

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

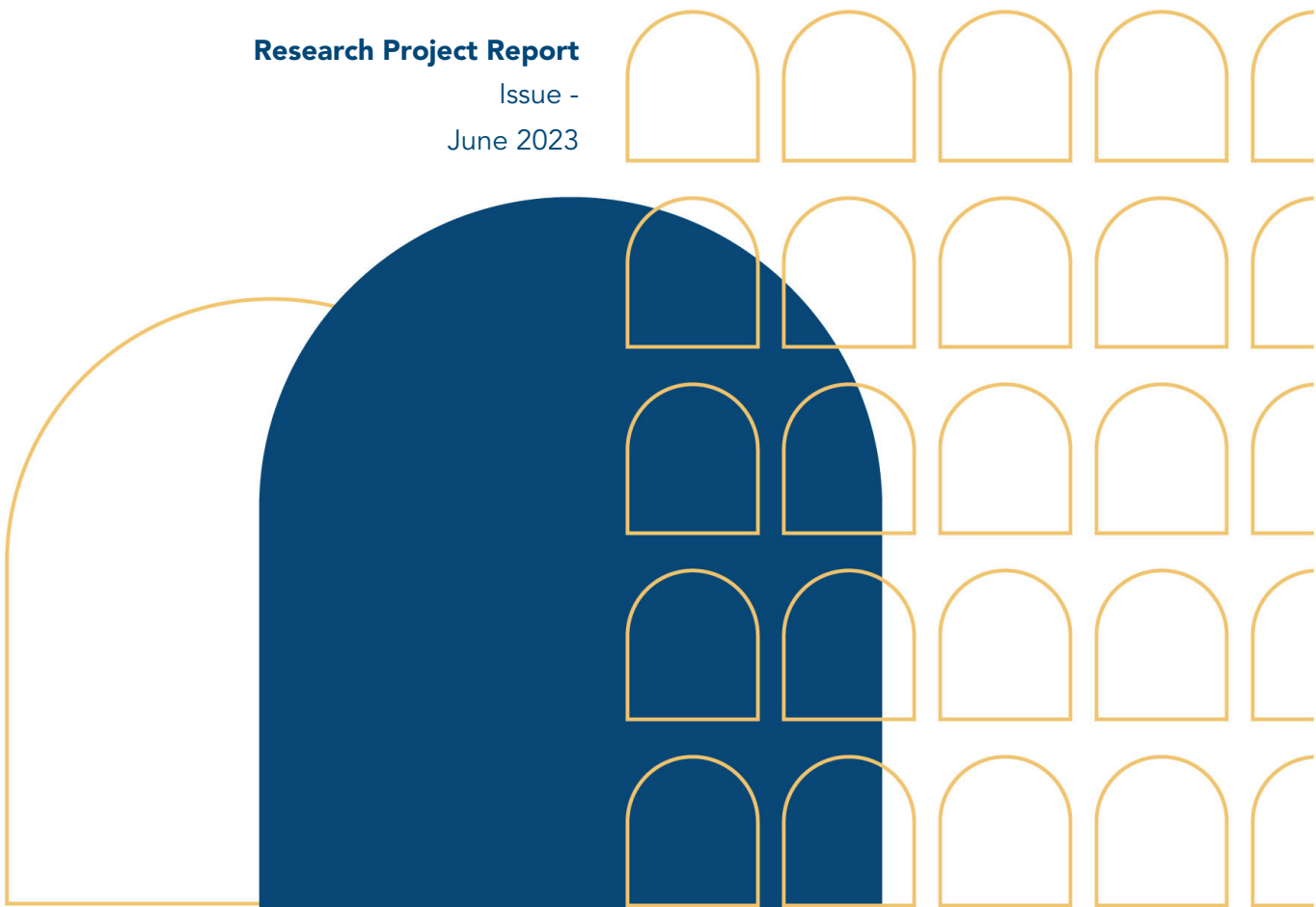
## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

Country report: Slovakia

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**Research Project Report**

Issue -  
June 2023



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Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-459-4

doi:10.2870/893760



With the support of the Erasmus+ Programme of the European Union. The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

# 1. About the project

## 1.1. Overview of the Project

*The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2022. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.*

## 1.2. Methodological notes

### Authorship and Review

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

*In Slovakia the CMPF partnered with Marína Urbániková (Masaryk University), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.*

*Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).*

<b>Fundamental Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

### The Digital Dimension

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

## **The Calculation of Risk**

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

*Scores between 0% and 33%: low risk*

*Scores between 34% and 66%: medium risk*

*Scores between 67% and 100%: high risk*

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

## **Methodological Changes**

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2023 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2023, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

