organizations more reluctant to do journalism that could incur financial repercussions. These factors have included the high numbers of legal cases and their significant costs, for example in the area of defamation, and in the context of increasing economic pressure on the news industry. Cases emerging from blasphemy laws have been rare in the region. At the same time, challenges to media freedom have remained, according to the Organization for Security and Co-operation

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2   In Europe, most countries have had constitutional protection in the national law and the possibility of appeal to the regional European Court of Human Rights (ECtHR) for violations of freedom of expression and other fundamental rights. Freedom of the *press* has not been specifically guaranteed by the European Convention on Human Rights (ECHR) or by the Basic Laws of Israel, but has been guaranteed under the First Amendment to the USA's constitution, the Canadian Charter of Rights and Freedoms and the Constitution of Turkey. All legal systems in the region have interpreted their constitutional laws as protecting of media freedom as well as individual expression rights. Under the ECHR system, it has been possible for citizens to seek a decision from the ECtHR as regards the constitutionality/Article 10 compliance of national laws, in addition to national constitutional court decisions.

in Europe (OSCE) Representative on Freedom of the Media, and in some cases have intensified, in particular with regards to protection of journalist sources and access to information.

There has been a predominant trend towards the legal establishment of freedom of information (FOI) in the Western Europe and North America region over the last several years. In total, 21 out of 27 countries in the region, or 77%, have had FOI laws, with the five smallest states among those that did not. While FOI laws have become increasingly common, there have remained tensions and difficulties in their practical operation and a tendency for some authorities to place obstacles in the way of free release of government information. For example, some governments have cited national security concerns as a reason for setting limits on the range of information that can be obtained, and overclassification has continued to be common.

Figure 1
Percentage of Member States with freedom of information (FOI) laws: Western Europe and North America
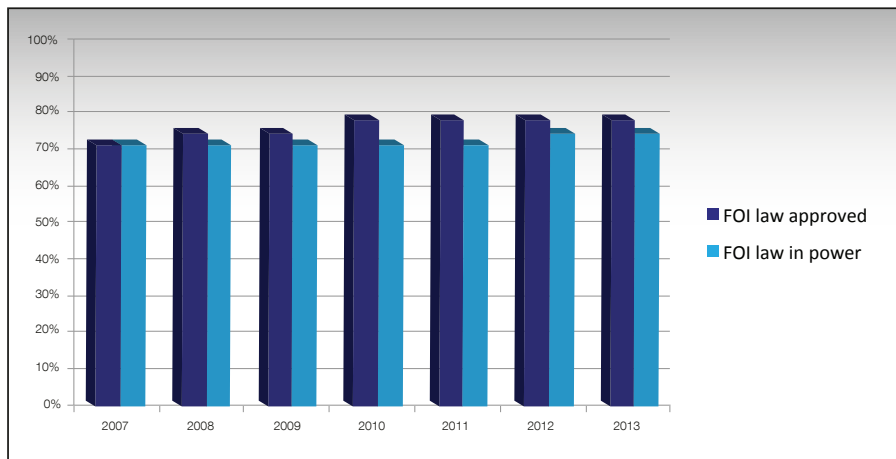
Sources: freedominfo.org. (2013, March). *Consensus list of 93 countries with freedom of information laws or the equivalent*; Vleugels, R. (2012, 30 September). Overview of all FOI laws. *Fringe Special*; Open Society Justice Initiative. (2013, March). *List of Countries with Access to Information (ATI) Provisions in their National/Federal Laws or Actionable Decrees, and Dates of Adoption & Significant Amendments*

In several Western and Northern European countries, FOI laws have contained blanket exceptions for information relating to criminal investigations by the police or judiciary. This is contrary to the principle of maximum disclosure because it has excluded information on the basis of the information type rather than by reference to a narrow list of exceptions and the public interest test. As to effective implementation in practice, there have been problems ranging from delays, to high costs and government vetoes, among others.

At least 22 of the 27 countries had privacy laws, and there has been no discernible trend as regards the balance between media freedom and the right of individuals to protect their own privacy. As to the balance between privacy and access to information laws, the scope of privacy laws has varied, and not all journalists or media outlets have respected

them [see WESTERN EUROPE AND NORTH AMERICA: MEDIA INDEPENDENCE]. New technologies have compounded these complexities, which have blurred the boundaries of privacy on social media and increased competition among news providers.

The impact of anti-terrorism laws on press freedom has included in some cases trends of surveillance of minority groups and restrictions of speech that is considered to constitute incitement. While blasphemy laws have had little impact on public communication, the controversies of the 2005/2006 so-called 'Danish Cartoons' and 2012 'Innocence of Muslims' video may have continued to impact editorial decisions about the discussion of religion, but in ways that have been difficult to measure.

Twenty-three of the 27 countries in Western Europe and North American imposed criminal penalties for various exercises of expression over the period 2007-2012.[3] The range of defences available to those accused of invasion of privacy or defamation has been expanding, with growing recognition of the public interest value of journalism. In at least 21 countries, truth and/or public interest has been a defence with respect to charges of libel/defamation.[4] Two countries decriminalized defamation in 2009, followed by another in 2010. In another case, there has not been criminal libel at the federal level and a minority of states still had criminal defamation laws. In general, criminal penalties for libel have been imposed rarely, with two notable exceptions. Eight countries had blasphemy legislation, according to the Pew Research Center's Forum on Religion & Public Life, though these laws have tended to be used infrequently.

