

# On Modern Censorship in Public Service Broadcasting

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The paper focuses on the manifestations, causes, and consequences of the failure of so-called public service media, especially in the field of news and journalism. Those media that, unlike private media, are funded from public sources. The public service, which citizens are obliged to pay through taxes or direct fees, is supposed to provide quality information, to produce and to disseminate content that satisfies the democratic, cultural, and social needs of the society, with a task at hand to preserve media pluralism. The major obligation of public service media is usually for them to provide objective, validated, and balanced information for people, so they can choose freely where they stand on any given issue. However, examples of the failures of two public service media operating in the Central European Czech Republic, Czech Radio (ČRo), and Czech Television (ČT), as well as the failures of the statutory control boards of these media, show that the required high quality public service prescribed by law, especially in the field of news and journalism and other programs, is not always kept. Public service media may be partisan and apply elements of modern censorship. This is a censorship that the law of the public service media does not impose and does not allow to carry out. Such censorship, which is a result of unilateral subordination of the influence of specific political parties, interest groups, and opinion streams, is reflected in information manipulation, purposeful agenda development, selection of information and information sources, spiral of silence, in the preference of some political parties, partisan, interest interpretation, and adaptation of reality in broadcasting.

*Keywords:* modern censorship, objectivity, partisanship, public service media

## Two Cases Only Seemingly the Same

In the introduction to this paper, which focuses on the issue of modern censorship in the media and the censorship exercised in the so-called public service media in particular, we follow two cases. These two cases—information manipulation and denial of partisan behaviour of the media are remarkably similar, yet fundamentally different.

In the first case, on 7 May 2010, one of the most widely read, right-wing daily newspapers published in the Czech Republic, a democratic country in the middle of Europe, *Mladá fronta Dnes (MF Dnes)* newspaper, printed a declaration of its editor-in-chief Robert Čásenský stating, “Our reporting is objective and impartial, and gives the same space to all political parties”.<sup>1</sup> That statement was not true and it was definitely not just a mistake made by the editor-in-chief. Only God knows what led Robert Čásenský, who was deputy editor-in-chief between 2001 and 2006 and editor-in-chief of *MF Dnes* between 2006 and 2013, to release such a stupid, utterly unreliable statement.

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<sup>1</sup> *MF Dnes*, 7. 5. 2010, p. 2.

A single look at the web portal of far right-wing newspaper led by editor-in-chief Čáseňský was enough to realize that he was lying. The reporting and journalism of *MF Dnes* is partisan and even has a direct support of a particular political party. This is deliberately done by the editors office, said one of the most influential political commentators publishing on *MF Dnes*, Martin Komárek. In 2006, at the Journalists' Conference, he had openly admitted to the way information is being handled by *MF Dnes*:

Before the elections, I was for what has not been done in the past here, to write a newspaper commentary, as it is sometimes customary in the Anglo-Saxon countries (for example, the economist is doing so before the US presidential election), that it is with hard heart, but for Kerry. I thought we should write that it is with a hard heart, but that we are for the ODS (a strongly right Civic Democratic Party), so we openly admit to it. But most of our colleagues had a different opinion, so we did not do it this year.

And they have not done so in any of the following years.

In the same period, researcher Věra Němcová also confirmed the “right-wing focus”, “the affinity of some commentators with ODS”, and “elements of persuasion and manipulation of information, both in the titles and in the actual text” of the political section of the *MF Dnes* newspaper, applying methods used in linguistic stylistics and the method of critical discourse analysis.<sup>2</sup> Perhaps for the sake of completeness, it should be added that the *MF Dnes* newspaper, at the time when Robert Čáseňský served in the top positions, also censored information that would not appeal to influential advertisers. See the suspicion of “gift” corruption of members of the Czech government by significant advertisers (Čulík, 2003).

In the second case, the chief executive officer (CEO) Ivo Mathé of the so-called public service television, Czech Television (ČT), the signal of which covers the whole republic, issued a written statement in 1996 that CT “meticulously abided the law”,<sup>3</sup> meaning its duty set by law,

To keep news and political shows and broadcast objective, balanced. No political party or policy of any had been favoured. Neither have been favoured any political movements or views of any part of society, no matter what their position in political and social life is.<sup>4</sup>

In his statement, the CEO of ČT Ivo Mathé denied, despite of evidence, that the channel led by him had ever favoured the governing right-wing coalition or its members and declared: “I have to categorically reject the accusation that the government coalition and its policy are favoured, it is not true”.<sup>5</sup>

ČT Director Ivo Mathé did not speak the truth either. The viewers themselves saw partisanship and favouring of the governing parties in the broadcast, but it was also officially recognized later in *Annual Report on the Activities of ČT in 1998*, which explicitly referred to the period in which Ivo Mathé directed the television, stating this:

Czech Television did not always meet the requirements for high-quality news, political broadcast, and discussion programs. These broadcasts have repeatedly failed to meet the requirement of precision, factual accuracy and impartiality ... The management overlooked serious deficiencies in news and debates, in some journalistic formats tolerated frequent use of manipulative practices and prevented the introduction of stricter evaluation criteria.<sup>6</sup>

Furthermore,

<sup>2</sup> Political campaign, elections, and political marketing (2007). Olomouc: Periplum, pp. 113-141.

<sup>3</sup> The letter of the CEO of ČT I. Mathé from 1. 3. 1996.

<sup>4</sup> Act No. 231/2001 Coll., on radio and television broadcasting and on amending other laws.

<sup>5</sup> The letter of the CEO of ČT I. Mathé from 1. 3. 1996.

<sup>6</sup> The annual report of the Czech Television Council about the activity of Czech Television in 1998, p. 5.

A large number of complaints received by the Council of the Czech Television in 1998 were recognized as legitimate. The Council of the Czech Television considers those concerning violations of the ethical and professional principles of editorial work the most serious.<sup>7</sup>

At the same time, the ČT Control Council recognized the absence of ethical control while: “The ethical board existed formally (already before 1. 11. 1998), but only consisted of the Czech TV employees, had no rules of procedure and, in practice, it did not work”.<sup>8</sup>

These two cases where the chiefs of nationwide media, one newspaper, and one television, failed to tell the truth to the readers and viewers of their media, and denied being partisan, are seemingly very much alike, but only seemingly. There is one crucial difference setting them apart.

While Robert Čásenský was an editor-in-chief of private newspaper, Ivo Mathé was a General Director of ČT, a television that is directly established by law and which is legally required to provide citizens with the so-called public service in the Czech Republic, “Providing objective and verified information for the citizens, so they can make their own opinions freely and with enough information to do so”.<sup>9</sup>

So what is this crucial difference? If a private publisher’s newspaper sides with certain interest groups, political opinions, or even some political party or parties, and works for its electoral success in election campaigns or otherwise, it is legal. They do so at their own risk and readers can freely decide whether to buy such a newspaper or not. If the editor-in-chief of this newspaper denies this fact for any reason, it is very stupid and unethical because he/she should not lie to the public, but it is not illegal.

However, a medium, such as ČT, is in a completely different situation. It is established by law and funded by mandatory, state-imposed fees of citizens, and legal entities. For the so-called public service of such a medium, citizens have to pay without freedom of choice. Citizens cannot be exempt from obligatory fees even when the medium is violating the law by being partisan and favouring certain political entities, clearly not providing the high-quality service of “objective, verified, balanced and versatile information”. If the medium of the so-called public service, which the law commits to impartiality, is partisan and favours some political entities and opinions in broadcast, of course it is a gross violation of the law. It involves deceiving citizens, threatening the free democratic competition of political parties, manipulating information with the effect of restricting the right of citizens to freedom of opinion.

Private media, newspaper, magazine, radio, or television that favours certain political entities or opinions can be freely chosen or ignored by the citizen. He/She can decide whether to pay for it or not. However, the so-called public service medium is financed by citizens, but also by legal entities, whether through the state budget or, as in the Czech Republic, in a form of monthly mandatory payment which is imposed by law, regardless of the quality of this service.

If the private publishers and private publishers’ media are subtly partisan or directly promote certain party or political views, the consumer is aware of it. Especially if the owner and the editors do not lie to their readers, listeners or spectators and openly admit to whom and what they favour, what they prefer and what they do not inform about. If such medium favours some political parties and opinion groups and writes only a little about others or openly attacks them, everyone knows what is happening.

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<sup>7</sup> Ibid., p. 87

<sup>8</sup> Ibid., p. 67.

<sup>9</sup> Act No. 483/1991 Coll., on Czech Television.

Restricting information on certain parties and opinion groups, some facts, and concealing some information is also a kind of censorship in this case (Smelser & Baltes, 2001; Stearns, 2008),<sup>10</sup> but it is not necessarily illegal censorship. Of course, a citizen can, if the information manipulation, and in general, modern censorship (i.e., purposeful agenda setting [McCombs, 2002], selection of information and information sources, spiral of silence [Noelle-Neumann, 1984]<sup>11</sup> and partisan and interest interpretations) reaches certain level in the many private publishers' media available to him, complain with Sue Curry Jansen that, "The free press was not crushed, it was sold. Free speech did not lose its franchise, it lost its resonance" (Jansen, 1991).

But the situation in the so-called public service media is different. These public service media in a democratic country should be the ones that compensate, to some extent, for the effects of modern censorship and partisanship, poor quality and blatantness, and bullying occurring in the media of private publishers and operators by quality of news, reporting, objectivity, and impartiality. If they do not do so, it is a very serious problem. Partisanship in so-called public service media, favouring and discriminating certain opinion groups and opinions, downplaying and unethical scandalisation of certain opinion groups and opinions done by them has nature of undemocratic behaviour, violates applicable laws and violates right to freedom of speech and opinion in an unacceptable way.

Absence of defining conflicts of interest and absence of standards in the 1990s, even in the Code of Ethics of the reporters, moderators of ČT,<sup>12</sup> did not suggest an absence of a problem at that time, but rather the scanty will to reflect it, let alone effectively deal with it. Actions of public ČT corresponded with more general awareness of the risk that "Public broadcast involves systematic and wilful censorship of broadcasted materials" (Keane, 1991).

### **The Problem of Partisanship and Censorship in Public Service Media**

Many people in a modern, contemporary society that respects formally democratic practices and principles, associate censorship, such as banning and limiting sources of information, restricting the dissemination of information and public expression and freedom of opinion, directly with the state, laws, and regulations, and with state or public authorities. The media themselves affirm this belief, including many so-called public service media proclaimed in many countries by law, and which, in democratic states, declare themselves as independent and non-partisan media, providing "objective" information and freely reporting.

Those who apply the elements and practices of modern censorship in private and so-called public institutions and media would certainly prefer the public to have a limited understanding of censorship that narrows it to censorship directly by state authorities. Those who censor information they find inconvenient and opinions they are uncomfortable with do so because of their interests, whether those are private, individual, group, or partisan. They usually do not like to admit that they do it, just as they do not like to admit that it is indeed censorship. The word itself does not sound too good to the democrat's ear, like the words corruption or bribe, and many of the ideas associated with it are not appealing.

But it is therefore necessary, socially useful, and scientifically responsible to accept the definition of censorship as a specific method and methods of dealing with information and opinions used and applied not

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<sup>10</sup> What is modern censorship? Retrieved November 10, 2017, from <http://projectcensored.org/censorship/>

<sup>11</sup> Theory proposed by the German political scientist E. Noelle-Neumann, which stipulates that individuals have a fear of isolation, which results from the idea that a social group or the society in general might isolate, neglect, or exclude members due to the members' opinions.