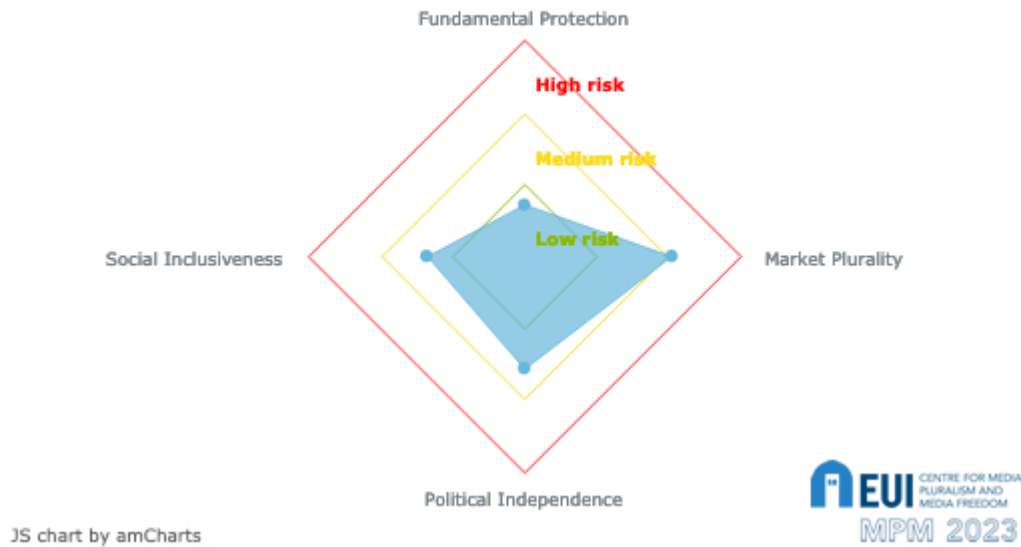
## 2. Introduction

- **Country overview:** Slovakia is a landlocked Central European country with a territory of 49,035 square kilometres and a population that exceeds 5.4 million. Its capital is Bratislava, with a population of over 480,000.
- **Languages:** The official language is Slovak. There are nine minority languages recognised by law: Bulgarian, Croatian, Czech, Hungarian, German, Polish, Roma, Ruthenian, and Ukrainian.
- **Minorities:** According to the country's 2021 census (ŠÚSR, 2022), the majority of the inhabitants have Slovak nationality (84%). The largest national minorities are Hungarian (8%), Roma (1%), Czech (0.5%), Ruthenian (0.4%), and Ukrainian (0.2%). However, it is assumed that many Roma people chose not to declare their ethnic identity in the census and that the Roma minority is, in fact, much larger; it is estimated at 440,000 (8%) (MVSR, 2019). Roma people predominantly live in the eastern part of the country. The Hungarian minority is concentrated mainly along the southern border with Hungary. The Bratislava region, which is situated in the west, is by far the richest of the country's eight regions, with a gross domestic product (GDP) that is almost double that of the Košice region in the east, which is second.
- **Economic situation:** The Slovak gross domestic product grew by 1.7% in 2022, according to the Slovak Statistical Office (ŠÚSR, 2023a). The performance of the economy was 1.2% higher than in the pre-pandemic period (i.e., 2019). On average, in 2022, the total annual inflation rate reached 12.8%, mainly due to rising energy prices and the highest increase in food and fuel prices in Slovakia's recent history (ŠÚSR, 2023b). The unemployment rate decreased to 6.1% in 2022 from 6.8% in 2021 (ŠÚSR, 2023c).
- **Political situation:** Slovakia is a parliamentary representative democratic republic with a multi-party system. Its political landscape is fragmented and, on average, six to seven parties are represented in the Parliament. The 2020 elections ended the eight-year rule of the left-wing Smer-SD party and brought to power a conservative-populist centre-right movement named OĽANO. After the resignation of Prime Minister Igor Matovič, his party colleague, Eduard Heger, led the government from April 2021 until December 2022, when his cabinet fell after losing a no-confidence vote. Early parliamentary elections in Slovakia are scheduled for September 2023. As of 2019, the presidency has been held by Zuzana Čaputová, who is female, liberal, and pro-European.
- **Media market:** Slovakia has a dual system for public and commercial broadcasting. The public service broadcaster, Radio and Television Slovakia (RTVS) has a relatively strong position; its most popular TV and radio channels are among the market leaders. There are seven nationwide daily newspapers (including two tabloids) and two nationwide press agencies that represent the written press. Czech and Hungarian media are also important players due to the shared historical background and language similarities with the Czech Republic and the presence of a significant Hungarian minority. Commercial TV stations and digital news portals remain the dominant news sources (Newman & et al., 2022).
- **Regulatory environment:** The Ministry of Culture creates the national media policies and drafts most media legislation. The regulatory environment changed significantly in 2022: two new laws came into force (*Act No. 264/2022 Coll., on Media Services* and *Act No. 265/2022 Coll., on Publications*) and a

new Council for Media Services was created from the Council for Broadcasting and Retransmission. The Council for Media Services is the major regulatory body that executes state regulation in the field of radio and TV broadcasting, retransmission, and on-demand audio-visual media services. Ethical self-regulation is performed by the Print-Digital Council of the Slovak Republic for the journalism industry and the Advertising Standards Council for advertising. The Slovak Syndicate of Journalists, the main professional association for journalists, plays a peripheral role because it lacks authority in the journalistic community.

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

#### Slovakia: Media Pluralism Risk Areas



According to MPM 2023, the main risks to media pluralism in Slovakia lie in the area of **Market Plurality** (this area displays a high-risk score, although it is very close to the medium-risk zone). The areas of **Political Independence** and **Social Inclusiveness** also remain of concern because their scores, in both cases, fall in the medium-risk zone. **Fundamental Protection** is the only area that displays a low level of risk for media pluralism. While the overall risk-zone for each key area remains the same, the risk scores in three out of four areas improved slightly compared to MPM 2022 (the exception is Market plurality where the risk score remained the same).

In the area of **Fundamental Protection** (24%), four out of five indicators displayed low risk. The outlier — Universal reach of traditional media and access to the Internet — showed to be a medium risk. This is due to the low share of households covered by broadband internet, rather low average internet speed, a lower than ideal percentage of the population covered by public service channel signals, and the lack of data on the market shares for internet service providers. Also, five years after the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová, Slovak journalists still face a considerable amount of threats and intimidation (ICJK, 2023).