Civil defamation has continued to constitute an ongoing constraint on freedom of the press and has had a chilling effect on publishing in some cases, particularly of content that related to the rich and powerful, and to individuals with a demonstrated tendency to sue, including public officials and celebrities. There have been a high number of claims in the region, prohibitive legal costs and disproportionate damages. This prompted a campaign against what have been seen by some as plaintiff-friendly libel laws in the UK, which led to a reform in that country's defamation law in April 2013.

According to a meta-analysis of internet filtering studies conducted by Dutton et al. for a UNESCO study, several Western European and North American countries have carried out internet filtering, a practice that has become more widespread in recent years. Since 2007, the number of countries that maintained internet block lists increased. Across Western Europe, many governments have used blocking to counter pornography, copyright infringement, and religious extremism. Courts in several Western European countries have ordered internet service providers to block access to The Pirate Bay, while telecommunications company BT was ordered to use a content blocking system to block access to NewsBin, both sites that were alleged to facilitate access to copyright-

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3   They included criminal libel, defamation, slander, insult and lèse majesté laws but excluded incitement to violence.
4   This included countries that had at least one truth or public interest defence to criminal or civil libel/defamation, including countries where defence of truth was qualified or limited (e.g., to statements of fact as opposed to opinions; or to libel as opposed to insult).

protected content. So-called 'Cleanfeed' techniques of voluntary internet service provider (ISP) filtering to block child pornography have been deployed in the EU to block other content sites, including sites delivering news content; there has been evidence that these filters have sometimes been used to block a wider range of content than that intended.

Internet intermediaries such as ISPs have generally been protected from liability for illegal content by the E-Commerce Directive in the EU and the Digital Millennium Copyright Act in the USA. This has enabled them to avoid prior restraint of publication. In a similar way to how media freedom assisted the growth of newspapers and books, this limited liability for internet intermediaries has made possible an open, free approach to the development of blogging and citizen journalism. At the same time, over the last six years, concerns about the role of 'voluntary' restrictions of free speech and the delegation of various forms of censorship to internet intermediaries have emerged. Due in part to increasing bandwidth scarcity, intermediaries such as ISPs have also increasingly been involved in traffic management, which may have had an adverse impact on the ability of end users to exercise or take advantage of media freedom, particularly on a more video-dominated, mobile internet.

Regulatory and policy debate about the role of ISPs in content regulation has been vigorous, with BEUC, a European consumers' organization, calling for neutral internet access through 'net neutrality.' The region as a whole has not had unified legal protection of internet neutrality, but since 2010, the overwhelming international trend has been to rely on transparency guidelines to monitor management of internet traffic by private bodies. These were first developed in the USA in 2005 and revised in 2008. In the EU, there has been a patchwork of statutory protection of internet neutrality in some states and 'best practice' guidelines in others, and across Europe as recommended by the European Commission. Online protest has prevented restrictive new anti-piracy laws in North America during this period, and the enforcement of similar rules in the EU has been held back by political sensitivity. The lack of protection of press freedom in the delegation of censorship by the state to private intermediaries has been raised by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in May 2011 and also by the OSCE Representative on Freedom of the Media.

The combination of 'privatized censorship' through internet intermediaries, with a concentration of editorial power and search algorithms, and changing relationships between personal information, customer relationships, and the state has also raised questions about freedom of expression in relation to the right to privacy. The ability of individuals to publish has often come at the price of increased surveillance and loss of anonymity. Several national laws have allowed intelligence agencies to intercept communications without judicial authorization or independent oversight, and there have been reported indications that this has threatened the integrity of legitimate work by journalists. National security as a rationale has been invoked by governments throughout the past six years to monitor journalists and their activities. The Western Europe and North American region has not yet defined boundaries in this field which would be clearly compliant with international standards on legitimate limitation of rights. This partly accounts for controversy over recent revelations of widespread surveillance

of electronic signal flows and metadata by some national authorities. Programs such as 'mutualization infrastructure', Tempora, and the PRISM programme may indicate a wider trend in this respect.

Investigative journalism has been practiced freely to a great extent in all countries of the region. The undermining of revenue models in news and legal budgets may have, however, led to reduced capacity for risk taking in this field among the professional media even as new models have emerged, from micro-financing to citizen participation through non-profit organizations and partnerships.

The period under study has seen consolidation of source protection in Western Europe and some efforts to do so in North America. The Council of Europe (CoE) recommended in 2000 and again in 2011 that all countries adopt laws protecting journalistic sources. The region has made steady progress in doing so, with the UK Court of Appeals fully recognizing the right of protection of sources in 2007, and modification in 2010 of France's law to bring it into line with the ECHR system. More than two-thirds of countries in the region have had legal protection for confidentiality of journalistic sources. Some have raised it to the level of constitutional protection. Even in the majority of the countries lacking legal protection of journalistic sources, the courts have generally recognized the primacy of ECtHR case law or have themselves recognized that journalists' sources enjoy qualified protection. In many countries, protection of journalistic sources has been recognized in journalistic Codes of Ethics.