<sup>12</sup> MF Dnes, 26. 8. 2000.

only by the state power but also by other entities. This more comprehensive definition of censorship, which includes private censors and self-censors, is used not only in the scientific literature, but is also understood by citizens standing out against censorship. As for the United States, for example, the American Civil Liberties Union, states:

Censorship, the suppression of words, images, or ideas that are “offensive”, happens whenever some people succeed in imposing their personal political or moral values on others. Censorship can be carried out by the government as well as private pressure groups.<sup>13</sup>

Similarly the National Coalition Against Censorship.<sup>14</sup> But also Project Censored: “We define Modern Censorship as the subtle yet constant and sophisticated manipulation of reality in our mass media outlets”.<sup>15</sup>

Journalists themselves have experience with censorship applied by editorial staff and media leaders. Only few of them, however, dare to risk their posts and speak openly, as did editor of Lidové noviny Petr Kamberský:

I have never spoken about internal affairs for almost twenty years in the newspaper. But when I look at Lidové noviny today ... I say this: Director Dalibor Balšínek has often crossed out sentences and whole paragraphs, even entire articles from newspapers when they were not conformable ... He forbid me to write about topics in advance....<sup>16</sup>

The fact that, besides political parties, direct and indirect corruption pressures on the media are extremely strong is evident from study done in 2012. Sixty percent of respondents, journalists, and media workers, labelled the media’s low ethical standard as a media problem in the Donath Business & Media (2012) survey, and research has shown that direct pressures by politicians and government bodies are perceived as much less important than corporate pressures.

The public usually has doubts about the independence and impartiality of influential private media, even if they declare themselves as independent. It is so due to the nature of their private funding and relationship with owners and significant advertisers who have their own economic and political interests. For all that, citizens often criticize the private media when they consider their information limited, poor, or directly manipulative.

But how is it in the case of the so-called public service media, which are established by law and financed from public funds? They are supposed to be controlled by the public, but in reality they are controlled only through control bodies established by the state law and influenced in personnel composition directly or indirectly by governments, parliaments, or politicians.

Do so-called public service media provide public service as the law abides them to or do they resort to censorship, meaning prohibition and restriction of certain opinions, only in accordance with the applicable laws? Or are there also elements of unlawful censorship and self-censorship, purposeful information manipulation, purposeful interpretations, inadmissible partisanship, and other preferences? Or do they display the second extreme, such as discrimination, blowing up of cases, limitation and concealment of some information, and opinions?

Are the economic and political pressures on public service media coming from outside and the political and economic interests of those who lead, control, and work in the media, within limits, on the line, or crossing

<sup>13</sup> What is Censorship? Retrieved November, 3, 2017, from <https://www.aclu.org/other/what-censorship>.

<sup>14</sup> What is Censorship? National coalition against censorship. Retrieved from <http://ncac.org/resource/what-is-censorship>

<sup>15</sup> See <http://projectcensored.org/censorship/>

<sup>16</sup> See [https://www.tyden.cz/rubriky/media/komentator-si-stezuje-na-sefa-lidovek-je-to-cenzor\\_262891.html](https://www.tyden.cz/rubriky/media/komentator-si-stezuje-na-sefa-lidovek-je-to-cenzor_262891.html)

the line and breaking democratically enacted laws? It is possible to find, apart from the normal labour misconduct, also elements of illegal censorship in the public service media? And if it is possible to find, to what extent is it found? Especially concerning is modern censorship, which does not consist of public and direct prohibition of publication of information and opinions, not by law, orders, nor editorial rules. Modern censorship is less distinct in modern society, therefore often more effective.

Public service media are presented as those that provide versatile and high-quality information, journalism, cultural programs and other to the entire society. Dissatisfaction of certain listeners and viewers, interest groups and opinion groups with the quality of this public service and the mandatory fees or other form of public funding that these media are financed by are to be expected. However, a significant degree of public mistrust to public service media may not always attest to the diversity of interests and opinions in society. It may be and it is consequence of the failure of the public service media to meet the conditions set by law and to meet the high-quality expectations of public.

In the case of modern censorship, the issue is that the problems are not common, and the critical voices of the public are not just a general plurality of public interests and opinions, but that the public service media fails and applies the elements of modern censorship. At the same time, the elements of the modern censorship by a so-called public service are applied for a number of reasons. For example, due to the pressure of influential politicians, political parties, and interest groups outside, due to the influence of financially interesting advertisers, or because it gets under control of directors, editors, reporters, and moderators who either have only their own interests or interests of a certain entity in mind.

In different countries, the experience of modern censorship applied and manifested in public service media may vary greatly. One of the specific variants of the public service media was created and functions in the Czech Republic. Monitoring the broadcasting of these media, namely, Czech Radio (ČRo) and ČT, and an experience with their activities, their obvious partisanship and applying the elements of modern censorship in their broadcasts, can be of benefit not only to media researchers and not only to the public in the Czech Republic.

While speaking of creation and present activities of those influential public service media, the historical events corresponding to the creation should be mentioned. In this case, it is the fall of the Communist Party of Czechoslovakia (KSČ) after mass public demonstrations in the November of 1989. Those were followed by a non-violent transfer of power. The ruling Communist Party passed the power to the emerging pro-Western movement—the Citizens' Forum. At that time, party-motivated political censorship done by state authorities and the state media, which served the then ruling Communist Party, was also cancelled.

In the field of broadcasting media, in 1990, the Czechoslovak Radio and the Czechoslovak Television were rapidly transformed from state media controlled by communists into so-called public service media, and consequently, with the emergence of private radio stations, between 1993 and 1994 the launch of major private television broadcasts (Bednařík, Jirák, & Köpplová, 2011). In accordance to the Western European, it created a model for “dual system, the parallel existence of private broadcasting media and public service media” (Bednařík et al., 2011).

It was a logical development. Many printed media owned by state, communist party, and its subordinate parties were privatized while monopoly ČRo and ČT were too influential and too large of a corporations at that time for such transformation. Therefore, they were not privatized. Their public nature is the result of a conflict between the views of new political forces and interest groups “about how television and radio should look ...



Whether to choose American model with only private broadcasters or the European one, with an emphasis on the second pillar of the public service media” (Křeček, 2017).

### **ČRo and ČT—Strong Influence on the Public and Weak Work Ethics**

In the Czech Republic today, there is one public information agency and two so-called public service media. It is the national press and information agency established by the law, the Czech News Agency, and then, there are two broadcasting media established by the law—ČRo and ČT, members of the European Broadcasting Union (EBU)<sup>17</sup> bringing together 73 Members in 56 countries in Europe. The EBU defines media of this type with confidence:

Public service media (PSM) is broadcasting made, financed, and controlled by the public, for the public. PSM broadcasters are often established by law but are non-partisan, independent and run for the benefit of society as a whole. Public service media is the bedrock of democratic societies. Our role is to champion its values and ensure our members are able to continue to play a vital role in European culture, society and public discourse.<sup>18</sup>

In the case of ČRo (eight national and 14 regional stations as well as broadcasting abroad) and ČT (six programs broadcasted nationwide), we speak of very influential mediums of radio and television indeed. Their broadcasting covers all of the Czech Republic, radio actually even reaching abroad with its broadcast. Both media have substantial revenues which come from mandatory fees citizens and legal entities are obliged to pay. Both of these billion-crown revenues, besides news and journalism, also finance large-scale production of cultural and educational programs and films.

Both of these media are formally controlled by the state, mainly through the media councils—the ČRo Council (RČRo), the ČT Council (RČT), and the Council for Radio and Television Broadcasting (RRTV). Members of those councils are elected by the Chamber of Deputies of the Parliament of the Czech Republic.

Both media are favoured to a large extent compared to privately operated media. Their main income derives from the law<sup>19</sup> by which citizens and legal entities are obliged to pay radio and television fees if their household or place of stay has any equipment capable of receiving radio or television broadcasting. Advertisement and other services are limited by law and make up for insignificant percentage of revenue for both ČRo and ČT.

Act No. 484/1991 Coll., on the ČRo, authorizes this medium to provide “a service to the public through the creation and dissemination of radio programs or other multimedia content and complementary services across the Czech Republic and abroad”. Similarly, Act No. 483/1991 Coll., on ČT, authorizes this television to provide “public service by creating and disseminating television programs or other multimedia content and additional services throughout the Czech Republic in order to fulfil the democratic, social and cultural needs of society and the need to preserve media pluralism”.

Act No. 484/1991 Coll. for ČRo and Act No. 483/1991 Coll. for ČT set out as the primary “main task of the public service” the “provision of objective, verified, balanced, and versatile information for free opinion creation”. It is remarkable and specific for the media environment of the Czech Republic that what both special

<sup>17</sup> The European Broadcasting Union (EBU) is the world’s leading alliance of public service media (PSM). Its members operate almost 2,000 television, radio, and online channels and services, and offer a wealth of content across other platforms. Retrieved from <https://www.ebu.ch/about>

<sup>18</sup> Retrieved March 8, 2018, from <https://www.ebu.ch/about/public-service-media>

<sup>19</sup> Act No. 348/2005 Coll., on radio and television fees.

laws impose on the ČRo and ČT as a “public service task” is required by the General Act No. 231/2001 Coll., on Radio and Television Broadcasting from media of private operators as well. This law, in the same wording, broadens this legal obligation so it does not apply only to these “public services” media but also to all other broadcasters!

Thus, Act No. 231/2001 Coll., on Radio and Television Broadcasting, explicitly imposes on all broadcasters to provide “objective and balanced information necessary for free opinion formation”, but also directly requests that:

Opinions or commentary must be separated from information of the reporting nature. Specifically, this law states all operators must do as follows: “The broadcaster is obliged to ensure that the principles of objectivity and balance are observed in news and political-publicity programs, and that, in particular, no political party or movement, or their opinions or views of individual groups of the public, are unilaterally favoured in the whole of the broadcast, taking into account their real position in political and social life.

It is therefore very interesting to observe to what extent the requirement of the law on objectivity and balance is met in news and journalism, and whether and to what extent it differs in the broadcasting of so-called public media, commercial radio, and television stations, especially in the field of news and journalism. ČRo and ČT, “the public media services”, fund their reporting and programs from legally enforceable fees, while other media operators have to pay for the obligation of objective reporting imposed on them by the law by financing it from their own resources.

The status and influence of both public service media on the media scene are extremely strong in the Czech Republic, thanks to system of funding which guarantees them large revenue, which allows them to have wide scale of broadcasts and original production. Their political and cultural influence on Czech society is considerable despite existence of many commercial media, rich Internet sources, and new communication networks. It is therefore important to monitor the quality of the so-called public service to citizens and the state that so-called public service media, ČRo, and ČT provided. To monitor whether and to what extent they do, in their information policy, news, and journalism, meet the requirements of objectivity, balance, versatility information, and whether they stay impartial to all political parties, movements, their views and views of individual groups of the public.

When ČRo and ČT, as highly influential and financially well-secured media do not meet the criteria set by the law to provide objective, balanced, and versatile information for the free formation of citizens’ opinions they do, in fact, break the law and not only do they debase and worsen the conditions for free opinion formation, but also, in conclusion, they also make it difficult or impossible for citizens to gain information to properly perform their civic duties and take advantage of their rights. And that is a matter of serious consequences.