**Market Plurality** scored the highest risk of the four areas (68%). Four out of five indicators — Plurality of media providers, Plurality in digital markets, Media viability, and Editorial independence from commercial and owners influence — displayed high risk. In this regard, the poor economic situation of the media seems to be the main threat to media pluralism in Slovakia. The assessment of the fifth indicator, Transparency of media ownership, has improved to low risk, from medium risk, due to new legislation adopted in 2022; both *Act No. 264/2022 Coll., on Media Services* and *Act No. 265/2022 Coll., on Publications* require publishers, news websites operators, broadcasters, and providers of on-demand audio-visual media services to disclose information about their ultimate owners.

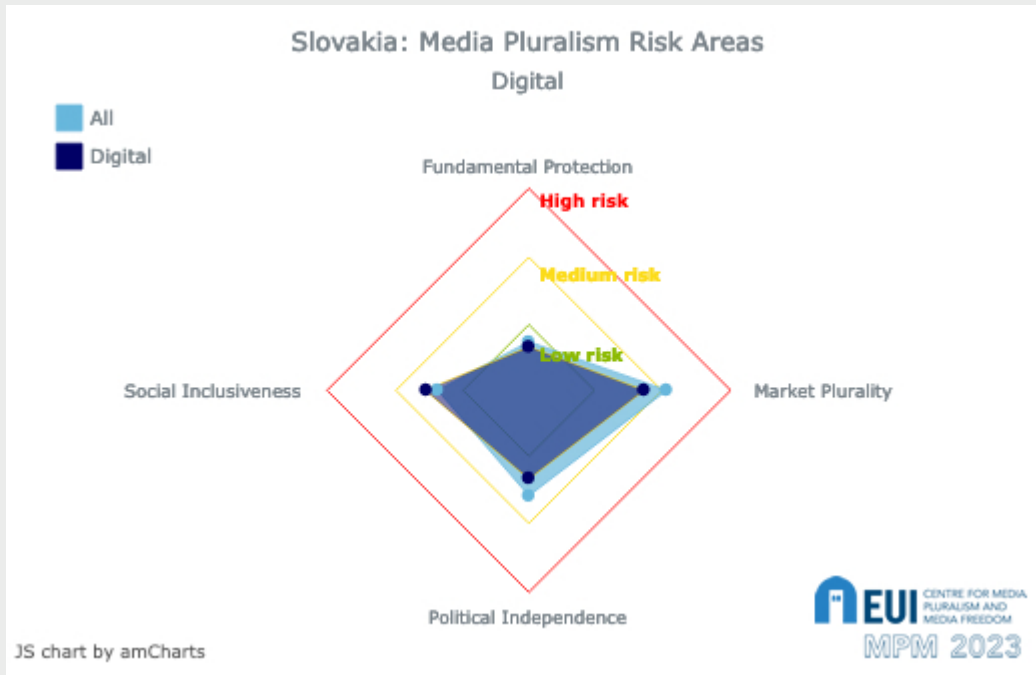
**Political Independence** displayed medium risk (52%), with only one indicator, Independence of public service media, exceeding the high-risk threshold. Following the election of a new Director General in 2022, the situation at Radio and Television of Slovakia (RTVS), Slovakia's public service broadcaster, has improved and stabilised. However, a systemic problem with the legislation that does not sufficiently



guarantee the independence of the Director General and members of the RTVS Council from political influence (because they are directly elected by Parliament) persists. In addition, the sudden abolition of licence fees by the Slovak Parliament at the end of 2022 and the plan to finance RTVS directly from the state budget (presumably in the form of a statutory share of gross domestic product) raise further concerns about the independence of RTVS. Moreover, the lack of safeguards to prevent politicians from owning media companies and the proliferation of disinformation websites pose further risks.

In the area of **Social Inclusiveness** (45%), Gender equality in the media was identified as the most problematic indicator (it scored high risk). Although there are undoubtedly many excellent and successful women journalists in Slovakia, including several editors-in-chief, the overall proportion of women in the leadership of media organisations is low, as is the representation of female experts in news and current affairs content. More importantly, the position of women in the media industry and their media representation is rarely the subject of public debate. However, last year brought positive changes in the Social Inclusiveness area. The adoption of new and more modern media legislation, introduced, among other things, a legal definition for community media that grants them access to the TV and radio infrastructure (§ 30, § 44, and § 107 of *Act No. 264/2022 Coll., on Media Services*), and gave the Council for Media Services new regulatory powers for online platforms (§ 151 to § 153 of *Act No. 264/2022 Coll., on Media Services*), which the Council is actively and effectively using. This resulted in improved risk ratings for two indicators: the score for Local/regional and community media shifted to the low-risk zone from the medium-risk zone, and the score for Protection against disinformation and hate speech shifted to the medium-risk zone from the high-risk zone.