At the same time, there has remained some confusion over who should enjoy source protection, because the laws have tended to apply to the 'press' in the sense of newspapers and 'audiovisual media' or to 'journalists.' As noted, therefore, there has been some ambiguity as regards what constitutes a journalistic source and whether websites outside of traditional media such as Wikileaks constitute sources or news media. There have been indications that a trend in recognizing the protection of sources of bloggers may be emerging.

However, there have remained some issues that may potentially deter journalists and bloggers from reporting on certain topics, particularly related to national security, such as national laws that have been limited in scope or in the types of journalists that they protect. Generally, the courts have not granted reporters an absolute right to protect their sources. In the decade following the events of 11 September 2001, authorities have frequently used the rationales of counter-terrorism and national security to apply pressure on journalists and internet intermediaries to turn over confidential information and the identity of sources. According to the CoE's Commissioner for Human Rights, a handful of Western European governments have been condemned by the ECtHR for a range of such actions, including tapping journalists' telephones, 'planting spies in newsrooms,' and gathering information about journalists' work and sources by prosecuting editors and reporters. The cases before the ECtHR about the violation of Article 10 of the ECHR in connection with failure to protect journalistic sources have demonstrated that unresolved problems remain and that the principle issue has related to the blurring of boundaries between journalists and non-journalists.

WESTERN EUROPE AND NORTH AMERICA: MEDIA PLURALISM

OVERVIEW

Over the last six years, people in the 27 countries in Western Europe and North America have increasingly accessed news via online, mobile and social media platforms, which have become simultaneously more interactive and participatory. Newspapers have continued to provide the majority of professionally-produced news, despite economic pressures, while TV has remained the most popular medium and radio has experienced a decline in audience. In the midst of unprecedented availability of news and information sources, new 'knowledge gaps' in access have emerged, prompting initiatives to build inclusive knowledge societies and enhance media and information literacy.

The relaxing of media ownership regulations, digitization of information and the rise of internet communications, combined with the financial crisis, have accelerated the trend in concentration of media ownership and consolidation. Private equity firms and technology elites have purchased formerly publically-traded companies, leading to decreased transparency and accountability in management of the media sector. Although the growth of search engines and audiovisual conglomerates based in North America has reinforced the dominance of these companies among global media corporations, the expansion and inclusion of user-generated content, multilingualism and searchability indicates that pluralism of content appears to have increased.

Private individuals have increasingly been able to publish, although access to large audiences has remained mediated by a relatively small number of new intermediaries. The dynamics of search algorithms and visibility on the web still largely favour dominant media institutions. The trend with respect to content has been towards more commentary and opinion, and relatively less news reporting. At the same time, the divide between editorials and advertising has become less distinct, and there has been a redirection of funding from the production of content to technology and marketing. Investigative journalism has suffered from lack of funds in existing media outlets and has emerged in new online non-profit initiatives. The number and diversity of media have increased in recent years, but audiences have become more fragmented, and users are also increasingly able to seek out content that reinforces their own beliefs and values.

ACCESS

New trends in how media users in Western Europe and North America access the news have emerged since 2007 as platforms have diversified, and the internet, mobile and social media have become increasingly popular, interactive and participatory. Traditional mainstream media, internet service providers and platforms, and mobile applications have all become important for access to a diversity of news sources. While television has remained the most widely-consumed medium in Western Europe and North America, newspapers have continued to provide the majority of professionally-produced news.

Internet penetration in Western Europe and North America grew relatively slowly over the last six years, with a 17% increase since 2007 to reach a penetration rate of 77% in 2012.[5] Mobile phone penetration grew 11% from 2007 to 2012, reaching a rate of 110 subscriptions per 100 inhabitants.[6]

Figure 2
Internet and mobile cellular penetration per 100 inhabitants in Western Europe and North America
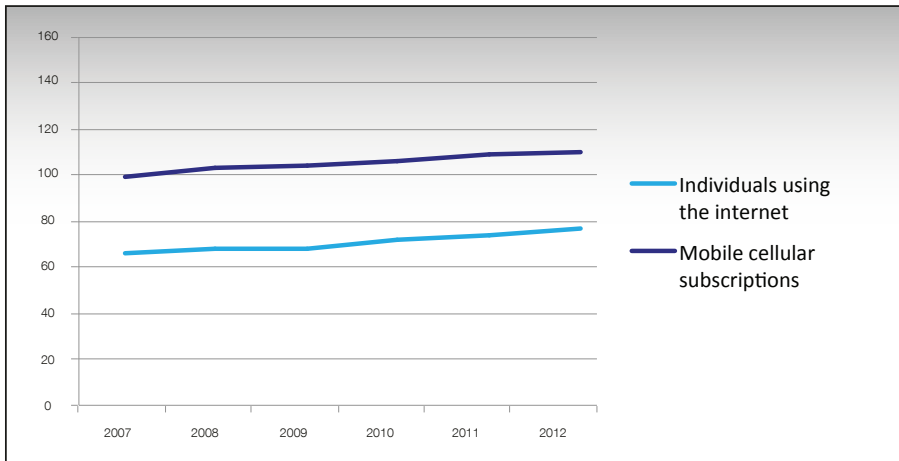
Sources: For internet penetration rates and number of mobile subscriptions, see International Telecommunication Union (ITU). (2013, June). 'Individuals using the Internet' and 'Mobile Cellular Subscriptions'. *World Telecommunication/ICT Indicators database 2013 (17th Edition).* For population, see World Bank. (2013). *World Databank: World Development Indicators*.

