



JOURNALISTS' ACCESS TO INFORMATION AND SUSTAINABLE JOURNALISM IN THE BALTICS

OUTLINE FOR POLICY STUDY

2021 September 20

WHY IS THIS STUDY IMPORTANT TO ESTONIAN, LATVIAN AND LITHUANIAN POLICYMAKERS, MEDIA OWNERS AND JOURNALISTS?

The research effort will foster resilience within the Baltic news market.

The Baltic States are guarding the Eastern EU frontier, not just physically but also as a borderland where the media can operate freely. This means that keeping our own media free and sustainable is essential. One of the tasks of the study is to propose how free and equal journalist access to information can be sustained despite an openly confrontational media environment that involves hostile media outlets controlled by authoritarian neighbours.

RESILIENCE OF THE
NEWS MARKET

The policy recommendations will concentrate on the question how to make the Baltic access to information laws really work.

If the Baltic States are to improve their press freedom record and avoid the regional trend of sliding into authoritarian media policies, the mismatch between access to information laws and their application should be minimised. This means not just the letter, but also the spirit of their information access regime has to be implemented.

EFFICIENT
REGULATION

We study the re-evaluation of journalism's role in Baltic societies.

Baltic journalism hasn't made any significant advances yet, either technologically, content quality wise or in audience engagement. Thirty years ago, Baltic journalists started their work in similar circumstances. Today, they face similar problems, and most of them name a limited ability to access public information as the main obstacle. A comparative analysis into journalists access to information models will let researchers see through the regional journalism ecosystem. Such vision is essential for a much needed renewal.

JOURNALISM IMPACT
AND GROWTH

WHAT IS IT ABOUT?

CONTENT

- 2 - What is it about?
- 5 - Research Methodology
- 7 - Objectives, Research Outcome, Results
- 9 - Execution and Reporting
- 10 - Contacts

HAMPERED ACCESS TO PUBLIC INFORMATION AS A MAJOR OBSTACLE STALLING THE DEVELOPMENT OF PRESS FREEDOM IN THE BALTICS

Most journalists in the Baltics regularly bump into one systemic obstacle that hinders their work, namely a limited ability to obtain public information.

The provision of information to the public is codified in all three Baltic States. However, in practice journalists face too many barriers, and appeal procedures are not efficient, or sometimes don't work at all. Below are just a few of the factors that conditions a journalist's inability to access public information freely and bring the issue to the centre of the Baltic media ecosystems.

First of all, freedom of information laws are a relatively new thing in the Baltics. So is independent journalism. They have neither history, nor tradition, and therefore journalists' impact on democratic development is both underestimated and under-researched. So, the comprehension that should serve as the foundation for mastery in access to information and provision of information practices is yet to be built.

Secondly, the sharing of information among the three branches of government and the fourth estate (the media) is a constant target of abuse and manipulation. Baltic investigative journalism has grown in importance in the last decade. As its weight is slowly increasing, investigations become more impactful. However, as investigative journalists get stronger and more disruptive, public officials tend to withhold public information more abusively. The distortion of the access to information regime or the deliberate ill-treatment of journalists are often conceived at the highest political level. The following are the most illustrative examples.

- Lithuania and Latvia: institutions often refusing to provide the information on the grounds of General Data Privacy Regulation.
- Lithuania and Latvia: governments unilaterally narrowing down journalists' privileges when using Real Estate and Companies' Registers.
- Estonia: the Law limiting journalists' access to courts.
- Lithuania: the proposed definition of the new legal regime of 'information for services use'.
- Lithuania, Estonia, Latvia: increasing favouritism and open selective treatment of the benevolent or controlled local news media outlets or individuals.
- Lithuania, Estonia, Latvia: providing arbitrary access to information or events to international journalists.
- Lithuania, Latvia: limiting journalists' access to the region's border areas because of the migrant crisis.

Thirdly, freedom of information is affected by growing geopolitical tensions. National authorities sometimes turn away all journalists because of a general insecurity created by hostile media representatives (state-controlled media employees from Minsk, Moscow or Beijing), or locally active agents of influence disguised as journalists. Some local officials simply lack the competencies in dealing with information requests coming not just from local, but also from international journalists.

And finally, many Journalists in the Baltics agree that the various cultural and legal barriers they bump into when accessing information hamper their work significantly, and that this has been happening for years. Conditions slightly improve or get worse after each election. However, carrying out high quality journalism sustainably that would be performing a social function becomes increasingly difficult.

To sum up, the main impediment that journalists name is the absence of public debate on their access to public information. So, further growth of journalism in the Baltics, and, in particular, investigative journalism, should start from such a discussion.

WHY A 'POLICY STUDY' AND WHAT SHOULD BE ITS FOCUS?