Those who violate the law in ČRo and ČT by siding with and favouring some political parties and opinion groups, have sympathetic members of the media councils who help them talk their way out of any issue, blaming it on “immaturity of journalists and moderators”<sup>20</sup> and “difficulty to handle” the “objective information” requirement.<sup>21</sup> In this context, the personal interdependence of the environment of journalism, media production, politics, and academia environments leads more often to a common interest process whereby elements of censorship and partisan news do not get adequately analysed. The demand for objectivity of public

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<sup>20</sup> The annual report of Czech Radio Council on activities and economy of Czech Radio in 1993, p. 14.

<sup>21</sup> The statement of a member of Council of CT, J. Zajíc z 10. 9. 1997 which was then confirmed by chairman of Council of CT J. Jiráček.



service media reporting is being questioned even as in the news, “a normative claim by the definition unattainable and only difficult to ascertain”.<sup>22</sup> However, there are data and analyses showing not a coincidence, but a trend. Elements of censorship are often quite easy to detect even by using just simple indicators.

While monitoring and analysing procedures and usage of the elements of modern censorship, it is certainly possible to have the highest demands. According to prominent journalist Karel Hvižd'ala, who has worked in the American Radio Free Europe, even “information without context is actually a censorship” (Hvižd'ala, 2002). In this case, his criticism was addressed directly to the broadcasting of ČT. But there are even more pronounced censorship manifestations in the so-called public service media.

The status of a highly biased news and journalism, in the case of specific parties and opinions suggesting favouritism or discrimination, modern censorship can often be detected by mere monitoring of the length of talks of selected political parties in major news and publicity programs of television and radio. At that time, A-connect agency has been running such monitoring for the Radio and Television Broadcasting Authority of the Czech Republic.

Exemplary data on favouritism and discrimination and censorship of particular parliamentary parties were obtained, for example, before the parliamentary elections in 1996.

Table 1 shows the percentage of election results of the parties that got to the Chamber of Deputies. Since the voter preferences of these parties were publicly known in the few months before the election, the law says that each of them should have equal broadcasting time for speeches and presentation of their parties.

Table 1

*Elections to the Chamber of Deputies of the Czech Parliament From 31. 5. to 1. 6. 1996*

Political party	Election result
ČSSD	26.44
KDU-ČSL	8.08
KSČM	10.33
Levý blok	1.4
ODA	6.36
ODS	29.62
SPR-RSČ	8.01

Table 2

*Results of Tracking the Length of Speeches of Selected Political Parties in May, 1996 (in %)*

	CT 1	CT 2	TV NOVA (private)	Premiere (Private)	CRo 1
ČSSD	10.6	0	19	25.2	5.9
KDU-ČSL	3.3	1.2	8.4	0.8	11.7
KSČM	0.6	0	0.3	0.9	0.4
Levý blok	6.4	0	0.2	0	2.1
ODA	12.4	0.6	21.3	9.6	7
ODS	30.1	24.3	38.7	51.5	28.5
SPR-RSČ	0	0	0	0	0
Uncategorised	32.6	73.7	9.7	0.3	28.7
Other political parties complete the sum.				Published in: Práce 2. 8. 1996	

*Note.* Source: A Connect for the Office of RRTV before parliamentary elections in 1996.

<sup>22</sup> Analysis of the pre-election broadcast of Czech Radio in the period before the regional and senate elections held in October 2012, Center for Media Studies of the Faculty of Social Sciences, Charles University, 2013, p. 6.

Table 2, however, clearly shows that ČRo and ČT committed strong pre-election censorship and information manipulation. Discrimination of the strong left party of the Social Democrats in these public service media sharply contrasts to the much more appropriate, almost uncensored presentation of this party on private channels TV Nova and Prima TV. The censorship imposed by the so-called public service media on the smaller parties of the KSCM and Coalition for Republic-Republican party of Czechoslovakia (SPR-RSČ), and in the case of ČT and the Christian and Democratic Union-Czechoslovak People's Party (KDU-ČSL) speaks for itself.

What is flagrant and scandalous is that the RRTV has ignored this evidence, which it commissioned itself, and has failed to fulfil its legal obligations to ensure effective remedy then or later.

The trend of, on one hand, discrimination of certain political parties, and on other hand, favouring of others, is a permanent trend in ČRo and ČT. Even though more and more sophisticated methods are being deployed, it also occurs that the public service media that does not fulfil the legal condition of impartiality in the broadcasting service is looking for bizarre ways of defending or disguising and denying its unethical and party-oriented information and presentation processes.<sup>23</sup>

The failure of the RRTV is also a permanent trend. Both have been manifested during the recent affair connected with the findings of the Centre for Media Studies of the Faculty of Social Sciences of Charles University, which obtained from the RRTV a contract for the expert Analysis of the Pre-election Broadcasting of ČT and ČRo before the Elections to Regional Councils and the Senate held in 2016.

The analysts made a clear conclusion that ČRo and ČT favoured a particular political party in the period under review (right-wing TOP 09) and some others were disadvantaged and that, therefore,

On the part of Czech Television and Czech Radio during the observed period of their broadcast reporting and political-publicity programs violated § 31 para. 3 of the Act. 231/2001 Coll. Therefore, it is possible to establish legal grounds for RRTV (Radio and Television Broadcasting Council) to implement sanctions.<sup>24</sup>

The RRTV to did not allow them to publish it and did not itself publish it and no measures based on its findings were accepted. Yet, the analysis eventually got out to the public. One of the researches that worked on the analysis was subsequently attacked on Facebook by one of the prominent employees of ČT, Marek Wollner, who began to dismantle him, question qualification of this researcher and the professional level of the analysis as a whole. He also attacked him for his alleged left-wing opinion orientation (Wollner, 2018).

However, Marek Wollner, as a prominent employee of ČT, further confirmed that the following is true, even for ČT broadcast:

Even though many media declare the neutrality to be a corner-stone of their activity, they identify with a specific political ideology which reflects in their orientation and a corresponding support of specific political parties. The media landscape is affected by considerable bias toward left-wing political figures and by the lack of extrinsic pluralism because most mainstream media (as well as the journalists themselves) incline to political right. (Štětka, 2011, p. 25)

It should be noted that favouring the small political party TOP 09 and its leading representative, M.

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<sup>23</sup> See the founding of a member of the Council of Czech Television, M. Hauser, that Czech Television in its 2012 annual report prove its neutrality and non-partisanship by an intentional analysis made by a team selected "mainly from the circle" of fierce right-wing "authors of the Respekt magazine in which the right-wing opinions being painted on neutral colour." *Hospodářské noviny* 15. 4. 2014, p. 8.

<sup>24</sup> Analysis of the pre-election broadcasting of Czech Television and Czech Radio (Regional and Senate Elections 2016) Faculty of Social Sciences, Charles University—CEMES (Center for Media Studies) 2017.

Kalousek, continued despite the obligations of the public service media to guarantee impartiality and to ensure the balance of information also in 2017.<sup>25</sup>

The examples of failure of the RRTV above document the general fact: a failure in form of reluctance and unwillingness in the approach of the councils that control the media. Their members are elected by the Chamber of Deputies and they have only one objective, which is controlling an objectivity of broadcasting. Those councils are required by law to monitor whether information is objective and balanced, but they have been avoiding qualified analyses that could prove usage of modern censorship. And when such data and analyses are available, they are being questioned or ignored.

There is little to none corresponding criticism of partisanship and general expressions of opinion bias in the Czech public service media. There is no exception when only individual members of the media council openly express critical view and take a stronger stance,<sup>26, 27</sup> but most remain silent or side with the media they are supposed to control.

It is easy to come up with professional definitions and regulations. For example, the Denis McQuail approach, which defines objective information as information processing that maintains distance, neutrality, accuracy, and truth, does not contain hidden motives, does not discriminate different opinion streams, and overall contributes to information quality as a desirable state that enables society and its members to make informed democratic decisions (McQuail, 2010). However, McQuail knows that the problem of objectivity can be seen from a numerous points of view (McQuail, 1992), but he does not question the scale of objectivity and its functionality, even as just one of many.

Another opinion, however, has Barbora Osvaldová, a long-time chairman of the Ethics Committee of the Syndicate of Journalists, who works in the Czech Republic. The professional opinion of Osvaldová is that “absolutely non-ideological, apolitical, impartial system of news collection and coverage cannot exist. The less can commenting” (Osvaldová, 2001).

Based on McQuail’s approach, public service media, and individuals, senior executives, editors, and moderators of public media can respect and meet demands for distance, neutrality, accuracy, and truth. It should be done by setting requirements they have to meet and tasks they have to carry out and then measure using analyses to what extend are they able to keep distance and objectivity.

However, if we adopt the Osvaldová approach, we have to admit that the editors and moderators are not capable of keeping distance, neutrality, and accuracy during selecting and presenting information. Then, we have to take their political preferences, prejudices, and other opinions into account, monitor their work and produce objective and balanced reporting by putting together a well-balanced team. By putting people with different backgrounds and opinions together and evenly mixing their articles or reports, the leader of the group can achieve objective news in public media.

The author of this paper has been dealing with media and journalism for nearly three decades. To some extent, he paid attention to it in his doctoral thesis already, which he defended at the Department of Political

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<sup>25</sup> See Annual Activity Report of Czech Television in 2017, Analysis of Czech Television News and Czech Radio (2017).

<sup>26</sup> See Michael Hauser, member of the Czech Television Council: “Generally, if Czech Television was not afraid to listen to critical voices, it would strengthen its position as public media”. Retrieved from <https://www.parlamentnilisty.cz/arena/rozhovory/-Strasit-rokem-1948-Neco-se-tem-lidem-musi-ricit-Kontrolor-Ceske-televize-promluvil-I-o-tom-jak-je-to-s-nadrzovanim-TOP-09-52697507.03.2018>

<sup>27</sup> The Czech Radio Controller brings a clear view, 4. 2. 2018. Retrieved from <https://www.parlamentnilisty.cz/zpravy/kauzy/Janek-Kroupa-a-Cesky-rozhlas-Hod-spinu-nejaka-ulpi-Bakaluv-mravokarce-spila-PL-Kontrolor-CRo-vnasi-jasny-pohled-522983>

Science of the University of Economics in Prague in 2003. Some of the findings he presented at congresses of the Czech Society for Political Science and some in separate publications. With the certainty of a long-term monitoring of the media scene, with the experience of collecting and analysing data and knowledge, the author is entitled to assert that in the fulfilment of the obligations of the public service media, in cases of ČRo and ČT, along with significant successes and good work results there are also gross failures, elements of favouritism, and modern censorship.

These failures and application of modern censorship elements suggest that the work of those who lead and control these media and those who produce the public service corresponds to Osvaldová's rather than to D. McQuail's statement in regard of both individuals and the whole production group. Those responsible for production and monitoring of public service media have been neither willing to nor able to admit their partisanship, favouritism, and bias for over three decades. Neither have they been able to rectify it by any means.

### **Unpleasant Implications of Partisanship and Modern Political Censorship in Public Media**

It can be said that, especially in the first half of the 1990s, ČRo and ČT failed fatally in their role of public service media. Their partisanship and bias resulting in large scale modern censorship "disqualified" significant part of society from participation in political process and from making informed decisions. On the contrary, in the interest of newly-formed elites and specific political parties (particularly in favour of the ODS) and the government, they have blocked, stigmatized and neutralized public political activities and critical views of certain social groups, movements, initiatives, and parties.

