



Weekly Briefing

**Czech Republic social briefing:
Media Freedom In Danger:
Repressive Practices & Legal Framework
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Media Freedom In Danger: Repressive Practices & Legal Framework

Summary

Media freedom in the Czech Republic is exposed to a wide array of pressures. Even though the liberal democratic mainstream considers disinformation to be the main threat, the real danger lies in the dominance of the liberal democratic mainstream marginalising and suppressing alternative views. It leads to a considerable underrepresentation of political opinions shared by a vast part of Czech society. In response to the conflict in Ukraine, state bodies resorted to blocking several dozens of alternative media through a „non-binding recommendation“ conveyed to the Czech internet service providers. The censorship measures were effective for three months. In the meanwhile, the Ministry of the Interior initiated the preparation of a law on disinformation.

Introduction

Freedom of the press and free circulation of ideas have been increasingly addressed in different contexts in the Czech Republic. There is a strong sense of danger in terms of media freedom but individual actors interpret the situation in diverse ways. Whereas liberals warn against disinformation and hybrid threats from „autocracies“ and domestic „fifth column“, others problematise increasing restrictions against the so-called alternative media including their censorship. The issue has both internal and external dimensions, being influenced by the agenda asserted by the European Union such as the Code of Practice on Disinformation, Digital Services Act or European Media Freedom Act. It is worth noticing that the liberal democratic policies are of contradictory nature.

Sociological findings

Let's begin with a recent sociological survey that inquired about people's attitudes towards media and freedom of the press in the Czech Republic. A quarter of people do not consider media to be free while almost half of the Czechs believe that journalists can work without state infringements. Roughly the same share of people are afraid of the freedom of the press, being worried about future development in this area. This sentiment corresponds with an

opinion, according to which the level of media freedom is lower in comparison with the situation five years ago. This stance was adopted by 52 per cent of respondents and was frequent especially among those who supported the sovereignist Freedom and Direct Democracy movement (SPD). In general, the Czechs believe that neither the state bodies nor owners have the right to become involved and meddle in the media content. The problematic role of the public television and radio (Czech Television and Czech Radio, Europe's second oldest radio broadcaster after the BBC) is reflected by the figure regarding the opinion about whether people think that their political attitudes are represented sufficiently in the public broadcasting – only a third do think so.¹ Of course, the stances are influenced by the worldview of the respondents, hence the present situation, risks, prospects and measures to be adopted to strengthen the freedom of press vary significantly. In any case, these figures indicate that the Czech society is highly polarised and consensual solutions are, therefore, hardly achievable since what is considered a threat by liberals is not relevant for conservatives or socialists, and vice versa. The further development of the Czech media sphere is closely connected with the evolution of the liberal democratic model, its securitisation and authoritarian leanings.

The perspective of the liberal democratic mainstream is represented by the World Press Freedom Index elaborated by Reporters Without Borders (RSF) on a regular basis. According to the recent report presented in May 2022, the situation in the Czech Republic in terms of media freedom has been improving considerably, the country being the twentieth-freest one in the world, whereas it was in the 40th place a year ago.² The RSF argues that the major threat is posed by the free circulation of data, ideas and information in the virtual space which is supportive of the dissemination of „disinformation“ and propaganda originating in „autocratic“ countries and used by them in their alleged „war against democracies“. Not surprisingly, the organisation marks the situation in „autocracies“ like China, Iran, Russia or Belarus as „very bad“, labelling China as „one of the world's most repressive autocratic regimes“.³ By contrast, the Czech Republic is depicted in positive terms. The report correctly describes the main contours of the Czech media landscape: (1) concentration of private media in hands of strong economic actors including the former Prime Minister Andrej Babiš; (2) the rise of new

¹ Klézl, T. (2022, April 26). *Média považuje za svobodná jen polovina Čechů. I to je nejvíc ve V4, ukázal průzkum.* Aktuálně.cz. <https://zpravy.aktualne.cz/domaci/duvera-medii-v4/r~5dd52ddec47711ec9ba00cc47ab5f122/>.

² *Česko si v žebříčku svobody médií polepsilo o 20 míst, poslední je KLDŘ* (2022, May 03). ČTK. <https://www.ceskenoviny.cz/zpravy/cesko-si-v-zebricku-svobody-medii-polepsilo-o-20-mist-posledni-je-kldr/2200950>.

³ *RSF's 2022 World Press Freedom Index: a new era of polarisation* (2022, May 03). Reporters Without Borders. <https://rsf.org/en/rsf-s-2022-world-press-freedom-index-new-era-polarisation-0>.

„independent“ media that, however, represent the liberal democratic mainstream; (3) the existence of public broadcasting.⁴

The authors, nevertheless, omit another typical feature which is the growing influence and popularity of alternative media. This segment is usually labelled as a „disinformation scene“ by the mainstream actors for it represents a critically-oriented part of the Czech society and calls into question the dogmas of liberal democracy. The real problem of the Czech media scene is neither the abovementioned high level of concentration of media ownership in hands of several economic subjects, mistrust of the population towards journalists nor some political pressures on public broadcasting but – on the contrary – the dominance of liberal democratic mainstream that suppresses alternative views, underrepresent the existing political attitudes among society, discriminating against non-liberal representatives and perspectives. The problem is, in addition, excessive activism and the prominent role of journalists in different kinds of defamatory media campaigns with very low possibilities of self-defence.