In the Baltics, the debate on how the rights of access to information should be practiced by newsrooms and investigative journalists—the key actors in the media ecosystem—is just beginning in the region's larger towns and cities, and is still non-existent among smaller, provincial news media outlets.

Although the three Baltic States have taken different paths in media regulation since the 1990s, journalists, and the media sector in general face similar challenges in all three countries.

Most academic articles written by scholars in Vilnius, Riga and Tallinn during the three decades of post-Soviet independence deconstruct journalistic culture, analyse media digitization and decry poorly educated audiences. Just a few of them analyse the current situation regarding press

freedom in the Baltics and its effect on media quality. And only very recently, in 2021, some individual scholars turned their attention to journalists' right to access information.

However, there has still been no research into how the legislative mechanisms of information provision are applied. No inquiries into the obvious mismatch between the letter of the access to information laws and their implementation. Therefore, there is very little understanding both in the public sector and among journalists about how the sharing of information between the authorities on one side and the media on the other side should work on the ground.

This is why the study offers an in-depth analysis of the following core elements: a) laws regulating access to information and their implementation, and b) journalistic practices while accessing information, and a comparative analysis of these elements with a focus on public and legal disputes over access to information.

THE STUDY FOCUSES ON ACCESS TO INFORMATION MECHANISMS

The study will centre its attention on the efficiency of access to public information mechanisms, but also provide a sufficient response to the question: how is it possible to sustain the production of ethical and socially valuable national journalism with a global communications environment?

Focusing on these two areas would enable researchers to offer a roadmap for changes to national public information policies that are needed to make investigative journalism practices in particular, and journalism in general, more sustainable.

The authors of this document are certain that defining, and later following regional principles of ethical, equal, and fair access to information is essential for achieving sustainable journalism in the Baltics.

PROMINENT LOCAL JOURNALISTS WHO AFFIRM THE POLICY STUDY IS NECESSARY

- **Arp Müller** Editor at the Estonian Public Broadcaster ERR
- **Birutė Davidonytė** Former 15min investigative journalist, showrunner at Freedom TV
- **Dainius Radzevičius** Head of The Lithuanian Journalists Union
- **Dovydas Pancerovas** former 15min investigative journalist, showrunner at Freedom TV
- **Helle Tiikmaa** Head of the Estonian Journalists Union
- **Holger Roonemaa** Head of the Investigative team at Ekspress Meedia
- **Indrė Makaraitytė** Head of the Investigative Journalism Department at the Lithuanian Public Broadcaster, LRT
- **Ilja Kozins** Chair of the Journalists Association of Latvia, LTV reporter **Kristers Paris** Special Correspondent at Eesti Päevaleht and Editor at Delfi.ee
- **Šarūnas Černiauskas** OCCRP regional editor for the Baltics, and investigative journalist
- **Vilma Matusevičiūtė Danauskienė** Editor of the TV3 Network, investigative journalist

RESEARCH METHODOLOGY

DESIGN

The original research methodology of the study is designed by the Riga-based Media policy expert and researcher Dr. Klinta Ločmele. Dr. Ločmele recently designed and implemented a research project about Latvia's journalists' abilities while accessing public information in cooperation with the Association of Latvian Journalists, the Embassy of Netherlands in Latvia and the Stockholm School of Economics in Riga.

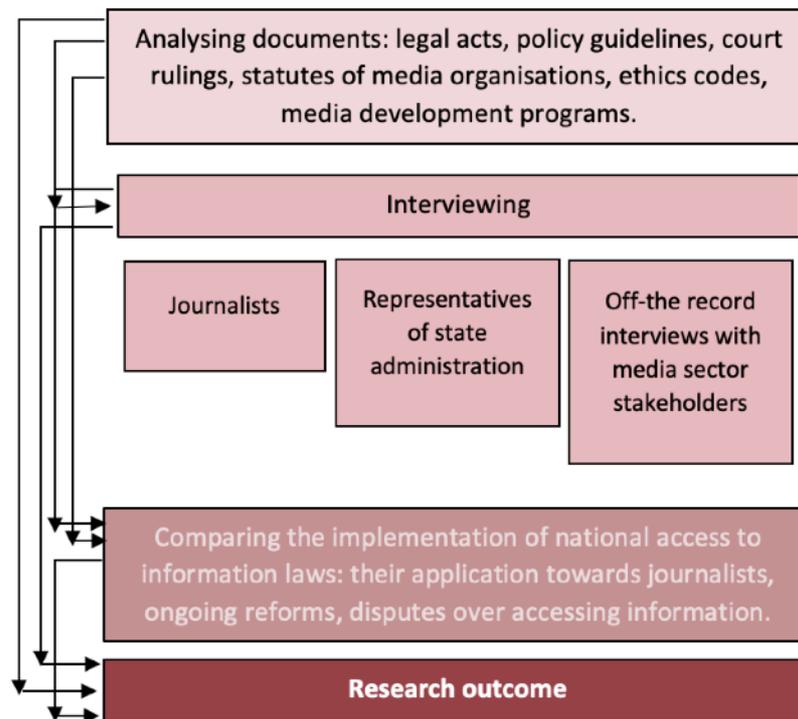
The research design will be updated by a team of selected researchers. For design clarity, the study defines three layers of analysis that correspond with three research phases.