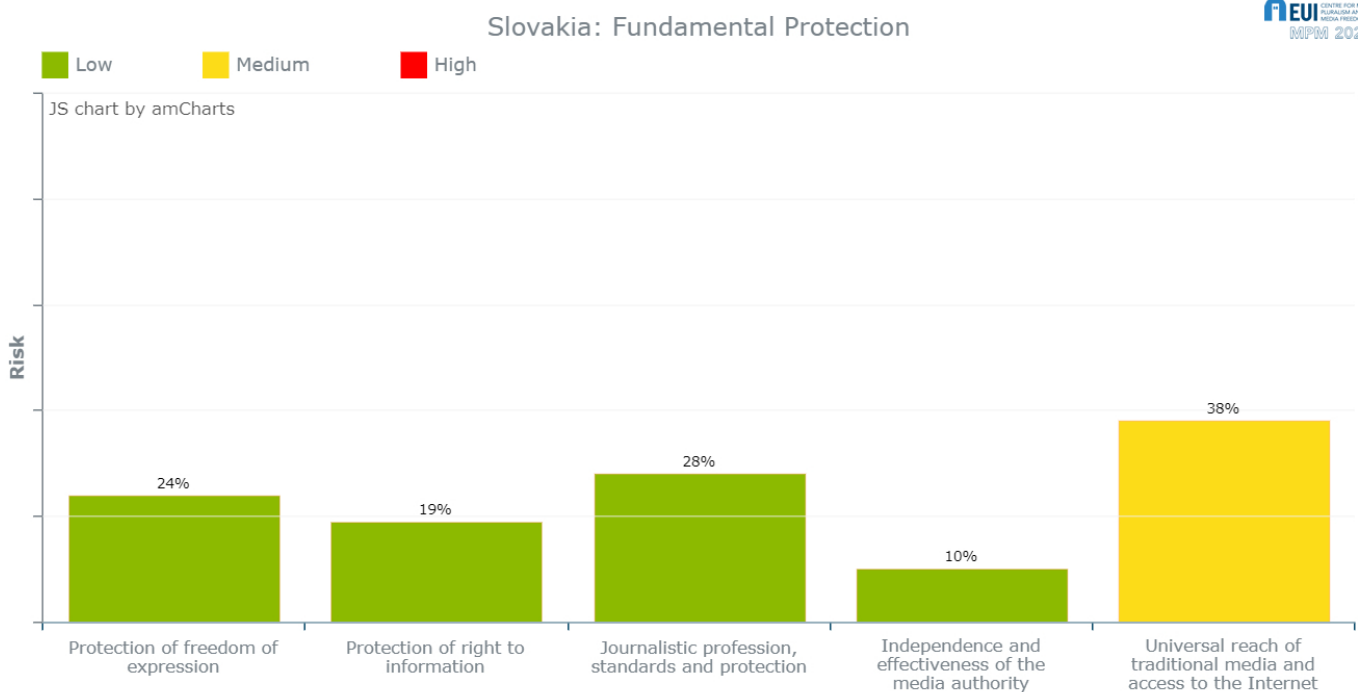
## Focus on the digital environment



Similar to last year, the assessment of the risks for pluralism in the online environment provides somewhat more favourable results than the overall pluralism assessment. This applies to the areas of **Political Independence** (44%) and **Market Plurality** (57%) in particular. The only area where the level of risk in the online environment is higher than in the overall pluralism assessment, is **Social Inclusiveness** (51%), mainly due to the lack of a systematic, comprehensive, and up-to-date media literacy policy, and the burgeoning activities of dis- and misinformation online media. All three of these areas fall in the medium-risk zone; the remaining one, **Fundamental Protection** (21%), falls in the low-risk zone.

### 3.1. Fundamental Protection (24% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



In the area of **Fundamental Protection** (24%), four out of five indicators displayed low risk (as in the previous year). The only exception was the indicator for the Universal reach of traditional media and access to the Internet. This is due to a lower than ideal percentage of the population being covered by public service channel signals, the low share of households covered by broadband internet, rather low average internet speed, and the lack of data for the market shares of internet service providers.

Similar to last year, **Protection of freedom of expression** showed to be a low risk (24%) because Slovak legal provisions adhere to international human rights standards (see *Act No. 460/1992 Coll., Constitution of the Slovak Republic*; *Act No. 23/1991 Coll., that introduces The Charter of Fundamental Rights and Freedoms*). Nonetheless, defamation is still defined as a criminal offence and it may be punished with up to eight years of imprisonment (*Act No. 300/2005 Coll., Criminal Code*). The length of the prison sentence makes the Slovak defamation legislation one of the strictest in Europe (Griffen, 2017). Although accusations of defamation have been rare and have not led to convictions in recent years, in the past, politicians and judges used them to respond to criticism (Griffen, 2017; Hanák, 2016). In 2022, the Ministry of Justice announced that it planned to reduce the penalties for the offence of defamation. The original version of the [proposed amendment](#) to the Criminal Code stipulated that the penalty for defamation should generally no longer be linked to imprisonment and, only in more serious cases, the upper limit of the penalty should be one year of imprisonment. However, the wording of the [proposed amendment](#), which was approved by the government in March 2023, provides only for a reduction of the prison term (to one to two years instead of one to eight years). The proposal also extends the list of motives for the hatred against certain groups of the population and stipulates a new specific motive: the exercise of a profession, occupation, or function, in response to the increase in attacks against journalists, as well as, for example, health professionals and

other professions.

In the **Protection of right to information** indicator, the risk was assessed as low (19%), the same as last year. In 2022, the Parliament approved an amendment to *Act No. 211/2000 Coll., on Free Access to Information*, which brought a number of positive changes (e.g., information must be provided by organisations with majority state participation, which have often so far avoided this obligation; journalists and other persons shall not be penalised for disseminating information obtained using the act). If it is confirmed in practice that the amendment has indeed improved access to information, the risk assessment will be revised next year. The independent Office for the Protection of Whistleblowers, which was established in 2021 (based on *Act No. 54/2019 Coll., on the Protection of Whistleblowers*), has had a promising start. In its first year of operation, several hundred people contacted it for help or advice. In 2022, it launched a communication campaign to raise awareness of whistleblowing (ÚOO, 2022). Since autumn 2022, an [amendment](#) to *Act No. 54/2019 Coll., on the Protection of Whistleblowers*, which transposes the EU Directive on Whistleblowing (Directive 2019/1937), is being debated in Parliament; however, the deadline for transposing the directive was in December 2021.