The public and expert circles that are not subjected to the partisan influence preferred by media or offer opposition and alternative approach were forced out of the public discussion. "Inappropriate" topics, values, and entities in the public and expert discussion became an object of information and source selection, an object of modern censorship, auto-censorship, and information manipulation. Most media supported governing political parties, even though they presented themselves as impartial. Because of its biased production of news reporting and political affairs consisting of overrepresentation of right-wing politics and topics, presentation of "appropriately" selected and commented information, intentional agenda-setting and censorship of "inappropriate" information and topic, the media and related journalists presented their "objective", "independent", and "neutral" journalism as the only right way (McChesney, 2009).

The partisanship of both public and private media has been used to create the virtual image of the reality and values. Major economic criminality, corruption, and clientelism of that time remained in the shadows. In the early 1990s, the success of partisan propaganda and politics and the power of ruling right-wing parties, especially ODS, was based on these partisan media. In the first place, it was the ODS party that benefited from the power and influence of the media as they skilfully used the media favour, sometimes even directly demanded by the chairman of the party, Václav Klaus.<sup>28</sup> Without an apparent distinction provided by the media, a partisan advertisement affected citizens and voters permanently and excessively. Subsequently, PR agencies had emerged, as tools of media policy and of the partisan media affecting citizens, and started employing and using public surveys.

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<sup>28</sup> See the pressure of V. Klaus's ODS on the news-reporting of Czechoslovak Television in 1992, *Český deník* 27. 2. 1992.

A high percentage of citizens under such unilateral pressure lost not only the possibility of informed active participation but often also interest in it. Strengthening the elements of political and economic corruption at the top levels of state-power, but also in regions and municipalities, the growth of the power so-called of godfathers and the interconnection of government parties and large corporations with ties to large-scale economic criminality in 1990s was facilitated by the media spiral of silence. The dynamics and the potential of social development available were reduced.

Media de facto caused high level of ignorance in Czech society. This state is described (Jirák & Köpplová, 2009) and involves not only ignorance, but also the fear of engaging in alternative, critical opinions, and attitudes that have been restricted in the media and in the majority of the media often and directly scandalized. These tendencies, which were easy to prove then and are even more now, strongly affected the development of the Czech political landscape and the way of thinking of the Czech society. It was not until the economic crisis, the fall of Vaclav Klaus's government in 1997, after the affair with the disclosure of illegal funding and the fake sponsors of the governing parties ODS and Civic Democratic Alliance (ODA), we reached a turning point. It was then when the public first learned about the real extent of abuse of power, corruption and serious mistakes in state management.

The strong application of the elements of modern censorship in the press, radio, and television, including ČRo and ČT in the first half of the 1990s, especially favouring the parties of the ruling coalition, using the agenda of setting, scandalizing the opposition and critics, and exploiting the effects of the spiral of silence reflected in the following two decades in the fall of public confidence in the media.<sup>29</sup> While in 1995 more than 70% of respondents trusted the media, in 2018 public confidence in media except radios fell below 50%. According to a survey by the Public Opinion Research Centre (CVVM) of March 2018, the radio was trusted by 52%, the Internet by 46% of respondents. Although 43% of respondents trusted the television, 54% explicitly said they did not trust it, and only 39% of the people trusted the press.<sup>30</sup>

Despite obvious partisanship and massively manipulative methods, applied in the media in the case of the public service media, namely, the ČRo and ČT, has changed somewhat since the fall of trust in the second half of the 1990s, we still encounter it nowadays, only in different form. We can still see similarly negative, limiting influences of public broadcasting, political thinking and decision-making, deforming and restricting democratic discourse in Czech society.

As a result, the failures and repeated violations of the conditions of performance determined by law and demanded high quality of public service, may be observed and noticed in broadcasts of both media, ČRo and ČT. The most affected one is indeed the field of news and journalism, in regard of the amount, nature and form also due to illegal censorship, especially by using elements of modern censorship. That is purposeful agenda setting, selection of information and information sources, spirals of silence and party and interest interpretations.

Manifestations and uses of elements of modern censorship and public manipulation through the broadcasting of so-called public service media must always be seen as a problem with extremely burdensome

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<sup>29</sup> Only 60% of viewers trusted the information presented by Czech Television to be objective and balanced, according to a survey conducted by Czech Television itself in 2017. Tracking Czech Television. The annual report of the Council of Czech Television on the activity of Czech Television in 2017.

<sup>30</sup> CVVM Survey, Trust to Selected Public Life Institutions in the Czech Republic (from 3 to 15 March 2018 on a sample of 1061 people).

impacts on the whole society. There is no doubt that there are significant risks to the freedom of decision-making, and in particular, to the quality of decision-making of citizens in political and general social life. The big risks for society, as demonstrated in the 1990s, arise also in the field of economic life.

In the case of media of private owners and operators, civil society is quite conscious of the fact that they can promote their financial interest in their media and project their personal preferences, including politics, into their media operating, information policy and their choice of employees and managers. In the Czech Republic, however, let us remind this again, private radio and television broadcasters (not newspaper publishers) must, or should, at least as required by the *Radio and Television Broadcasting Act*, more or less respect the requirements of “objectivity, balance, the versatility of information, the prohibition of unilaterally favouring political parties or movements, or their views or views of individual groups of the public”.

In the Czech Republic, public service media should by law be impartial and provide objective, balanced, versatile, and verified information. Citizen therefore rightly expects guaranteed impartiality, objectivity, and high-quality of information. Even more so since beside the laws, the public service media keep reassuring him in the broadcasts about their “holy mission” and the quality of their service through their own management and employees.

If we find elements and practices of modern censorship in the media of private operators, it can still be admitted that in a competitive environment with a larger number of operators of different preferences and interests, the effect of censorship on the public will, to some extent, be mitigated and eliminated by possibility of choice. Especially when private operators, directors, and chief editors are honest about with whom do they side and what do they prefer. But even in cases where private media do not admit to their preferences and pretend to be impartial, citizen can freely decide on the choice of the media, which is closest to their opinions or which is interesting and suitable for them.

Compared to that, elements of modern censorship in the so-called public service media have a much greater effect on the public, a greater threat to information democracy, and a greater threat to freedom of opinion formation and citizens’ decision-making. Public service media are, by the nature of their origin, funding and operation, kind of a monopoly. Their broadcasting of news programs and journalism is richly funded from public sources and is quite extensive. They have priority on obtaining some information from constitutional officials and government agencies. Also, some political and social events are to be covered by their broadcasting first or even exclusively. Therefore, they have advantage over the media of private owners and broadcasters.

However, if the public is misled and is assured by state-adopted laws and by state representatives themselves and by the management of the so-called public service media about their impartiality and objectivity, while the management and employees of these media more or less violate the law, are partisan, favour certain opinions and opinion groups, it has a very strong manipulative effect on citizens.

Such modern censorship fulfils the signs of censorship associated with the state and public institutions. Regardless of whether the ruling or preferred party or parties currently promote such censorship, or they are only aware of it and do not criticise it as they should. “May I remind you again?” Those are media established by law, financed to a crucial extent by mandatory fees from citizens and legal entities determined by law, controlled by the state through state-run media councils, which, in case of the Czech Republic, also select and appoint the general directors of these media.



### **Modern Media Censorship, Which is a Direct Threat to State's Democratic Foundations**

Constitution of the Czech Republic<sup>31</sup> states that “all state authority emanates from the people” and the responsible exercise of this power in representative democracy therefore logically requires citizens to obtain sufficient objective, high quality information for their choice and decision-making. Many in this regard rely on influential public service media.

In more frequent cases when ČRo and ČT unilaterally favour certain political parties or movements, their views or views of particular groups of the public at certain times or even in the long run in the broadcast programs and their information policy, both these media de facto act contrary to the constitutional guarantee, which states that “The political system is founded on the free and voluntary formation and free competition among those political parties that respect fundamental democratic principles”.

In unilateral favouring of specific parties and movements or opinion groups in influential so-called public-service media, the free competition of political parties is directly threatened and distorted. The citizen does not receive balanced and objective information about opinions, program plurality, the activities, and programs of the parties. The information citizen gets is rather “incomplete” and disproportionate, and therefore, limits him/her in his/her choice. The effect of media and media advertising on the course of political competition is further exacerbated by the fact that the political parties running for elections for the Chamber of Deputies and for the Senate of the Parliament of the Czech Republic are incredibly weak in numbers, and thus, the possibilities of their immediate communication with citizens heavily limited.

If we can observe significant deviations from the requirement for objective, balanced, and versatile information on reality and pluralism of opinion repeatedly and over long-term period, as well as partisanship and favouritism of certain opinions and opinion groups, many questions arise.

One does not have to be experienced viewer or skilled researcher to realize that such long-standing abnormalities, deviations, and violations of the law are hardly results of mere inexperience or insufficient education of editors, commentators, moderators, and managements of ČRo and ČT.

One of the key questions in connection with the above-mentioned facts is the question of censorship. And not just traditional censorship within the limits of applicable laws, officially mandated by the state and state-granted, but above all modern censorship. The censorship its authors admit unwillingly, which is often seemingly invisible, but which can be monitored and analysed, and can be perceived and recorded in specific cases by a more attentive ordinary listener and viewer who supposed to be its target.

In the Czech Republic, a number of statutory censorship restrictions are laid down for the broadcasting of not only public but also commercial media, which are allowed by the constitutional *Charter of Fundamental Rights and Freedoms*<sup>32</sup> and which the public generally accepts as right and desirable. They include, for example, the spread of pornography, threats to the moral upbringing of children and adolescents, the promotion of racism, the incitement to violence, the disclosure of protected personal data or censorship of classified information by the state based on the laws about intelligence protection.<sup>33</sup> Directly, the Penal Code also prohibits incitement to “hatred of any nation, ethnic group, race, religion, class, or other group of persons, or to

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<sup>31</sup> Constitution of the Czech Republic. Retrieved from <https://www.usoud.cz/en/legal-basis/>

<sup>32</sup> The freedom of expression and the right to seek and disseminate information may be limited by law in the case of measures necessary in a democratic society for protecting the rights and freedoms of others, the security of the State, public security, public health, and morals. Charter of Fundamental Rights and Freedoms, <https://www.usoud.cz/en/legal-basis/>

<sup>33</sup> Act No. 40/2009 Coll., Penal Code.

restrict the rights and freedoms of its members". Limitations also apply to illicit and misleading advertising.<sup>34</sup>

In the case of ČRo and ČT the legal requirements and prohibitions of this type are during broadcasting mostly respected. The issue is more often the pressure of controversial paid advertising. In the long-run, a dishonest practice is exercised over the public when the scope of commercial advertising is limited by the law in the public service media, but this commercial is then involved in broadcasting of regular programs and is falsely passed off as "information about the sponsor of the program" or the products and services are presented as a "prize, reward" in knowledge or other type of competition.

There is another situation with regard to censorship by laws not stipulated or even forbidden. It is a censorship that the state, its authorities, but also so-called public service media established by law should not practise, advocate, or support. The *Charter of Fundamental Rights and Freedoms*, which is a part of the Constitution of the Czech Republic, stipulates in Section of Political Rights in Article 17,

The freedom of expression and the right to information are guaranteed ... Censorship is not allowed ... State bodies and territorial self-governing bodies are obliged, in an appropriate manner, to provide information on their activities. Conditions therefore and the implementation thereof shall be provided for by law.