- **DOCUMENTS** Assessing and comparing the journalists' powers when accessing information as defined by the (a) national legislation and (b) self-regulation (or co-regulation) ecologies.
- **PRACTICES** Registering journalists' practices, practices of the provision of information to journalists, appeal mechanisms and assessing how effective access to information regulations are.
- **CHALLENGES AND REFORMS** Assessing cases of freedom of information requests, measuring the effectiveness of provision of information mechanisms/models when they are facing internal and external challenges, evaluating recent and ongoing reforms of access to information regimes.

DATA ACQUISITION METHODS

- **LITERATURE OVERVIEW** Contextual and similar studies have been carried out in the past.
- **DOCUMENT ANALYSIS** Legal acts, court rulings, statutes.
- **SEMI-STRUCTURED INTERVIEWS** Based on fixed questionnaires.
- **IN-DEPTH INTERVIEWS** Off the record interviews with stakeholders in each country.

STRUCTURE OF THE STUDY



INTERVIEW GROUPS

In total, 15 interviews (five per country) with journalists and editors, plus 15 interviews (five per country) with information providers will form the basis of the research.

Investigative and news journalists and editors. The first round of interviews to be performed with journalists (five investigative journalists, daily news reporters and their editors in Latvia, Lithuania and Estonia). They will reveal their ways of obtaining public information: how journalists access public information in their journalistic routine, and how effective these attempts are; how the situation has changed over the last five years; what the main problems and obstacles to obtaining information are; what are the major risks they face.

Information providers. The second round of interviews will be held with representatives of state institutions (five per state) who are responsible for communication with journalists and providing the information to them. Interviews will help to see the process of information acquisition from the other side, and explore information provision routines in the public sector, thus allowing interviewers to recognise the most problematic aspects and identify opportunities for improvement. The set of basic questions will be followed by flexible questions adapted to each interviewee's position and previous responses.

Politicians and policymakers. The third round of interviews will be conducted off the record with politicians and state officials responsible for media policy development. These interviews will be unstructured, and will be adapted for each interviewee depending on the aim of the interview (for example, to deepen the understanding of the political motivation for blocking access to information, understanding viewpoints on legal documents and visions into how to improve journalists' access.)

OBJECTIVES, RESEARCH OUTCOME, RESULTS

OBJECTIVES

The ultimate purpose of the study is to enable further growth of investigative journalism by proposing the improvement of policies in the field of journalists' access to information.

THE ULTIMATE PURPOSE IS
THE GROWTH OF
INVESTIGATIVE JOURNALISM

The core tasks of the study are: comparing current access to information procedures, drawing constructive findings from freedom of information disputes and offering recommendations on how to make access to information mechanisms more efficient. These tasks are to be fine tuned by a team of chosen investigators when updating the provisional methodology of the study.

RESEARCH OUTCOME

The research outcome of the study is to be drawn from around 40 interviews with journalists and editors of news and investigative media, as well as politicians and state officials on the subject of the practicalities and legislation pertaining to access to information.

Besides document analysis and interviews, the study will hold a thorough analysis and comparison of two per country cases of disputes between journalists and representatives of state administration about the requests to access particular information.

TWO TYPES OF RECOMMENDATIONS

- A regional roadmap for sustaining and elevating freedom of information regimes. The roadmap will define a set of regional principles on how media stakeholders should react to concrete dangers (attacks against journalists' reputation, blurred lines between journalism and politics, media corruption, etc.) brought by being geographically close to the states that are hostile towards independent media.
- Three country-specific recommendations on policy changes to be made in order to increase journalism sustainability by developing inclusive, equal and fair national journalists' access to information mechanisms.

COMMUNICATING RESEARCH OUTCOME

The study will be published digitally as an approximately 60-page PDF report, and in print in a 4x4 colour A4 format soft cover publication. The report will be widely distributed to major stakeholders in the Baltic region as well as internationally.

The print version of the study will be delivered by mail to over 50 major media sector stakeholders in Lithuania, Latvia, and Estonia, including journalist communities, media companies and state officials operating in the field of communication. The PDF version of the report will be shared with over 20 global, 50 regional, and 100 local stakeholders through online channels controlled by study partners, such as the Reporters without Border website, its social media accounts, and mailing list.

Both the print and PDF versions of the report and all of the visual materials in it will include clear references to the donors of the study and their visual material informing the readers of their role in the project.