**Journalistic profession, standards and protection** showed to be a low risk (28%), with no annual change. Although Slovak journalists' working conditions are generally rather favourable, several issues deserve attention. First, Slovak journalists often face attacks, threats, and intimidation, and the attacks sometimes come from top politicians (e.g., see European Centre for Press and Media Freedom, 2022). According to a survey conducted by the Investigative Center of Ján Kuciak, two out of three Slovak journalists experienced a threat or intimidation in the preceding 12 months and 4% experienced a physical attack (ICJK, 2023). Regarding the prosecution of crimes against journalists, the case against the two persons accused of ordering and organizing the 2018 murder of the investigative journalist Ján Kuciak and his fiancée was still pending in 2022. In June 2021, the Slovak Supreme Court ordered a new trial, finding that the 2020 verdict did not adequately examine all of the available evidence (CPJ, 2021). In May 2023, the Specialized Criminal Court acquitted a businessman who was the suspected mastermind of the murder, but convicted his close associate of ordering the murder and sentenced her to 25 years in prison (IPI, 2023). The case is likely to proceed with a further appeal to the Supreme Court. Second, some journalists are in a vulnerable position due to the widespread practice of circumventing standard employment contracts in order to cut costs. Third, the Slovak Syndicate of Journalists, the main journalists' professional association in Slovakia, is not effective. It lacks authority in the journalistic community, it does not engage in public debates on current issues regarding journalists and journalism, and the membership rate among active journalists is very low. Thus, a collective voice and defence are lacking when there is an attack against journalists or the journalistic community. Fourth, the lack of specific anti-SLAPP (strategic lawsuits against public participation) legislation also contributes to the vulnerability of Slovak journalists. According to estimates by the Ministry of Justice, approximately 10 SLAPP cases against journalists were registered in Slovakia in 2022 (MSSR, 2023). Regarding the European Commission's [Recommendation 2022/758](#) on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"), the Slovak Ministry of Justice does not plan to translate it into Slovak legislation, with the exception of the reduction of penalties for the offence of defamation (Euractiv.sk, 2022).

**Independence and effectiveness of the media authority** scored as a low risk (10%), the same as in the previous year. Regarding the key regulatory body, the Council for Media Services (a new body that replaced the Council for Broadcasting and Retransmission under the new *Act No. 264/2022 Coll., on Media Services*, which was adopted in 2022), there are no reports that suggest that its decision-making practice had been

compromised or that its decisions were outside the realm of what would be considered as legitimate dissent. However, politically motivated nominations have occurred in the past years and the risk of the selection and appointment of candidates based on their political connections and affiliations still exists because these are elected directly by the Parliament.

The score for **Universal reach of traditional media and access to the Internet** remains in the medium-risk zone (38%). This is because not all citizens can receive the signal for public service channels (only 94% of the population has this opportunity; RVR, 2022). Also, only 84% of households are covered by broadband internet, which is below the EU average of 90% (European Commission, 2022), and the average internet connection speed is rather low compared to other EU countries. In addition, regarding net neutrality, ownership concentration of the internet service providers (ISPs) cannot be assessed because there are no comprehensive data for the market shares of the main players.

### Focus on the digital environment

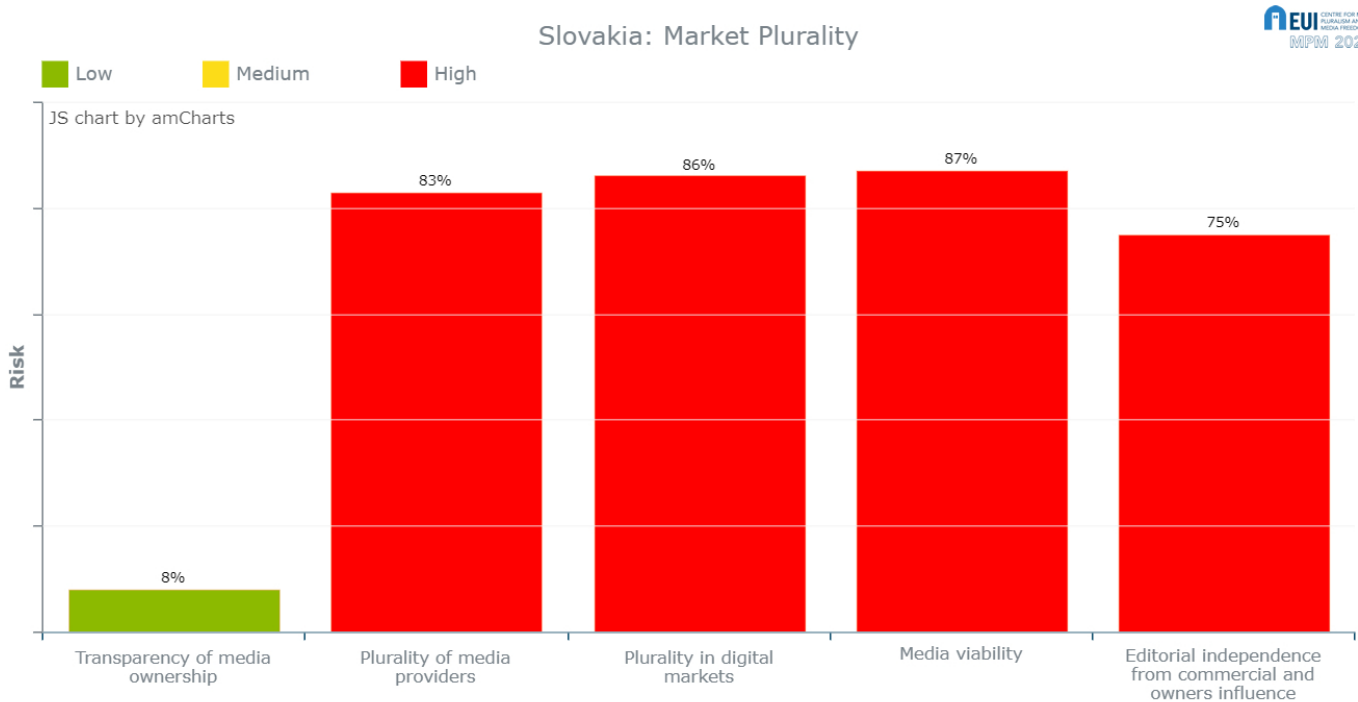
When it comes to pluralism in the online environment, **Fundamental Protection** scored as a low risk with almost the same result as the overall score for this area (21% for digital domain compared to 24% in total). Freedom of expression is clearly defined by law, and it applies to the online environment as well, without any limits or exceptions. However, in 2022, after the outbreak of war in Ukraine, the state blocked, in a non-transparent manner, four (alleged) disinformation websites on the basis of a hastily adopted amendment to *Act No. 69/2018 Coll., on Cyber Security*. While effective defence against disinformation and hybrid threats is undoubtedly important, and, from the point of view of the content itself, the classification of the blocked websites as disinformation/propaganda sites can be agreed upon, the procedure adopted by the state was problematic (for a summary, see Denník N, 2022a). As of autumn 2022, Parliament debated another amendment to *Act No. 69/2018 Coll., on Cyber Security*, which would allow the National Security Office to block disinformation websites, but only with court approval; it would also have to publish its decisions on its website and the block could last a maximum of nine months (Denník N, 2022b).