Despite the decreasing circulation of newspapers in Western Europe and North America over the past 10 years, top newspapers have reached – through the combined readership of their print and online editions – more people than they did before. Northern European countries have continued to have the highest readership of newspapers per capita compared with other countries globally, and the region as a whole has the highest levels of newspaper readership.

In Western Europe, cable has remained the main means of accessing pay-TV, far ahead of satellite, IPTV (Internet Protocol television) or digital terrestrial television, which have been nevertheless rapidly expanding. In North America, cable TV also continued to be the most popular form of pay-TV, but has experienced similar competition from satellite television and more recently IPTV.

There has been a predominant trend towards using the internet and mobile phones to access news, which has accelerated over the past six years in Western Europe and North America.

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5   Data for internet penetration were taken from the International Telecommunication Union (ITU) and for population from the World Bank.
6   Data for mobile cellular subscriptions were taken from the ITU and for population from the World Bank.

At the same time, some data have indicated that there was still a gap between those who occasionally accessed news websites and those who used them on a daily or weekly basis. For example, the World Association of Newspapers and News Publishers (WAN-IFRA) reported that while nearly seven in 10 internet users in the USA visited newspaper websites, only 17% visited these sites daily. In 2012, broadband penetration rates in Western Europe and North America were typically between 20 and 40 subscriptions per 100 inhabitants, according to the Organisation for Economic Co-operation and Development. Also, mobile broadband has experienced significant growth recently.

While the internet has played an increasingly important role as an information source in some domains, recent research from Jeffres et al. has shown that new 'gaps' may be developing based not only on social status, but also on opportunities for media access. Knowledge gaps can be found, for example, about local news and current events. Policy initiatives in the region concerning the practical matters around 'knowledge societies', 'information for all', 'media and information literacy' and 'e-inclusion' have demonstrated the complexity of access and use issues.

ECONOMIC MODEL

In most countries of the region, a plurality of sectors based on different types of media ownership has been seen as a guarantee for greater media freedom and diversity. In Western Europe and in North America, both the print and online press sectors have been largely dominated by commercial players, and the extent of state ownership has been marginal. Although the private press sector has witnessed ownership concentration and consolidation for many years, this trend has accelerated in recent years by progressive relaxing of media ownership rules, the digitization of information and the rise of internet communications, the financial crisis, and the increased capacity of major transnational firms to network with each other and with national and local actors.

Concentrated media power and non-transparent ownership structures in much of the region have stemmed primarily from both political involvements of powerful media owners in Western Europe and new ownership trends in North America, where private equity firms and technology elites have bought media companies that were previously owned by publicly-traded companies. These new ownership trends, which have been observed over the past five to eight years, have risked limiting plurality and accountability. In many Western European countries, the legal framework has been insufficient to guarantee full transparency of media ownership, a problem compounded by the increasing diversity of organizations that function as media outlets.

New internet-based media organizations that have become increasingly important to news and information flows in the past six years were nearly all based in North America, and Western European organizations have been struggling to compete with them. There have also been great disparities in the growth of audiovisual sectors in the region, with

growth in North America being four times that of Western Europe. The predominance of North American-based global media players has also made it difficult for the local search-engine market to compete.

Another predominant trend over the past six years has been a decline in the structural diversity of the region's press, with WAN-IFRA reporting that print circulation had declined by 17% regionally and newspaper advertising revenues dropping off steeply. The advertising market, especially for print media, has experienced a sharp downturn due to the economic crisis and the advent of free, easily accessible online media. Between 2007 and 2011, the USA experienced a 51% decline in newspaper advertising revenues, according to a study by Foster for the Center for International Media Assistance, and available data from WAN-IFRA suggest that Western Europe's decline in such revenues was more than 25% during the same period. The result has been closures of some newspaper outlets, consolidation or a move to online-only versions, and some cases of government intervention in the form of subsidies to save ailing outlets. In recent years, concentration has increased in several smaller media markets, both national and subnational, due to the impact of the economic crisis and digitalization, which has led to closures and buyouts of some of the main media outlets.

These circumstances have invited reconsideration of public support for the print/online press. Publishers and newspaper associations, especially in Western Europe, have called for maintaining a zero or reduced rate of value-added tax (VAT) for printed newspapers, and to extend these rates to newspapers in their digital formats. Direct and indirect state subsidies for media outlets have had a long tradition, particularly in Western European social welfare states. Throughout the region, the forms of public support for the media have remained very similar to those used over last 30 years, and have not generally been used as a form of political influence. In the largest media markets, the state has had a more limited role in the media system, which has also been the case in relatively newer democracies in the region. Most of the region offers reduced VAT rates, tax breaks and reduced postal rates for print media, while some countries have provided direct financial assistance to newspapers, minority media organizations, and media with weak advertising sources. Proponents of subsidies have argued that they enable the existence of minority-language media and diverse viewpoints and that they can also curb monopolization and media concentration to some extent. The longstanding practice of public support for public service broadcasting (PSB) in various Western European countries, Canada and Israel has led to a broad acceptance of different forms of funding, including a flat broadcasting licence fee, taxation, advertising and others.