External and internal challenges

The alternative media are also targeted by the EU initiatives which further deepens the internal split of the Czech society. The liberal democratic media policies are, moreover, innerly contradictory. On one hand, they are to protect and enhance freedom of the press as well as media pluralism, but fighting the so-called disinformation and alternative media on the other. The European Commission is about to finalise the European Media Freedom Act. The Czech Vice-President for Values and Transparency of the EC Věra Jourová, who is responsible for the preparation of the Act, puts emphasis on the need for the protection and independence of the media as a pillar of democracy that is allegedly under pressure from both governments and private subjects. The Commissars declare that societies must have an access to a plurality of views.⁵ This right imperative is, however, concurrently undermined by other measures. In June, the new Code of Practice on Disinformation was presented which was to cut the „disinformation media“ off incomes, establish effective tools to stop spreading „disinformation“, fund research activities on „disinformation“ or create counter-propaganda communities. The Code was signed by major media players such as Google, Meta, Microsoft, Reporters without Borders or Twitter – and also by the first Czech web portal Seznam.

⁴ *Czech Republic* (2022, May 03). Reporters Without Borders. <https://rsf.org/en/country/czech-republic>.

⁵ *European Media Freedom Act: Commission launches public consultation* (2022, January 10). European Commission. https://ec.europa.eu/commission/presscorner/detail/en/IP_22_85.

Even though fact-checking and uncovering activities are desirable theoretically, the practice in liberal democracies shows that the main aim of the fight against disinformation is the elimination of alternative views. Vice-President Jourová relates the conclusion of the Code to the allegedly accelerating disinformation campaigns carried out by Russia.⁶ The new practices introduced by the Code coincide with the legal framework created by the Digital Services Act (DSA), passed by the European Parliament in July. The DSA is an example of the politicisation of business in liberal democracies where economic subjects are motivated or overtly forced to comply with the political interests and ideological goals of the political elites. The politicisation of the economic sphere is one of the characteristic features of the authoritarian turn in liberal democracies which increasingly contradicts the original liberal principles and policies. The European Commission highlights that the DSA will make the business interests of private companies secondary.⁷ The DSA not only poses a threat to freedom of speech and press but also undermines national sovereignty.⁸ Interestingly, only 2 out of 21 Czech MEPs voted against, both of them being representatives of the Freedom and Direct Democracy.⁹

These external pressures are accompanied by problematic tendencies at home. In response to the outbreak of the conflict in Ukraine in February, state authorities including the Government and Military Intelligence called upon the internet service providers to block „disinformation media“ for they allegedly served as a tool of Russian propaganda. Several dozens of domains and media were subsequently blocked until the end of May despite the fact that there was no legal basis for such actions. That is why the internet service providers decided to unblock the media eventually arguing that neither a legal framework had been set nor obligatory order had been issued by an authorised body. Over the last months, several subjects took legal action against state authorities but only one case has already been concluded. According to the judgement, state authorities did not breach the law for they issued a recommendation, not an order.¹⁰ Such an interpretation, however, establishes a dangerous

⁶ *Disinformation: Commission welcomes the new stronger and more comprehensive Code of Practice on disinformation* (2022, June 16). European Commission. https://ec.europa.eu/commission/presscorner/detail/en/IP_22_3664.

⁷ *New Code of practice on disinformation: Fighting propaganda war with democratic methods - Joint statement by Vice-President Jourová and Commissioner Breton* (2022, June 16). European Commission. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_22_3788.

⁸ Veselý, V. (2022, January 13). *Stanovisko k Zákonu o digitálních službách EU*. Společnost pro obranu svobody projevu. <https://www.sosp.cz/stanovisko-k-dsa/>.

⁹ Veselý, V. (2022, July 12). *Jak naši europoslanci hlasovali o svobodě slova a zachování samostatnosti ČR*. Společnost pro obranu svobody projevu. <https://www.sosp.cz/jak-nasi-europoslanci-hlasovali/>.

¹⁰ Horák, J. (2022, July 21). *První verdikt. Zablokování dezinfo webů kvůli ruské invazi bylo v pořádku, řekl soud*. Aktuálně.cz. <https://zpravy.aktualne.cz/domaci/prvni-verdikt-vypnuti-dezinfo-webu-kvuli-ruske-invazi-bylo-v-r-9bfdeffc081911ed93abac1f6b220ee8/>.

precedent because it legitimises and legalises informal repressive practices that infringe civil rights and freedoms.

Conclusion

In the course of the last weeks, the Ministry of the Interior started to prepare a new law aimed at countering „disinformation“ that would enable to block media and eliminate „harmful content“. Notwithstanding the enormous significance and undeniable public interest, the preparation process is secret and exclusive. The ten-member preparatory group is composed of the officials of the Ministry of the Interior including the founder and incumbent director of the Centre Against Terrorism and Hybrid Threats, the chief of the Military Police, a representative of public prosecutors, and an expert on political extremism close to the liberal cabinet. The Government’s policy in relation to blocking media and suppression of alternative opinions as well as the secret draft of the law on disinformation have provoked negative reactions among the opposition. Politicians from both ANO and Freedom and Direct Democracy together with non-parliamentary parties and critical NGOs warn against the introduction of censorship and revival of totalitarian practices.¹¹

¹¹ Šustr, L. (2022, July 20). *Příprava cenzury? Vnitro v tichosti chystá zákon k blokování webů*. Echo24.cz. <https://echo24.cz/a/ST2Bx/ministerstvo-vnitro-dezinformace-media-blokovani-web-svoboda-slova>.