Also, the online safety of journalists is a concern. Online harassment and abuse come from different actors, especially from audience members (e.g., insults and threats via e-mail or social media) and political actors (e.g., see European Centre for Press and Media Freedom, 2022). However, no cases of digital surveillance, hacking, and other attacks by state or non-state actors were reported in 2022.

The data retention obligations for Electronic Telecommunications Operators and Internet Service Providers are transparent and fully compliant with international human rights standards. Regulatory safeguards for net neutrality are well implemented in practice and regularly monitored by the Regulatory Authority for Electronic Communications and Postal Services. On a less positive note, the ownership concentration of the internet service providers cannot be assessed because there is no comprehensive data for the market shares of the main players. Also, the share of households covered by broadband internet is below the EU average (84% compared to 90%; European Commission, 2022), and the average internet connection speed is rather low compared to other EU countries.

### 3.2. Market Plurality (68% - high risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



**Market Plurality (68%)** is the only area that was assessed as high risk in Slovakia, the same as last year. While last year, two indicators — Plurality of media providers and Plurality in digital markets — were in the high-risk zone, this year, two more indicators — Media viability and Editorial independence from commercial and owners influence — shifted to the high-risk zone from the medium-risk zone. On a more positive note, there was a significant improvement in the indicator of Transparency of media ownership, where the estimated risk decreased to low from medium.

The risk score for **Transparency of media ownership** decreased to low risk at 8%, from medium risk of last year, due to new legislation adopted in 2022 (*Act No. 264/2022 Coll., on Media Services* and *Act No. 265/2022 Coll., on Publications*), which requires publishers, news website operators, broadcasters, and the providers of on-demand audio-visual media services to disclose information on their ultimate owners.

Like last year, **Plurality of media providers** displayed a high-risk score (83%). Based on the methodology employed by the MPM, which uses the audience/revenue share of the four largest media owners in each sector (i.e., print, TV, radio, digital) as an indicator to assess the level of ownership concentration, the audience concentration in the newspaper, audio-visual, and radio sectors is high (i.e., the audience share of the top four media owners exceeds 55%). However, the limited size of the Slovak media market must be taken into account when interpreting these results. The data on market share (based on revenue) in individual sectors are not collected and published, and it is, therefore, not possible to evaluate the level of concentration of ownership and the efficiency of the measures aimed at the prevention ownership concentration. The regulatory safeguards against the high degree of horizontal and cross-media

concentration of ownership in the media sector, which were adopted in 2022 (*Act No. 264/2022 Coll., on Media Services* and *Act No. 265/2022 Coll., on Publications*) applied solely to TV and radio broadcasters and did not cover press and news websites. This shortcoming was remedied by §101 of *Act No. 264/2022 Coll., on Media Services*, which came into force at the beginning of 2023. It requires the Council for Media Services (the national regulatory authority) to assess the impact of the content service providers and the media groups on the plurality of information and the advertising market, and to assess the risk of the distortion of the plurality of information. It provides that the council shall not issue a licence, authorisation, or registration to a content service provider whose share in the advertising market would exceed the 60% threshold. The same applies if the content service provider would reach an advertising market share of between 30% and 60% and there would be an imminent risk of endangering the plurality of the information provided to the public.

The **Plurality in digital markets** indicator remained in the high-risk zone (86%), as in the previous year. When it comes to online platforms, the concentration of ownership is difficult to assess because there are no data for online advertising revenue share or online audience share. In addition, there are no media-specific rules to prevent high levels of concentration in the digital advertising market. The Antimonopoly Office enforces supervision under the general rules derived from *Act No. 187/2021 Coll., on the Protection of Competition*. When it comes to financial agreements between digital intermediaries and news-media producers, although the amendment to *Act No. 185/2015 Coll., the Copyright Act* that transposed EU Directive 2019/790 was adopted in 2022, it did not make any major changes in practice. No particular form of taxation for digital services has been introduced or scheduled.