For much of its history, the audiovisual broadcasting sector in many Western European countries has been characterized by a dual public-private structure, with relatively scarce attention to the distinctiveness of community media. PSB has continued to occupy a central position in these countries, especially as regards TV audience share, although in parts of Southern Europe, PSB has had a relatively marginal position. In comparison with Western Europe, the position of some North American public broadcasting organizations has been rather marginal in terms of both audience shares and funding.

Figure 3
Public support for public service television in selected Western European countries, 2007-2010 (in millions of Euros)

	2007	2010	Increase/ decrease (%)
Austria	474.1	581.0	26.5
Belgium (RTBF + VRT)	495.3	519.7	4.8
Denmark (DR)	437.3	469.0	7
Finland (YLE)	387.0	398.4	2.9
France (FT)	1879.5	2472.7	31
Germany (ARD+ZDF)	6909.7	7133.8	3.0
Italy (RAI)	1634.7	1771.7	8.0
Netherlands	662.7	771.3	15.8
Portugal (RTP)	240.3	230.6	-4.1
Spain	436.9	1100	150.6
Sweden	444.1	458.7	3.3
Turkey	222.5	302.8	36.4
United Kingdom	4251.9	4446.7	4.5

Source: European Audiovisual Observatory. (2011). *Television in 37 European States: The Yearbook.* Strasbourg

PSB, particularly in Western Europe, has faced additional challenges raised by its being transformed into Public Service Media (PSM). With increased regulatory pressure from the European Commission, PSM have become more affected by competition law and state aid rules of the Treaty on the Functioning of the European Union. Various EU member countries have implemented public value tests. In some Western European countries, politicians have adopted new funding models for public television and limits on advertising in order to respond to commercial pressures. Pluralism has been impacted by regulatory limitations on PSB's presence on the internet, which were imposed in order to protect private print and broadcast interests that were expanding to this platform, but which limit the extent to which users can access PSB content online. Public funding of PSB has come under increased scrutiny in other parts of the region.

The strength and structure of community media vary in Western Europe, where they benefit from regulatory safeguards, a number of services, and funding in some countries. In North America, community media have traditionally consisted of public access and educational/government information channels on cable television systems, and have more recently spread to low power FM radio stations and emerging online media platforms.

CONTENT

Traditionally, in many countries in the region, quality daily newspapers in particular reflected different sides of the political spectrum. Thus, the print media in most Western European countries offers various titles with a conservative, right-wing, centrist, liberal or left-wing political orientation. In some Western European countries, the religious print media have continued to play an important role. Current research shows increasing commercialization of newspapers in some Western European countries, but also an increased tendency by off-line and online journalists to comment on rather than report the news. As regards the diversity of political news provided by online services, in most of the region the traditional elite mainstream media (e.g., *The Guardian*, *Der Spiegel*, *Le Monde*, *Le Figaro*, *Haaretz* and *Hürriyet*) continue to attract significant numbers of users even as online-only political news sources have also become influential on a national scale. Some studies show increasing audience fragmentation and disaggregation for online media content, where users' groups tend to consist of like-minded individuals who do not interact with other groups or with society as a whole and instead prefer to receive only the news and information that reinforces their beliefs and values.

One of the growing challenges to pluralism of media content and services has been the influence of advertisers and commercial content. The Open Society Foundations' *Mapping Digital Media* studies have detected a weakening in the region of the distinction between editorial and advertising content, particularly in local newspapers. The digitization of media and platform convergence have tended to redirect funding from the production of content to technology and marketing. The portion of original content has been constantly shrinking in broadcasting schedules, and publishers have tended to spend less money on originally-produced news. Some editors have been challenged in regard to the sustainability of investigative reporting and other more expensive forms of news production. This situation has brought forth new models to support this journalism.[7] At the same time, high-quality, and often specially-targeted, news content has become more expensive, and to a certain extent restricted to elite users who have been able to pay for it.

As regards gender and ethnic dimensions of content diversity, research has consistently found under-representation of minorities, ethnic and religious groups, women, and people with disabilities throughout the region's mainstream media. Nevertheless, many more people from different ethnic, cultural, and religious backgrounds have appeared in Western European and North American TV, radio programming and online media than ever before. Some of these portrayals have appeared to be fair and factual, yet stereotyping and under-representation have continued to detract from journalistic performance.

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7 For example, in the USA, non-profit organizations and new initiatives to support investigative journalism have emerged in the last six years, such as ProPublica and the Center for Public Integrity.

Although women have achieved near parity in newsrooms in parts of the region, they have continued to be underrepresented in the region's news media workforce. This is particularly in top management, although there has been improving parity in TV broadcasting. In the few countries in the region where gender disaggregated statistics are collected, women tend to make up about a third of the managerial and senior level positions, such as news directors or news editors. The experience of the British Broadcasting Corporation (BBC) has underscored the importance and effectiveness of equal opportunities strategies, as women there came to constitute 43% of the executive board and 50% of the trustees after the strategies were adopted. The BBC reports that across the corporation women have achieved near-parity (48.7%), although just 38% of senior BBC managers were female.

WESTERN EUROPE AND NORTH AMERICA: MEDIA INDEPENDENCE

OVERVIEW

Journalistic independence in the 27 countries of the Western Europe and North American region generally remained robust during the period under review, and regulatory structures and economics have not posed a significant threat to journalistic autonomy. Licensing and registration requirements have remained minimal and were generally not used by governments to restrict media freedom. Most regulatory bodies have exercised a high degree of independence. There have been calls for greater press oversight and scepticism regarding the ability of existing self-regulatory mechanisms to operate effectively. The ability of current regulatory laws and structures to encompass the rapidly growing realm of digital media has represented a challenge to governments and journalists in the region.