Therefore, ČRo and ČT, as public service media, are required to abstain from any and especially political censorship, in accordance with the current constitutional *Charter of Fundamental Rights and Freedoms*, unless such censorship is directly ordered by another law in force. Unfortunately, both media occasionally disregard the prohibition of censorship in specific cases.

Elements of illicit political censorship by *The Charter of Fundamental Rights and Freedoms* can be found primarily in the broadcasting of these two public service media when, contrary to applicable legislation, these media diverge significantly from the proper fulfilment of the duty to provide "objective, verified, balanced, and versatile information for free opinion formation", and if it does not properly comply with the requirement of Act No. 231/2001 Coll., on Radio and Television Broadcasting, which not only obliges them, but also all the other radio and television broadcasters, to

Ensure that in the news and political-journalistic programs, objectivity and balance and, in particular, no political party or movement, or their views or opinions of individual groups of the public, have been unilaterally favoured in the whole of the broadcast program, taking into account their real position in the political and social life.

The very term censorship is generally perceived unfavourably in the Czech society in view of the centuries old, but also the recent historical experience with state and religious censorship. That is why we basically never see this term used in connection to laws which enforce information restrictions. This term, however, has come to life and has become more and more frequent in recent years with regard to politically motivated and by interests motivated modern censorship of information and opinions. We hear it from various politicians, including the President,<sup>35</sup> but also in a wider discourse on the nature of the media, especially public radio and television, as well as the Internet and communication networks, in connection to some proposals and apparent attempts to limit information democracy.

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<sup>34</sup>Act No. 40/1995 Coll., on regulation of advertising and amending and supplementing Act No. 468/1991 Coll., on Radio and Television Broadcasting, as amended.

<sup>35</sup> See Senator Jan Veleba recently had a TV interview where he quoted deputy chairman of the Chamber of Deputies, Petr Gazdík, who stated about his voters in the presidential election that they are less intelligent.... Czech TV has edited out this cited statement of Mr. Gazdík. So, here is a beautiful example of censorship. Retrieved March 13, 2015, from <http://www.halonoviny.cz/articles/view/35100275>

It is a sensitive issue. Censorship has deep roots in Bohemian lands. In Middle Ages and in the early Modern Age, it was mainly done by the Catholic Church, as well as the Austro-Hungarian Empire until 1918 when Czechoslovak Republic was established. Until November 1989, the state was practising strong censorship interventions, which limited freedom of expression and was crippling to information democracy and free pluralism of opinions.

Especially in the 70s and 80s of the 20th century, this was not achieved by direct repressive state interventions in the main media, but above all and especially by choosing for a leading government party and its controlled state “politically appropriate” management of these media and personnel policy in the media itself, which led those who wanted to get jobs in the media and keep them, to self-censorship.

After the abolition of the monopoly of the power of the Communist Party of Czechoslovakia, its control over all legal media in the state and the privatization of most of these media, as mentioned in the introduction, ČRo and ČT transformed from state media into the so-called public service media in the field of broadcasting. The gradual emergence of private radios and televisions has led to the completion of the dual system model common in Western Europe. In this system, from the beginning, since 1990 in Czechoslovakia and after its division in 1992 in the Czech Republic, the transformed state television and radio became the most influential radio and television.

Formally, the public media ČRo and ČT declare themselves to be independent, objective, and under no influence of political parties or interest groups. In fact, the whole period of the 1990s is characterized by strong partisanship, more general bias, and information manipulation, which, in particular, in the 1990s, these media completely without any criticism side with parties of the right and the right-wing governments and exerted significant discrimination of other parties and opinion streams. Especially the left, but also anyone who does not support right-wing governments and has criticized the corrupt style and the consequences of governing of the Civic Democratic Party (ODS) and its allies. The RRTV even yielded from fulfilling the lawful obligation to control activities in this respect.<sup>36</sup>

In 2001, that is 12 years after the fall of the monopoly of power of the Communist Party of Czechoslovakia, one of the supporters of the otherwise popular and preferred ODS, former director of the State National Gallery and a member of the RČT, Milan Knížák, states:

Talks about freedom of speech belong to the land of TV fairy tales. As far as I know, the reality is most distorted by the media staff itself. I myself have an experience in Czech Television where I was moderating a live program and no influence have been exerted upon me. On the contrary, having certain guests was denied to me, others were recommended. Even when I asked questions or when I did not ask the questions unpopular in the milieu, I was looked down on. In my opinion, TV stations somewhat censure themselves and any TV station shapes itself in a certain way.<sup>37</sup>

Simple monitoring of the time given to utterances of selected political parties was at that time, but also today, only one of the indicators of the application of modern censorship, which is relatively easy to measure and prove. But it gives us no data on purposeful introduction of topics, the negative and positive approaches of the moderators and direction, the methods mentioned by Milan Knížák.

Monitoring of more advanced elements of modern censorship, such as purposeful agenda setting, partisan editing, editors and moderators, following scripts, introducing spirals of silence, scandalizing inconvenient

<sup>36</sup> Report about the state of the broadcasting and activities of Czech Council for Television and Radio Broadcasting in the period of 1. 2. 1997-31. 1. 1998, p. 44.

<sup>37</sup> *Právo* 29. 5. 2001 & 30. 5. 2001.

opinion groups, opinions and people requires relatively demanding research, even though in many cases even common listener or viewer can sense with their intuition who is favoured by the so-called public service media.

It was easy to recognise the strong bias of ČRo and ČT news and journalism in the 1990s. The social costs of tolerance of such a broadcasting style and the general work of most media have been enormous. The non-existing criticism of the governments and government parties of the right-wing, and their clear preference in most media, especially in ČRo and ČT, was one of the major causes of a tremendous increase in clientelism, corruption, and economic and political criminality. The Czech society has been struggling with the consequences of it to this day.

It was not just about pandering of public service media to the right-wing governments and, in particular, to the ODS party in the 90s of 20th century. Nor was it just about the elements of modern censorship that were being used at that time. This trend of non-objectivity and favouritism of specific parliamentary political parties continues to this day, it only became somewhat more sophisticated.

### **Public Criticism of Censorship in Public Media and Arrogant Media**

In 2015, a group of dissatisfied people created the Czech Association of Independent Media,<sup>38</sup> which, as one of its main program objectives, set out “The correction of public media”. The Association openly declared:

Censorship, manipulation and lobbying in Czech public service media is a well-known fact to all who deal with media quality. We want to record violations of the objectivity and impartiality of Czech public service media and to influence the plurality of views and opinions in these media. As necessary, we see the formulation of new laws on Czech public service media, which would be better at guaranteeing the plurality of opinions.<sup>39</sup>

The fact that the Association of Independent Media has a its weight and that there is a struggle between advocates and opponents of the lawless forms of censorship inside the so-called public service media, was visible when an invitation to participate in the jury of the 1st and 2nd year of the Kramerius Prize “for independent journalism”, awarded by the Association, was also accepted by René Zavoral, the director of ČRo heavily criticised by the Association. He was, however, immediately rebuked for this friendly act by one of the members of the RČRo.<sup>40</sup>

Also, from the *Annual Report on the Activities of ČT in 2016* and from the data published in it, we can conclude that ČT, as a so-called public service medium, did not abide laws in force at that time. Even basic, easily monitored data proves that ČT, contrary to the law, did not provide the public with objective and balanced information about opinion pluralism on the political scene but instead applied the preference of the ODS and TOP 09 parliamentary parties, favoured some politicians and limited others.

It is easy to find out who was favoured in news and broadcasts of ČT, and who was not so lucky, or perhaps target of censorship. All we have to do is compare the results of elections and time each party was given by ČT. According to the results of the elections to the Chamber of Deputies held in 2013, the Czech Social Democratic Party (ČSSD) party (20.45%) took the strongest position on the political scene, the second was the ANO (18.65%) of Mr. Babiš, the third Communist Party of Bohemia and Moravia (KSČM) (14.91%),

<sup>38</sup>Independent Media Association—declaration of founders. Retrieved March 22, 2015, from <http://www.nezavislamedia.cz/category/tiskova-prohlaseni/page/2/>

<sup>39</sup> Program of the Association of Independent Media. Retrieved March 14, 2018, from <http://www.nezavislamedia.cz/program-asociace-nezavislych-medii/>

<sup>40</sup> Aktuálně.cz, 17. 6. 2016.

the fourth TOP 09 (11.99%), the fifth ODS (7.72%), and the sixth KDU-ČSL (6.78%). But, according to the Annual Activity Report of ČT in 2016<sup>41</sup> on the prestigious evening news programme Události, after ČSSD and ANO ranked third in the number of statements KDU-ČSL, the fourth was the ODS, the fifth TOP 09, and the KSČM ended the sixth. On ČT 24 “news channel”, in all sessions, CT directed the largest amount of time to ČSSD, 15,508 statements in total, the second in the order was the ANO movement with 10,781 statements, the KDU-ČSL 5,440 statements, the ODS 4,387 statements, the TOP 09 statements 3,820, and KSČM only 2,205 statements.

Table 3

*Comparison the results of the election to the Chamber of Deputies and time each party was given by CT*

Parties	Result of the 2013 elections	News ČT Channel ČT 1	ČT 24 (number of testimonies) Channel ČT 24
ČSSD	20.45%	ČSSD	15,508
ANO	18.65%	ANO	10,781
KSČM	14.91%	KDU-ČSL	5,440
TOP 09	11.99%	ODS	4,387
ODS	7.72%	TOP 09	3,820
KDU-ČSL	6.78%	KSČM	2,205

*Note.* Source: The annual report on the activity of CT in 2016.

ČT is apparently not able to manage the favouritism of its employees and neither do they seem capable of fixing the lack of objectivity and balance in its news programs which is all too similar to censorship. Indeed, in the quoted *Annual Report for 2016*, immediately following the figures showing favouritism of particular parties and the discrimination of other parties, they even untruthfully state: “We can see that the representation of individual political parties in ČT news corresponds approximately to their representation in the Chamber of Deputies of the Parliament of the Czech Republic, or their share in the decision-making on public affairs”.<sup>42</sup>

Not only certain parties, but also certain party chairmen are enjoying a special interest of the ČT, while others are ignored. Thus, the news channel ČT 24, logically has B. Sobotka, chairman of the ČSSD and the government Prime Minister, on the first place of the 20 most frequently presented politicians. He is followed by the chairman of the ANO and the Deputy Prime Minister A. Babiš, but next out of all chairmen, was chairman of TOP 09 M. Kalousek, who “jumped” even the chairman of the KDU-ČSL and Deputy Prime Minister P. Bělobrádek. Chairman of the ODS P. Fiala was just behind P. Bělobrádek. The Chairman of the third strongest parliamentary party, KSČM, and Vice-Chairman of the Chamber of Deputies, V. Filip, did not get to the top twenty at all.