Compared to last year, the assessment of **Media viability** deteriorated to high risk from medium (the score increased to 87%). The nominal public service media revenues and the nominal advertising revenues in the TV, radio, and digital sectors (according to the WARC Adspend database forecast) grew slightly in 2022, but growth was well below the rate of inflation. The newspaper and magazine sector even saw a nominal decline. Thus, in the context of high inflation, some media are facing financial difficulties. Also, according to the Association of Slovak Print and Digital Media, total revenues went down in 2022 and economic results were worse than in 2021, especially in the print media sector. Although there were no reports of substantial lay-offs or salary cuts, some smaller publishers were forced to lay off staff (according to the industry associations), and salaries stagnated or their increase fell short of the rate of inflation. The economic condition of the media sector, as a whole, is difficult to determine because revenue data for 2022 are not available. The fragile economic situation of the news media is not helped by the absence of schemes for public support for this sector.

In the case of **Editorial independence from commercial and owners influence**, the risk score shifted from the medium to the high-risk zone, increasing to 75%. Several risk factors can be identified. Slovakia lacks a mechanism (legal or self-regulatory) that would grant journalists specific social protection in the case of changes to ownership or the editorial line (journalists are only protected via general provisions of *Act No. 311/2001 Coll., Labour Code*). It also lacks regulatory safeguards to ensure that decisions about the appointments and dismissals of the editor-in-chief are not influenced by commercial interests, as well as self-regulatory schemes that would guarantee a clear separation between the editorial and commercial activities of news organisations or require news organisations to disclose any actual or potential conflicts of interest for the media owners that could affect editorial content. Also, although there is no systematic data or reports on the commercial influences upon editorial content, anecdotal evidence (e.g., see the case of the magazine *Trend*; O médiách 2020a and 2020b) and the ownership structure of the Slovak media, give rise to concerns. The vast majority of the key Slovak media outlets are in the hands of the local (i.e., Czech and

Slovak) oligarchs. These groups and businessmen have interests in many industries and politics. Given the difficult economic situation in the media market, it seems likely that at least some of these owners bought the media outlets to support their activities and interests outside the media field (in the past, some admitted it openly; see Denník N, 2015). On a positive note, laws and self-regulatory measures to prohibit advertorials and disguised advertisements are in place and fairly effective.

### Focus on the digital environment

In the area of **Market Plurality**, the online media environment displayed lower risk (57%; medium risk) than the overall media market (68%; high risk), largely because Slovak digital media have long been at the forefront of efforts to develop new revenue streams (Baker, 2012).

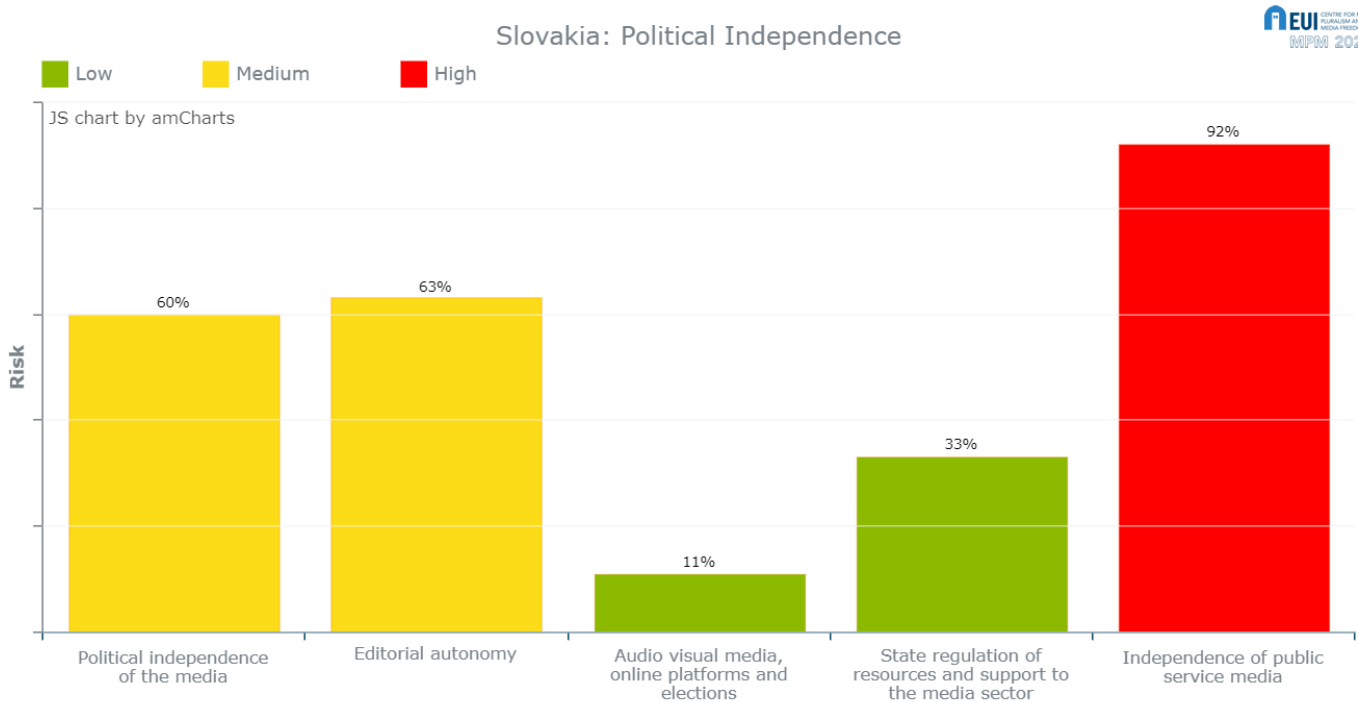
When it comes to the Transparency of media ownership, after the adoption of the new *Act No. 265/2022 Coll., on Publications* in 2022, the legal provisions that require the disclosure of ownership details (including the ultimate owners) also apply to native digital media. However, the law does not require financial reporting in the digital media sector. The actual level of ownership concentration in the online news media sector is difficult to assess because there is no data about their market shares or advertising revenue (the same applies to online platforms). Based on the limited data on the Top 20 most visited Slovak news websites, the top four online news websites achieved an audience/reach share of 40% (IAB Slovakia, 2022). In the case of digital native news media, there were no media-specific regulatory safeguards against high levels of horizontal and cross-media concentration in 2022. The same applied to online platforms in general. The Antimonopoly Office provides supervision under the general rules derived from *Act No. 187/2021 Coll., on the Protection of Competition* without taking into account specificities and the digital evolution of the media sector. As per financial agreements between digital intermediaries and news-media producers, although the amendment to *Act No. 185/2015 Coll., the Copyright Act*, which transposed EU Directive 2019/790 and was adopted in 2022, it did not bring any major changes in practice. For instance, most Slovak media outlets immediately agreed to Facebook's demands and granted the company the right to use their images free of charge (Denník N, 2022c). Google entered into agreements with six Slovak publishers, to whom it will pay regular royalties for the content they supply to Google News (Google, 2022). No particular form of taxation for digital services has been introduced or scheduled. In economic terms, the year 2022 witnessed a modest growth of 3% in internet advertisement spending (i.e., not only digital news media), which is well below the rate of inflation (IAB Slovakia, 2023). According to the statements of industry associations provided for the purposes of this report, in 2022, even large media houses with strong online channels experienced decreases in overall revenues.