On the regulatory front, the period has shown the complexity of existing regulatory mechanisms addressing the rapid changes in the media sector which impact on independence. These changes have included digitalization, media convergence, multimedia platforms, the overlap between the media and telecommunications spheres, and the expansion of news and information production to cover a much wider range of actors, including bloggers and citizen journalists. Some regulatory and self-regulatory bodies have begun to deal with these issues, most notably by including the online platforms of existing news outlets under their ambit.

At the same time, challenges to media and journalistic independence in the region have increased in the past six years and appeared set to continue, due to the longer term threats posed to print media sustainability by internet and mobile platforms as well as by the recent Euro-zone economic crisis. In addition to the financial pressure faced by media outlets, individual journalists have faced heightened pressures due to job insecurity or outright job loss. Media coverage has also been affected, with cutbacks resulting in less coverage of foreign news and in-depth investigative stories.

INDEPENDENCE AND SELF-REGULATORY MECHANISMS

Media regulation in Western Europe and North America has generally been narrow in its scope and circumscribed by independent bodies. There are many institutions in the region that can be considered as self-regulatory bodies, with a limited number of countries having hybrid models (where the state and/or public has some role in the regulatory process), and few examples of statutory forms of self-regulation where, in practice, state involvement has not impeded independence during the past six years.

In the majority of countries in the region, print media have not been regulated by the state. Nine of the region's 27 States had laws regulating print media and even fewer required registration for online media. Regulation for print media generally has not posed

an onerous burden; typically, it has extended to registration requirements only and has not included oversight of editorial content.

Broadcast outlets have generally been regulated by independent bodies that have a limited mandate and oversight powers, and this situation has not significantly changed in recent years. Some have dealt only with licensing and technical issues, some have developed industry-wide codes of ethics but have not had a formal mechanism to deal with complaints, and some have adjudicated complaints against broadcast outlets. The appointments process to such bodies has usually been structured so as to ensure a high degree of independence, even when some members of these bodies were appointed directly by the government. Many countries are below 50% in terms of women's representation on regulatory boards, according to a 2013 report by the European Institute for Gender Equality, and gender quotas have not been common.

In terms of the specific subcategory of regulation of public service broadcasters (PSBs), these can be internal, external and mixed models. Examples of representative boards for such broadcasters have been found in Germany, where members of the broadcasting and administrative councils represent various societal groups, while external regulators have been found in countries such as Belgium, Denmark, Greece, Italy, Turkey and Spain, and the mixed approach in the UK, Israel and Finland.

Self-regulatory bodies have been common in the region and have mostly dealt with professional standards and complaints against journalists or media outlets. Press councils, which cover the print press, have generally operated on a voluntary basis. In general, none of the councils have imposed fines for non-compliance. Although some bodies have received funding from the state, they have generally maintained independence through their appointment and other operating procedures. Quotas for women members have generally not been in place in self-regulatory bodies.

In the past few years, there has been an ongoing debate in some countries about the role and effectiveness of self-regulation. This issue has been particularly prominent following the scandal concerning behaviour by journalists working for the private media owned by the News Corporation, and which culminated in the publication of the Leveson report in late 2012.[8] The report recommended changes to the current Press Complaints Commission and the possibility of an alternative regulatory arrangement sanctioned by law. The existing legal and self-regulatory compact that had governed publications proved unsustainable, and new debates developed about the balance between government and independent self-regulation, the legal power of self-regulatory bodies, and the role of the public in self-regulatory systems.

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8   In 2011, journalists at the British tabloid *News of the World* were revealed to have hacked the phones of British celebrities, politicians and others, leading to charges of bribery and the resignation and arrest of several of the paper's staff. This set off an investigation into the events that became known as the Leveson inquiry.

A related challenge in the regulatory sphere has been how to deal with issues of new media and the trend of convergence across media platforms. Online media have offered a means to circumvent other publication restrictions, yet the increasing speed and influence of distribution on social media, and their convergence with traditional press, have at times led to breakdowns in professional practices and standards. In this context, some online publishers have shown a tendency to flout ethical rules and procedures that have developed in traditional media editorial contexts over many years. The outcome has led to cases of more determined attempts by court authorities to restrict publication. Journalists have increasingly argued that prior publication on social media has meant that material was in the public domain and newspaper publication should therefore not subsequently be restricted.

In no country in the region has there been a single regulatory organ responsible for all sectors under a comprehensive media law, or comprehensive regulation of new media services. However, in the EU the implementation of the 2010 European Audiovisual Media Services Directive broadened the regulatory scope to include online media and proposed a more 'technologically neutral' approach to media regulation. Increasingly, many self-regulatory bodies have already extended their mandate to include the online editions of print media outlets and online-only news media services, and have also been considering issues about social media and other platforms where internet intermediary companies operate diverse systems of self-regulation. In the past four years, a number of press councils have expanded to cover internet-based or online versions of newspapers, as well as internet-only publications, a trend that appeared likely to continue.