If we look at the number of occasions each political party got to participate or attend programs Události, komentáře (Events and Comments) and 90 on CT 24 in the year 2016, we get a similar picture. ČT gave space 236 times to the ČSSD, 185 times to ANO of Mr. Babiš, ODS 158 times, TOP 09 had its space 132 times, KDU-ČSL 112 times, and KSČM 61 times. In the popular program Otázky (Questions) Václava Moravce again, after ČSSD and ANO, ODS, favoured by the ČT, was the most represented party, followed by TOP 09 and KSČM after them, closing with the party with least votes, KDU-ČSL.

The annual report on the activities of CT is submitted to the Chamber of Deputies by RČT along with their own report. It says a lot that the data on the application of censorship and favouring particular parliamentary

<sup>41</sup> The annual report on the activity of Czech Television in 2016, p. 92-93

<sup>42</sup> The annual report on the activity of Czech Television in 2016, p. 93.

parties in the broadcast contained in this report leave the RČT idle.

In the case of ČRo and ČT, the application of the elements of modern censorship, especially the purposeful selection of information and information sources, party and interest interpretations, agenda setting, favouring particular political parties, and discrimination against others is a fact that can be proved specific data or analyses<sup>43</sup> but also the experience of critical publicists and listeners and viewers.

One of the exemplary cases of confrontation of advocates and critics of modern censorship applied by ČT was the 2018 moderated conversation on the ČT 24 channel on March 12, 2018, on the 90' ČT 24 Show,<sup>44</sup> where ČT has even deployed its CEO, Petr Dvořák, on the topic "The role of the public service media". In one part of the debate, the independent publicist Erik Best, as well as the cinematic director and producer Václav Marhoul, who is connected to ČT by contracts, monetary means and interests, were invited to join director Dvořák. The resulting dominance, including the moderator, was three for ČT against one independent critical journalist.

Publicist E. Best on the issue of objectively and impartially in the ČT said: "It is only a question of whether it is as objective as it should be and whether it serves the general public as it should and whether it does not favour some politicians more than others". He pointed out that he who watches the broadcasts closely, but also the public knows and can easily recognise in the broadcast, whom and which parties does ČT favour, despite the law ordering it to do otherwise. He only admitted that public service television can usually serve the governing powers and that he is therefore surprised that it is different in the Czech Republic and that ČT "serves someone else ... I sometimes call them children of OKD and ČEZ" (OKD—billionaire Z. Bakala<sup>45</sup> took over this mining company, stole all he could and then let it to bankruptcy; ČEZ—the largest electricity producer in the Czech Republic). Best also joked:

An objective viewer will understand very well who you are siding with, I see a little shift now that I am here for the first time in four, five years ... that you have to be a little more objective than before.

It would have been fair if the moderator (i.e., Czech TV employee) and the CEO of the ČT, Mr. P. Dvořák, as well as the producer V. Marhoul, had been able to admit the existing partisanship and specific serious mistakes in the broadcasting of CT news and journalism as well as in other broadcasting areas. They did not admit it. As people with interest, they led a "fair" three-to-one discussion, in which the inconvenient facts were silenced or downplayed, and in which V. Marhoul, told the audience with straight face, while unconditionally defending ČT, that revenues and contributions from ČT that he and many others collect and enjoy are only a part of his income and therefore are not reasonable base for a conflict of interest.

### **Weakness and Failure of Public Service Media Control**

The long-standing and repeated illegitimate practices of applying the elements of modern political and other censorship, and the clear siding with certain political parties, opinion groups in the public media, naturally raise the question of what allows this practice. There is whole lot of causes and conditions. Here are

<sup>43</sup> See, for example, the Analysis of the Pre-election Broadcasting of Czech Television and Czech Radio (Regional and Senate Elections 2016), Centre for Media Studies of the Faculty of Social Sciences of Charles University, 2017.

<sup>44</sup> Why public media are important, Guest: Petr Dvořák, 90' CT24, premiere 12.3.2018 20.56-21.09 on CT 24.

<sup>45</sup> See, for example, Czech Television modified the statement of President Milos Zeman on its main evening news. The name of entrepreneur Zdeněk Bakala, whom Zeman put on the same level with convicted Viktor Kožený, was cut off from the original. Retrieved November 28, 2014, from [https://zpravy.idnes.cz/ceska-televize-projev-zemana-di6-/domaci.aspx?c=A141128\\_112345\\_domaci\\_hro](https://zpravy.idnes.cz/ceska-televize-projev-zemana-di6-/domaci.aspx?c=A141128_112345_domaci_hro).



some of the most important ones.

One of the conditions that help violate the principle of impartiality of public service media is the way of forming so-called media councils. The members of these councils, who supposed to be supervising the adherence to the laws and to monitor, assess, and sanction elements of censorship, are elected by the Chamber of Deputies. Although candidates for members of the RČRo and the RČT formally designate “organizations and associations representing cultural, regional, social, trade, employment, religious, educational, scientific, ecological, and national interests”.<sup>46</sup> However, the first selection of possible candidates is already carried out by the Electoral Committee of the Chamber of Deputies, which then passes only a selected group of proposals approved by the committee for a direct election to the Chamber of Deputies.

Who will be the one whom the Chamber of Deputies elects depends on the two-party voting of the political parties represented in the Chamber of Deputies who agree and provide each other with the necessary support for “their” candidates. First in the Electoral Committee of the Chamber of Deputies and then in the Chamber of Deputies. That is why it is written about in articles and publicly known which party supports and promotes which candidate.<sup>47</sup> This practice is subject to public criticism, but it suits the political parties. Members of Chamber of Deputies, who elect members of media councils, are willing to publicly admit that it is only a game of selection of experts. Thus, according to a member of the Election Committee and deputy chairwoman of Budget Committee of the Chamber of Deputies Miloslava Vostrá: “It is just a game of hide-and-seek in the Chamber of Deputies ... There is no point in pretending that political parties do not elect their people to the councils through associations and organizations”.<sup>48</sup>

As a result, in the composition of the councils is more often affected by political interest rather than by an actual expertise. Ex-members of Chamber of Deputies have a high chance to be elected, if they can make sure that someone designates them. Colleagues who worked with them in the Chamber and the parties for which they were elected to the Chamber often give priority to them over other independent candidates, even though those would be more qualified for the job.

For example, in the ČT Council, whose 15 members are elected by the Chamber of Deputies, the current composition in March of 2018 was as follows. One seat was vacated because the Chamber was unable to elect in time replacement of a member whose term had ended. Of the 14 members, three members are or have been members of parliamentary parties. Two have cooperated very closely with some parties. Two were having been advisors to prime ministers and three have been press spokespersons of ministries or ministers directly. Two of them were connected with ČRo and two with ČT in previous professional practice. As one important Czech publicist, Karel Hvízdala, commented on this practice: “The council is politicized by the Parliament, which has some of the former politicians or at least their pals”.<sup>49</sup>

Another condition that affects the function of media councils is the fact that the RČRo and the RČT are hosted in the premises of the “media” they are supposed to be controlling, ČRo and ČT, respectively. The *Act on ČRo and the Act on ČT* even stipulate:

<sup>46</sup> Act No. 484/1991 Coll., on Czech Radio, Act No. 483/1991 Coll., on Czech Television.

<sup>47</sup> Volcanic eruptions in Kavčí hory have a political background. Retrieved March 17, 2018, from [http://www.darius.cz/ct\\_protest/cl17.html](http://www.darius.cz/ct_protest/cl17.html).

<sup>48</sup> See the statement of M. Vostra in an interview for Haló noviny, 13 April 2018, p. 3

<sup>49</sup> Parlamentní listy. Retrieved March 28, 2018, from <https://www.parlamentnilisty.cz/arena/monitor/Karel-Hvizdala-besedoval-A-vybral-pro-vas-ta-nejkvalitnejši-media-Respekt-Hospodarske-noviny-529742>.

“Remunerations and other elements related to the performance of the function of a member of the Council shall be provided to the members of the Council by the Czech Radio” and “The costs of the Council’s activities and of the remuneration of its members shall be covered by a special expenditure item of the budget of Czech Television”.

These ties and services provided by both media councils and their members through their employees enable them to establish close cooperative relationships and foster a sense of belonging and commitment.

The material and factual dependence of the Control Board on the controlled media goes in fact so far in both cases that about the resources for analysing the broadcast, legal services for the control councils and the contracts are all decided by the director and the management of the controlled media<sup>50</sup> and the control council is relying on what it is willing to give.<sup>51</sup> But also, as stated by the shocked member of the RČT, Michal Hauser, “ČT then submits analyses that include tables, statistics, graphs that look professionally. And they always confirm that everything is as it should be.... It is as if the court has judged the suspect by the evidence he has provided himself”.<sup>52</sup> On the financial and other dependence of the media control boards on the controlled media similarly commented the chairwoman of the Budget Committee of the Chamber of Deputies M. Vostrá: “If they draw the budget from ČT and ČRo, then I wonder if it is real independence”.<sup>53</sup>

Journalist and former chairman of the Chamber of Deputies’ election committee Martin Komárek expressed deep scepticism about the RČT. He stated that it is considerably limited in its powers that it has no legal personality and it is paid from ČT funds. He also mentioned that ČT provides councilors with benefits, such as tours abroad or participation in cultural events, etc. His exact words were, “Even if all councilors were totally unbribable, worthy and smart, the Chief Executive Officer, if he is capable and entrepreneurial, can manipulate this Council with unlimited power”.<sup>54</sup>

It is relevant that influential, financially strong public media with budgets of billions crowns, production potential and archives are a prospective employer, partner, co-producer, buyer, and intermediary for those who are in the media, film, and other forms of artistic creation, but also education or sport.

As a result, most members of media councils are blind to, or even supportive of, prevailing relationships. Most members and chairmen of the councils do not call out ČRo and ČT when they make a mistake. The councils do not demand strongly enough proper fulfilment of duties and systemic correction of those mistakes.

It is a scandalous and repeated experience that CT denies the public the right to information on how ČT dispose of public funds, as well as how it pays its managers, employees, and co-workers<sup>55</sup> and how large amounts does it pay to the range of its suppliers. Petr Dvořák, Chief Executive Officer of ČT, when asked a specific question of why does ČT conceal staff salaries, when for example the British public service, BBC, publishes them, replied arrogantly: “I am not sure that Czech society is ready for such a situation. One is the right to transparency, and the other is the right to protect personal information”.<sup>56</sup> According to the CEO of ČT,

<sup>50</sup> See, for example, orders for analyses and legal services for the Czech Radio Council, Czech Radio Annual Report on Czech Radio activities for 2016, p. 2 a 98.

<sup>51</sup> See Michal Hauser, Toothless Media Council, *Hospodářské noviny*, 15. 4. 2014, p. 8.

<sup>52</sup> Michal Hauser, Toothless Media Council, *Hospodářské noviny*, 15. 4. 2014, p. 8.

<sup>53</sup> An interview with the Chairwoman of Budget Committee of the Chamber of Deputies in *Haló noviny*, 13 April 2018, p. 3.

<sup>54</sup> See video of M. Komárek on Facebook. Retrieved March 9, 2018, from <https://www.facebook.com/martin.komarek.31/videos/10211576740995298/>.

<sup>55</sup> See, for example, the scandalous case of secrecy of the salary and income of the prominent moderator of CT Václav Moravec, in which CT acts in violation of the law on free access to information. Retrieved February 7, 2018, from <http://www.reflex.cz/clanek/komentare/84905/kolik-bere-moravec-ceska-televize-to-odmita-sdelit-kaze-transparentni-vodu-pije-ale-vino.html>.