FINAL RESULTS

The published report will reach a professional audience of over 1,000 in the Baltic region and another 1,000 media scholars, press freedom advocates and journalists globally during the first week after publication. In the long term, the study is expected to reach an audience of over 100,000.

The study is expected to have a wide effect on media policies, and set their adjustments in motion. It is to be used by policymakers in devising policy changes across media sectors, journalists' communities seeking professional development, universities preparing future journalists and businesses developing new media products in the Baltics and beyond.

The long-term achievement of the study is to strengthen the position of independent journalism and the growth of investigative journalism initiatives in the Baltic states, in both number and quality.

Besides the obvious facts that sustainably operating journalism organisations will increase the quality of democracy, because of their ability to spot problems, call governments to action and provide truthful information on which both the authorities and its citizens can base their decisions, there is more. Sustainable journalism would significantly increase the Baltic governments' chances of keeping the national public information ecosystems both democratic and resilient.

EXECUTION AND REPORTING

INITIATORS

The Latvian Association of Journalists is one of the main partners initiating the study. It unites over 100 Latvian journalists, and is working to secure their rights by implementing multiple research and advocacy projects. www.latvijaszurnalisti.lv/aboutus/

The Estonian Association of Journalists is one of the main partners initiating the study. It unites around 300 Estonian journalists and media workers on voluntary basis, is politically unaffiliated artistic and professional association with trade union rights. www.eal.ee

Balticada is one of the leading partners initiating the study. It is an independent research unit working in the field of journalism and international relations within the Baltic region. www.balticada.eu

PARTNERSHIPS

Reporters Without Borders is a global press freedom advocacy organisation and an official partner of the study. Their central office will cover the coordination costs of up to €1,000, organise the peer-reviewing of the study by international experts and use its resources for communicating the study's results. www.rsf.org/en

The Public Information Ethics Commission of Lithuania is a federation of media sector business associations acting as the journalism ethics watchdog in Lithuania. www.etikoskomisija.lt

The Lithuanian Journalists Union is one of the partners of the study agreeing to provide consultancy and support. Its leadership affirms that such a study is necessary, and offers support while recruiting experts and members of the Steering Committee. www.lzs.lt

QUALITY CONTROL

The policy study is to be produced by six local researchers, three coordinators and the Investigator General, edited by native-speaking English language editors and peer-reviewed by international experts.

The Investigator General will be responsible for the quality of the research outcome and the final result. She/he will lead the research effort in cooperation with researchers. She/he will also be designing and leading the evaluation of the final result in cooperation with the three country coordinators who will record and describe the evaluation process in the interim and the final reports on the study results.

The Steering Committee will supervise the quality of the Investigator General's work both as the research peer-reviewing and evaluation quality assurance body. It will consist of representatives of study initiators, donors and partners along with guest representatives from local and international journalist communities and journalism advocacy NGOs, such as the European Federation of Journalists, Free Press Unlimited and Reporters Without Borders.

ACCOUNTABILITY AND REPORTING

The country coordinators will thoroughly document and report the development of the study to all donors and partners in two phases. First, the interim report highlighting the achievements and current setbacks of the study. All recommendations for adjustments to be made will be presented during the middle phase of the research period, just after finalising the collection of data and the completion of the interviews.

The country coordinators will monitor Lithuania's, Latvia's and Estonia's media coverage, and document the impact of the study two months after the publication of the report. A list of local news and social media messages in the format of a timeline indicating dates, authors and outlets along with short descriptions will be included in the final study report.

The final report, including the Investigators General account, feedback from the Steering Committee and media coverage analysis is to be presented three months after the publication of the research outcome.

YOUR CONTRIBUTION

We ask you to support the study with the financial contribution of €100, €1000 or €5.000. The donations will be accepted only in case the project will reach the full budget - €25.000.

The recipient for the donation is non-governmental organisation *Balticada Investigations Studio* registered in Lithuania. If the donation is rather to be made within Estonian or Latvian taxation systems, it can be accepted through one of the national journalists associations.

COORDINATORS

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Mari Peegel is an Estonian journalist. She graduated from the University of Tartu with an MA in Semiotics and Culturology in 2002. She has been a journalist for the Estonian daily newspaper, Eesti Päevaleht. Her articles are regularly published by the cultural publications Looming and Sirp and lifestyle magazine EMA. Besides her hometown Tallinn, she has resided in Berlin and worked as a guest journalist for Berliner Zeitung and Deutschlandfunk Kultur. In 2016, she was awarded the Critics' Award by Looming magazine. In 2017, she participated in the Goethe-Institut's journalism programme, Nahaufname. She is a member of the Board at the Estonian PEN Centre and is currently local correspondent at Reporters Without Borders. Contact: +3725204258, maripeegel@gmail.com