Professional journalists and contributors to online platforms have been able to practice journalism without a mandatory licence in all of the countries. In some Western European countries, registration as a journalist has sometimes required a rigorous and expensive qualification, but has conferred advantages and benefits. Registration for online journalists has not been required in any of the countries, although this trend may be changing as in recent years there have been growing calls for registration requirements by some lawmakers and other actors.

With the growth of new media, the changing definition of a 'journalist' has also posed a considerable challenge. Blogs and bloggers have been able to register in several countries and gain the same level of protection and access to materials or official events as professional journalists. But in general, they have not been given any special protection under law or under journalists' code of ethics, with the exception of some Western European countries.

JOURNALISTS AND MEDIA PROFESSIONALS

The professional autonomy of journalists has generally been respected in the region, and most journalists have usually exercised this right professionally and ethically and have not been subject to overt political pressure. Western Europe and North America has the highest numbers of countries that had regular members in the Organization of News Ombudsmen, with 14 countries as of June 2013. A high proportion of journalism has been performed in the public interest; however, the increasing commercialization of the media, hyper-competition, and the growing market share of tabloid newspapers has in recent years resulted in less accurate and more sensationalist media coverage, as well as a shift towards soft news.

A diminishing boundary between journalism and marketing, which has been exacerbated due to the impact of the economic crisis and financial pressures on the print press, has meant that many newspapers have been pushed towards the tabloidization of journalism. Bribery has not been a widespread phenomenon, but has occurred occasionally. More widespread has been 'paid news' or 'branded content' by which companies, governments or advertisers pay for news content that is presented alongside traditional editorial content and is difficult to distinguish from it, a trend that has moved online in the past six years. Another issue that has continued to some extent to impact media coverage has been the ownership of media outlets by corporate conglomerates, which can affect critical reporting on the activities of its other businesses.

The past several years have seen the worsening of working conditions for journalists in the region, with many outlets cutting costs or closing down altogether, particularly in the newspaper industry, and increasing concentration having a negative impact on job security. In countries that were hit hardest by the economic crisis, hundreds of journalists lost their jobs as newspaper outlets closed down and many television channels introduced large-scale cuts or forced personnel into multiple jobs. An increasing number of journalists have had to work several jobs or freelance instead of having the security of a full-time position with accompanying benefits and rights.

A noticeable trend throughout the region has been decreasing job security for the more experienced generation of journalists and the increasing use of temporary and low-paid positions by employers. The digitalization of the media market has also affected working conditions for journalists. Many of them have tended to earn barely enough to sustain themselves, feeling pressured to comply with political or ideological orientation of the outlet, feeling overburdened and becoming more fearful of losing their jobs or contracts. On the other hand, according to a survey by the Oriella PR Network, journalists who

have increasingly been required to produce multimedia content for various platforms overwhelmingly (84%) reported being happy or happier in their current role, despite having to produce more content. Across the region, men appear to be paid more than women at all occupational levels, although in some Western European and North American countries the *Global Report on the Status of Women in the News Media* found the differences along gender lines to have been notable only in the average high range.

PROFESSIONALISM AND THE BROADER MEDIA ECOSYSTEM

Media actors have tended to play a proactive role in defending press freedom. There have been independent associations that represent the interests of journalists, editors, media owners, and publishers in the vast majority of the countries, with groups representing the rights of bloggers having sprung up in the past few years. Such groups have operated freely and have been able to advocate for the rights of their members and press freedom issues more broadly. They have also helped to define and promote media ethics and professionalism, and many of them have served as best practices in terms of promoting gender equality. A range of non-governmental organizations has monitored issues regarding access to information or diversity of media coverage and coverage of issues such as gender or race in the media. In addition, most well-known regional and global press freedom organizations have had their headquarters in the region.[9]

An array of universities throughout the region have offered degree courses in journalism. Shorter-term training and development programmes have also been widely available for working journalists, although many journalists do not receive formal training to prepare them for newly expanded or created roles that have increasingly included blogging, multimedia production and video editing. In terms of journalism courses, strict delineations between training in print or broadcast have increasingly been replaced with courses in which students learn how to produce stories across a variety of media platforms, including online.

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9   These included the Committee to Protect Journalists and Freedom House in the United States of America; IFEX in Canada; ARTICLE 19 in the United Kingdom of Great Britain and Northern Ireland; the International Federation of Journalists in Belgium; Reporters sans frontières, WAN-IFRA and the Global Editors Network in France; the International Press Institute in Austria; International Media Support in Denmark; and several others.

WESTERN EUROPE AND NORTH AMERICA: MEDIA SAFETY

OVERVIEW

Journalists in the 27 countries comprising Western Europe and North America have enjoyed a high degree of safety and low risk of being targeted for exposing cases of corruption or for criticizing governments. UNESCO's Directors-General condemned three killings in the region from the start of 2007 to the end of 2012 out of a worldwide total of 430.[10] However, there have been attempts by some authorities in the last six years to control the press, which have exposed journalists to threats to their safety. Media professionals working in the region have faced prosecution, threats and attacks, with an overall increase in political and commercial interference. An increasing danger posed by criminal and extremist organizations can be observed by the growing number of complaints filed by journalists or reported to NGOs, and by increased levels of self-censorship being reported. Violence and threats against journalists were also present in coverage of social movements.