<sup>56</sup> *Parlamentní listy*. Retrieved March 13, 2018, from <https://www.parlamentnilisty.cz/arena/monitor/Cesi-nejsou-pripraveni-na-to-aby-znali-platy-moderatoru-a-dalsich-ucinkujicich-v-CT-uvvedl-generalni-reditel-Dvorak-527831>.

it is quite right that the law obliges citizens to pay the ČT fees even though citizens are not allowed to know how ČT employees are paid from their money. It is not surprising that ČT also conceals the names of some of its responsible employees, who are signed on contracts concluded with external suppliers and the amounts paid to external suppliers, from the public.

The conditions are so bad and the public control of ČT through politically elected media councils fails so hard that not even the Supreme Administrative Court could force the Director General to publish the salaries and remuneration of the managers of his television. Tomáš Němeček, editor of *Lidové noviny*, turned to this institution when ČT disobeyed the law on free access to information and refused to tell him the salary of the director and a representative of one of the studies of CT. The court sided with Mr. Němeček and ordered ČT to provide him with access to that information in 2012. However, the CEO of ČT refused to hand out similar information to the subsequent request for information on the salaries of other ČT executives.<sup>57</sup> The Supreme Administrative Court also ordered that this information was provided. At the beginning of 2018, however, ČT continued to resist and in contradiction with good morals and previous jurisprudence the information continues to be concealed.

ČRo violates the law of free access to information in similar fashion; they keep a secret internal memos and policies that instruct editors and moderators, which information sources they can use and which information they can publish in the broadcast.<sup>58</sup>

Weaknesses and “sins” that torment the media councils directly connected with ČRo and ČT and they are unfortunately also reflected in the so-called “Grand Council”, the RRTV, which is the state “central administrative office”.<sup>59</sup> It has thirteen members and its members are “appointed and dismissed by the Prime Minister at the proposal of the Chamber of Deputies, immediately upon receipt of the proposal”.

It is again a matter of agreements and mutual support of political parties in the Chamber of Deputies and their voting in the Electoral Committee of the Chamber of Deputies and then again at meeting of the Chamber of Deputies. The composition of the RRTV speaks for itself.<sup>60</sup> Nine of the 13 members of this council were or are members of parliamentary political parties, three of whom are former deputies, three are former senators and one is a former deputy assistant. In addition, one member was nominated by a party for which she worked as a spokesperson. Two members of the council worked in ČRo, one of them as a parliamentary rapporteur, and two members worked for ČT.

As members of parliamentary political parties only represent a very small group in the adult population of the Czech Republic, the high representation of members of parliamentary political parties in the Council for Radio and Television Broadcasting, as well as in the media councils of both public service media, is striking.

For comparison, according to the Czech Statistical Office (CSO), 8 374 501 eligible voters participated by casting their ballots in elections to the Chamber of Deputies in the Czech Republic on 20-21. 10. 2017. In the

<sup>57</sup> Lidovky.cz. Retrieved October 24, 2012, from [https://byznys.lidovky.cz/ceska-televize-taji-platy-manazeru-rada-ct-to-chce-zmenit-pe5-/media.aspx?c=A121024\\_143813\\_In-media\\_ape](https://byznys.lidovky.cz/ceska-televize-taji-platy-manazeru-rada-ct-to-chce-zmenit-pe5-/media.aspx?c=A121024_143813_In-media_ape).

<sup>58</sup> See Decision of 15. 3. 2018 Sp.zn.: Inf. Czech Radio 8/2018-2 on the refusal to provide the public with editorial policies for domestic press reports in Czech Radio broadcasts.

<sup>59</sup> It performs “state administration in the field of broadcasting, retransmission and on-demand audiovisual media services and oversees the maintenance and development of the plurality of programs and shows and information in the field of radio and television broadcasting and retransmission, takes care of its content independence and performs further tasks stipulated by this Act and by special legal regulations”. Act No. 231/2001 Coll.

<sup>60</sup> Current situation as of 14. 3. 2018.

same year, according to the data reported by the parties and published in the media, the political parties that eventually reached the Chamber of Deputies had a total of just over 100,000 members. So while there is one member of a political party per 84 citizens among general population, in the RRTV, on the contrary, citizens with no political affiliation are in significant minority. Is this really a democratic choice for those who will be able to represent the public and perform the task of control in a qualified and impartial manner? Or is it that instead of a responsible democratic selection of suitable candidates, the only important things are the links of party membership, clientelism, and support of influential entities?

The predominance of the members of the political parties or the people associated with them, advocated for and supported by these parties, as well as the significant representation of former public service media employees in the RRTV, obviously brings risks. The decision-making of board members may be very likely influenced by these links. This explains, to some extent, the cases where the Council is inactive or reluctantly accessing qualified analysis and unwilling to make rigorous solution of complaints about violations of public service media obligations.

One of former chairmen of the RČT, a media expert and a Charles University professor Jan Jiráček, admitted to the problem of political influences in the media control councils and the economic and other dependence of the RČT on the leadership of ČT:

We are able to identify who is in the Council of the Czech Republic for which party. A little bit of disturbance to the party principle would probably be good, but that cannot be done by a direct appointment by social organizations and professional associations. Rather, it would be good to define the members of the Council regarding their professional competence, secondly, to separate the Council's activities in an organizational and economical manner from the media they are supposed to oversee.<sup>61</sup>

An eloquent example of the unwillingness of the RRTV to fulfil its obligations imposed by the law, and at the same time, an example of official arrogance, is the statement of the former chairman of the PPTV M. Muchka to a civil complaint about censorship in ČT: “It is not for the Council to judge suspicion of possible censorship within ČT”.<sup>62</sup> *The Radio and Television Broadcasting Act*, although it directly imposes the duty to monitor the broadcasting of CT on this council and empowers it to check compliance with the objectivity and impartiality criteria, the RRTV chairman in this case demonstrated, on behalf of the council, that he did not want to respect the law. He could do such a thing due to prevailing conditions at that time.

The author himself verified and found that in a particular case, not even a repeated complaint about the violation of ČT's duty to provide objective information on public interest documented by facts and analytical conclusions are enough to cause neither the RČT nor RRTV to deal with such complaints properly.<sup>63</sup>

One of the most prominent evidences of the strange behaviour of the control council was the case mentioned earlier, when RRTV itself announced a tender for the conduction of an expert analysis and the winner of the selection procedure from a renowned university workplace prepared the required qualified

<sup>61</sup> Parlamentní listy.cz. Retrieved January 10, 2017, from <https://www.parlamentnilisty.cz/arena/rozhovory/Skakani-do-reci-jak-na-pranyri-Profesor-Jan-Jirak-predlozil-PL-totalni-inventuru-CT-od-zprav-po-serialy-A-sve-rekl-k-Chovancovu-uradu-pro-pravdu-470575>.

<sup>62</sup> Letter of the chairman No. 273, January 2002—the Czech Council for Radio and Television Broadcasting, Agenda dealing with complaints.

<sup>63</sup> Complaint dated 28. 7. 2015 about the Director General of Czech Television for gross violation of public service media obligations in the News on CT24 on 1 May 2015. The Council's Response to Radio and Television Broadcasting File No. RRTV/3091/2015-BJR from 25. 8. 2015.

analysis.<sup>64</sup> It showed the advantages and disadvantages of particular political parties in broadcast and found violations of the *Act on Radio and Television Broadcasting* by ČT and ČRo. One of the processors was the former chairman of the RČT, Jan Jiráček. However, the RRTV has refused to draw any conclusions from the findings of the analysis it has received. It did not even want to allow the academic workplace of Charles University, the Center for Media Studies at the Faculty of Social Sciences, to publish it.<sup>65</sup>

In situations where the law does not allow censorship of information, the public service media, ČRo and ČT, do not confess to the practice of illegal censorship, despite the evidence of the contrary. Elements and practices of modern censorship include favouring or discriminating parties, preference of opinion groups and promoting, limiting and silencing opinions, interpretation of information their way; all of that can be found in their broadcast. Media councils often ignore this duty despite their legal duties to perform qualified analysis to disable this practice. Also, they doubt some complaints of the public or question the findings of the professional public.

They follow the strategy of “we, the public service media, declare loudly our flawlessness, independence and objectivity, and rely on the politically elected media councils to defend us from dissatisfaction of citizens and certain politicians”. There are few rare cases in which public service media openly admit to political censorship. Those were and are cases concerning press reports done in both ČT and ČRo.

### The Victory of Political Censorship in Public Service Media

In a specific case, ČRo and ČT have, for a long time, presented and preferred a selected group of journals in their press reports. ČRo even violated its own Code of Conduct, which commits itself to: “ČRo is obliged to carefully assess whether programs or their parts are directed, whether openly or secretly, to promote certain commercial or political interests”.<sup>66</sup> In contrast to other journals, the two media used censorship for a long time. They imposed it on the so-called “tabloids” and on the less-read national daily newspaper *Haló noviny*, siding with the parliamentary party of the KSČM. Censorship of *Haló noviny* was justified in 2010 by ČRo, but even by the ČRo Control Council for its political orientation and partisanship.<sup>67</sup> The fact that the newspapers preferred by both media also sides to certain parties and opinion streams was dismissed by both media.

Broadcasted press reports resembled commercial advertising on selected newspapers, including the presentation of their logos on the ČRo website. The way this is sometimes done could make one laugh, for instance, when a ČRo listener was informed about the weather forecast in newspapers which the radio picked for the report.

At other times, however, it also synchronized with the effect of enhancing political advertising and political preferences of particular opinion streams or preferred politicians, when ČRo quoted the newspaper *MF Dnes* in the press reports during the presidential election for example. Since this newspaper sides with ODS, this way ČRo itself was favouring ODS and its chairman Václav Klaus, who was one of the candidates in the presidential elections. *MF Dnes* contained positive information about Mr. Klaus, but damaging and unverified

<sup>64</sup> Analysis of the Pre-election Broadcasting of Czech Television and Czech Radio (Regional and Senate Elections 2016), Centre for Media Studies of the Faculty of Social Sciences of Charles University, 2017.

<sup>65</sup> Křeček, Jan analyst at the Center for Media Studies of the Faculty of Social Sciences, Charles University, about the balance, analysis and criticism of public media. Retrieved December 14, 2017, from <https://a2larm.cz/2017/12/neresis-sumy-okamura-te-vypne/>.

<sup>66</sup> Czech Radio Code of Conduct. Retrieved December 6, 2017, from [http://www.rozhlas.cz/rada/legislativa/\\_zprava/kodex-ceskeho-rozhlasu--789056](http://www.rozhlas.cz/rada/legislativa/_zprava/kodex-ceskeho-rozhlasu--789056).

<sup>67</sup> Statement by the Chairman of the Czech Radio Council Ing. J. Florian, ref. 8/10 from 28.1.2010.

information on his opponent in the election, Jan Švejnar, including attack on his American citizenship and his father's past.<sup>68</sup>

As has already been mentioned, *The Charter of Fundamental Rights and Freedoms* in the Political Rights section states that "Censorship is not allowed". After complaining about the unconstitutional censorship of Haló noviny as a source of information, the Secretariat of the ČRo Director General made a direct order for an expert opinion requested by the Institute of State and Law of the Czech Academy of Sciences instead of a correction. Instead of an official opinion of this institute, however, they only received an opinion of an individual researcher of this institute, Jan Bárta, for 49,000 Czech crowns (about 2,400 USD). He approved the censorship practice of ČRo against Haló noviny, and even recommended to continue in this censorship because of the political orientation of the newspaper publisher.<sup>69</sup> This was enough for the ČRo because it was possible to assume that the majority of political parties and their representatives in the RČRo would agree with the continuation of the censorship of the newspaper of the competitive party.

Notwithstanding the particular journal and its publisher, Bárta's argument in favour of censorship of information sources was essentially based on a speculative assertion that the ČRo may censor in census of daily newspapers, because public media does not represent state power and according to his personal opinion, it does not qualify as censorship. Quoted from a remarkable opinion of a researcher of the Institute of State and Law of the Czech Academy of Sciences J. Bárta: "For the ČRo, this is only a matter of deciding about their own broadcasting or other self-publishing of content. That can never be a censorship".<sup>70</sup> It would be just a funny statement if censorship was not recommended by the state-funded institution, part of the state established and funded Academy of Sciences of the Czech Republic, and if it was not de facto a speculative statement issued by this researcher presenting it as expert opinion of the whole institute.

However, the censorship of the newspaper in the broadcast of ČRo was violated when they quoted the Haló noviny August 16, 2013. In August 2013, the President of the Czech Republic, Miloš Zeman, gave the Haló noviny an exclusive interview in which he expressed his sympathy for the newspaper, and censorship of the information source of the president's interview could attract attention.

Not until 2017 does the new director of the Institute of State and Law of the Czech Academy of Sciences, Ján Matejka, acknowledge that the approval of the censorship of a particular journal as an information resource and recommendations for its further implementation was given to ČRo without any professional opposition by individual researcher, Jan Bárta, and that

Statements of this sort are not a legally binding act or a binding interpretation of the law. They are only of a doctrinal nature and contain a non-binding opinion of the processor.... Therefore, they are not subject to any internal institutional approval process.<sup>71</sup>

The fact that not only the individual worker of the Institute of State and the Law of the Academy of Sciences of the Czech Republic, but even the director of this institute, Ján Matejka, insists on the purpose-fitting interpretation of censorship being solely instrument of state power, state-ordered and by executive powers performed act is showing, how extremely sensitive issue from political point of view this is.<sup>72</sup>

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<sup>68</sup> Press report, Weekend Morning Radiožurnál, Czech Radio, February 2, 2008, from 6:21 pm.

<sup>69</sup> AV ČR ref. 28/10/ST, 9. 3. 2010.

<sup>70</sup> AV ČR ref. 28/10/ST, 9. 3. 2010.

<sup>71</sup> ref. ISL/114/2017 of 31 May 2017.

<sup>72</sup> ref. ISL/143/2017 of 29 June 2017.



Thus, the Institute of State and Law of the Czech Academy of Sciences totally ignores and refuses to take into account the knowledge of modern science about the nature and forms of contemporary censorship (Jansen, 1991). It refuses to accept that censorship, i.e. the selective choice of information sources and information and the concealment of specific information sources and the information disclosed by them, can be carried out by other institutions than directly by the executive authorities for a variety of reasons, those institutions may also be private. The act of prohibition on the publication of information may also be carried out by other bodies and institutions legally established other than the executive authorities.

ČRo must be aware of the fact that its actions are inconsistent with the *Constitutional Charter of Fundamental Rights and Freedoms*. No law of the Czech Republic stipulates the censorship of information sources solely because of the opinion or political orientation of the publisher and the editorial office, and thus, does not allow it. After all, some cases of misconceptions and deficiencies of ČRo were reflected on by the RČRo, which in its Resolution No. 129/17 in 2017 “asks the ČRo leadership to try to eliminate the following problems in the ČRo’s journalism and news: putting suggestive questions, inaccurate reference to resources, inaccurate affiliation, and limited plurality of resources”.<sup>73</sup>

To a properly submitted citizen’s request pursuant to Act No. 106/1999 Coll., on Free Access to Information, on the provision of the act currently in force of the CRo “Editorial Principles for Czech Press Broadcasts” ČRo reacted by its decision of 15. 3. 2018 (Sp.zn.: Inf. ČRo 8/2018-2) refused to provide this information. De facto, ČRo, by the decision of General Director René Zavoral, conceals from the public, which its broadcasting is obligatory by law, directives and procedures by which the ČRo selects or censors information sources and selects and processes information that it provides to the public as a paid service.

If there is a situation in which decisions about which newspapers and magazines can be quoted in press reports in the public media are subjects not to the scale of meaning and importance of information, but to political standards, then there is no more eloquent evidence of partisanship and bias of the so-called public service media. The public service media could justify the practice of censorship imposed on newspaper according to the political or other orientation of the newspaper, its owner and publishers, only if this would not be hindered by law, and if, for that reason, it would censor all newspapers showing any party orientation in terms of profiling the content of the newspaper or owner. And this, as shown by the strong preference of far-right and for the benefit of the specific political parties operating *MF Dnes*, has not happened and is not happening.

In the Czech Republic, however, as already mentioned, the *Charter of Fundamental Rights and Freedoms*, which forms part of the constitutional order, stipulates in the section of political rights that

Censorship is not allowed. The freedom of expression and the right to seek and disseminate information may be limited by law in the case of measures necessary in a democratic society for protecting the rights and freedoms of others, the security of the State, public security, public health, and morals.

Thus, it is possible to agree with the legal opinion that

The Press Act nor any other law prohibits political parties from publishing daily publications or exercising decisive influence over them through a publisher, and no law states that such party-controlled newspapers should be limited in of its influence on the formation of public opinion. The criterion for including a quotation in a press report in the broadcast of public media must be the relevance of the opinion....

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<sup>73</sup> Minutes of the 12th public meeting of the Czech Radio Council (20. 12. 2017)

By prohibiting quoting from a newspaper for its political profile or because of the political orientation of the owner and the publisher, the ČRo “is exercises unacceptable censorship” (Pecina, 2010).

### **Conclusion Rather Shorter Than Brief**

The so-called public service media, which citizens and legal entities pay in the form of mandatory fees, is to provide the public with “objective, verifiable, balanced and versatile information for free opinion formation”. In a democratic state, these media can become a counterbalance or compensation to private media and media operated directly by the state, if and only if they are truly impartial, and if they are providing genuinely objective, high-quality, versatile information about social events and pluralism of opinion.

But this means that it must be able to withstand the pressure of certain political parties and must not be corrupt or susceptible to corruption, not even via advertising. Nor should they be abused to promote and favour the views and party preferences of their own management or groups of employees. It requires special attention to impartiality during choosing editors, commentators, moderators, editor-in-chief, and senior managers, but also to balance the opinions, political orientations of individuals, as well as broadcast programs, if they cannot secure their impartiality in the preparation of programs and broadcasting.

Control bodies overseeing the fulfilment of public service obligations should not be dependent neither on the media itself, its leadership and other employees and material resources and benefits, nor on political parties that hold power in the state.

ČRo and ČT are the public service media established by law, therefore they, more than any other media, should not practice any form of partisanship or bias, yet they do. According to available data, they prefer on one hand and on the other hand discriminate specific parliamentary parties, politicians, and opinion streams. Specific political parties affect the composition of media control boards. The media themselves are then subject to unilateral personnel policy and, as a result, the broadcasts show a clear partisanship and opinion orientation of their staff.

As a result, there continues to be a worrying decline in confidence in these media. According to a periodical survey commissioned by ČT itself, the question of whether ČT “delivers the true picture of reality” and whether it helps the audience “understand the world in which we live”, there is a continuous decline in confidence between 2013 and 2017. In the case of the first question, “Yes” answered 67%, 65%, 58%, 56%, and 54% of respondents respectively in the given years. For the second question, between 2013 and 2015, “Yes” answered 62%, 59%, and 57%, respectively (see Figure 1).<sup>74</sup>

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<sup>74</sup> Evaluation of Public Service Performance 2015, Research and Analysis Unit of Czech Television, Research Representative for 18+, Annual Activity Report of Czech Television in 2015; Annual Activity Report of Czech Television 2017.

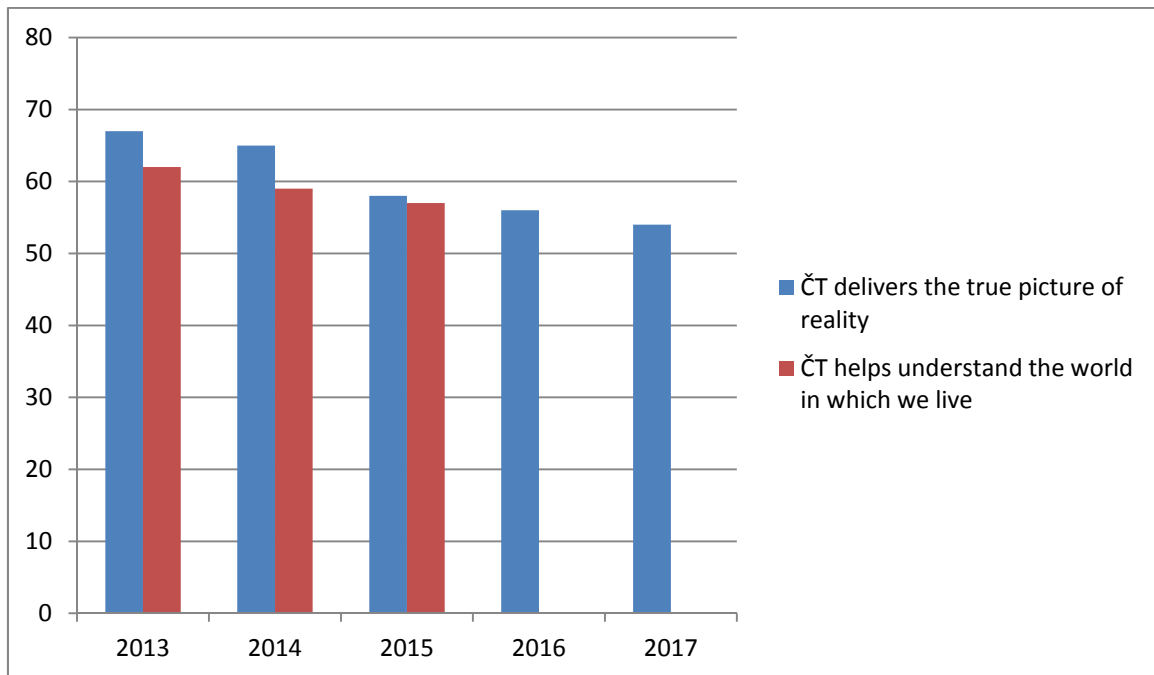


Figure 1. ČT as a Public Service Media – A representative sample of the adult (18+) TV population of the Czech Republic is surveyed, see note 74 (in %)

ČT as a Public Service Media (A representative sample of the adult (18<sup>+</sup>) TV population of the Czech Republic is surveyed, see note 73.)

Rational reaction to the decline in trust in public service media is, of course, not their abolition as some critical voices demand, but rather ensuring and abiding the appropriate legal conditions of operation and control. In order to be able to properly fulfil the obligations imposed by the law and to provide citizens with better quality public service than ever before. It is also necessary to create legislation for effective control of the effectiveness of the management and the scope of these media activities, together with the evaluation of the expediency of the costs that citizens and companies pay for this service.

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