PHYSICAL SAFETY AND IMPUNITY

The three journalist killings in the Western Europe and North America region that were condemned by UNESCO's Directors-General over the period 2007-2012 occurred in two countries. Although there have been relatively few journalist killings in Western Europe and none recorded in North America, authorities and military forces of some countries in the region have reportedly been responsible for the killing, attack and harassment of journalists outside of their territories, particularly during violent conflict or anti-terrorism operations.

Since journalist killings have occurred infrequently within the region, impunity in such crimes has not been a major issue.[11] As of mid-2013, in response to requests for information on the status of judicial inquiries into three cases from UNESCO's Director-General, one state reported that the perpetrator had been convicted in one case, and that the investigation was ongoing in the other, while the other state had not submitted information.

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10 Based on UNESCO's internal database of *Journalist Killings and Status of Judicial Inquiry, 2007-2012*. Unless stated otherwise, the figures on killings of journalists that follow are taken from this database.

11 For example, no country in Western Europe and North America has appeared on the Committee to Protect Journalists' Impunity Index of countries with five or more unsolved murders of journalists since 2003.

Physical attacks and death threats targeting journalists have been recorded in the region. Some countries have witnessed cases of intimidation of, and violence against, journalists necessitating police protection, but the trend has been general stasis. Threats have been slightly more common in Southern Europe, where they have remained constant, and increased in certain countries. Organized crime, separatist and extremist groups, and, at times, officials have posed continued dangers to journalists' safety in these areas.

Data recorded over the last six years, as well as several reports, showed some correlation between attacks on journalists and public demonstrations. Physical aggressions against journalists were often carried out during protests or riots, both by the police and protestors. Violence or threats against journalists in the region appear to have become greater during street protests. In several cases these journalists have been freelance or new media reporters who were considered to be lacking official press accreditation.

Religious and political groups were also reported as responsible for journalists' harassment over the last six years in some parts of the region. In some cases the attacks were directly linked to articles or reports related to religion or religious matters.

Journalists have mainly been allowed to travel freely in the region, and foreign journalists have been free to enter the countries of the region. However, in some cases foreign journalists or journalists from specific countries have reported to have been intimidated, denied accreditation or work permits, and to have faced travel restrictions.

OTHER DIMENSIONS

Varying levels of legal harassment have been recorded in several countries in Western Europe and North America. Defamation is a criminal offence in the vast majority of countries in the region, occasionally leading to imprisonment or elevated fines [see WESTERN EUROPE AND NORTH AMERICA: MEDIA FREEDOM]. At least four countries in the region have imprisoned journalists over the last six years in their territories or in those they control. Alleged relationships with, or membership in, extremist or terrorist groups were a recurrent cause of arrest in the region. Some journalists in the region have been arrested, had their offices searched and equipment seized for refusing to identify their sources to law enforcement authorities or the courts.

On several occasions, journalists were detained while covering demonstrations and sometimes arrested, with an increase in cases of unclearly defined security-related charges being brought against journalists. Bloggers also were arrested in a number of countries in the region. Entries reported in Global Voices' Threatened Voices database indicated that bloggers were typically arrested while covering demonstrations or because they were accused of political extremism and of undermining the country's security, or in cases in which both of these accusations were linked. In other cases, arrest, detention or fines tended to be linked to libel and defamation charges.

Attacks, threats and legal harassment have at times resulted in increased self-censorship. In some parts of Southern Europe, journalists and newspapers have reportedly tended to avoid particular topics, such as organized crime and corruption. In other parts of the region, journalists have also been seen to resort to self-censorship out of fear of being targeted in violent attacks, particularly following the 2005-2006 unrest provoked by the publication of satirical cartoons.

APPENDICES

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3. Public support for public service television in selected Western European countries 2007-2010 in millions of Euros

GLOSSARY OF ACRONYMS

ATI: Access to information

BBC: British Broadcasting Corporation

BEUC: Bureau Européen des Unions de Consommateurs [European Consumer Organization]

CoE: Council of Europe

ECHR: European Convention on Human Rights

ECtHR: European Court of Human Rights

EU: European Union

FOI: Freedom of information

ICT: Information and communication technology

IPTV: Internet Protocol television

ISP: Internet service provider

ITU: International Telecommunication Union

NGO: Non-governmental organization

OSCE: Organization for Security and Co-operation in Europe

PSB: Public service broadcasting

PSM: Public Service Media

UK: United Kingdom of Great Britain and Northern Ireland

UN: United Nations

UNESCO: United Nations Educational, Scientific and Cultural Organization

USA: United States of America

VAT: Value-added tax

WAN-IFRA: World Association of Newspapers and News Publishers

LIST OF COUNTRIES IN THE REGION

As this publication was prepared for a report to UNESCO's General Conference, the presentation is organized around the six regions that make up the voting groupings within UNESCO.

Accordingly, the countries that make up the Western Europe and North America region, defined on this basis, are listed below.

GROUP I. WESTERN EUROPE AND NORTH AMERICA (27)

Andorra	Greece	Norway
Austria	Iceland	Portugal
Belgium	Ireland	San Marino
Canada	Israel	Spain
Cyprus	Italy	Sweden
Denmark	Luxembourg	Switzerland
Finland	Malta	Turkey
France	Monaco	United Kingdom of Great Britain and Northern Ireland
Germany	Netherlands	United States of America