When it comes to commercial influence on digital media, disguised advertisement in both traditional and digital media is banned by law (*Act No. 250/2007 Coll., on Consumer Protection*). Regarding self-regulation, commercial interference is also prohibited by both the [Journalist's Code of Ethics](#) and the [Code of Ethics for Advertising Practice](#).



### 3.3. Political Independence (52% - medium risk)

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



The area of **Political Independence** continues to be in the medium-risk zone, but compared to last year, the risk score improved to 52%. Only one indicator exceeded the high-risk threshold: Independence of public service media. In the Political independence of the media indicator, the risk assessment improved to medium risk from high because there is no tangible record of the presence of political control over the media. The risk assessment for the remaining three indicators remained unchanged: Editorial autonomy is in the medium-risk zone, while the indicators of Audio-visual media, online platforms and elections, and State regulation of resources and support to the media sector display low risk.

The risk score for **Political independence of the media** decreased to medium risk (60%) from high in the current year, mainly due to the absence of reports (by scholars, NGOs, and media outlets) and the absence of indications of possible political influence. However, there are no regulatory safeguards that would prevent a conflict of interest in the media sector or effectively limit the direct or indirect control of media outlets by politicians, political parties, and partisan groups. Politicians are not shy to take advantage of this lack of legal regulation: for instance, Boris Kollár, the leader of Sme Rodina Party, who also serves as the Speaker of the National Council of the Slovak Republic, owns two of the four radio stations with the highest audience share in Slovakia. Also, the political independence of town hall media (i.e., local/regional) is of concern because these outlets are funded and owned by local/regional authorities, and their content is often blatantly skewed in favour of the current local/regional political representation (Transparency International Slovakia, 2022a). Furthermore, fake-news websites and disinformation promoted by online media continued to proliferate in 2022.

Like last year, **Editorial autonomy** displayed a medium risk score (63%). On a positive note, self-regulatory measures that stipulate editorial independence from political interference are included in the Journalist's Code of Ethics, and all of the major media outlets, including press agencies, signed on to it. In the monitored period, no major incidents were reported by the Print-Digital Council of the Slovak Republic, the self-regulatory body for journalistic ethics. On a more negative note, there are no legal safeguards that would guarantee autonomy when appointing and dismissing editors-in-chief. In general, there are no serious signals that the majority of the legacy media would be troubled by political influence.

As in 2021, **Audio-visual media, online platforms and elections** scored low risk, improving this year to 11%. The concerns about the political independence of public-service broadcaster RTVS and its fair representation of political actors and political viewpoints diminished after the arrival of a new Director General in August 2022. In general, the regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints is in place, and it is effective most of the time. Combined municipal and regional elections were held in Slovakia in October 2022; according to the monitoring conducted by the Council for Media Services, no violations of the relevant legislation were detected (Council for Media Services, 2022a).

**The State regulation of resources and support to the media sector** displayed a low risk score (33%). However, like last year, a general lack of transparency for state advertising remains an issue. There is no specific legislation that would stipulate the rules for the distribution of state advertising to media outlets.

**Independence of public service media** remained in the high-risk zone, decreasing at 92%. The current legal regulation (*Act No. 532/2010 Coll., on the Radio and Television of Slovakia*) does not guarantee the independence of the Director General of RTVS and the RTVS Council members from political influence because these are all elected directly by the Parliament. The law itself would not necessarily be problematic if the political actors were willing to select candidates based on professional, and not political, criteria. There is some anecdotal evidence that in 2022, as in previous years, the appointment of the Director General was, in practice, not independent of political influence (Denník N, 2022d; Denník N, 2022e; Urbániková, 2021). Political influence and pressure were also noted in relation to key personnel: after RTVS provided late and inadequate coverage of the Russian invasion of Ukraine compared to commercial TV stations, the head of the news section resigned in February 2022, and, in an interview, the Director General did not deny that the government demanded the end of his tenure (Denník N, 2022f). In addition, even though the RTVS funding system has long been inadequate, the sudden abolition of licence fees by the Slovak Parliament at the end of 2022 and the plan to finance RTVS directly through the state budget (presumably in the form of a statutory share of gross domestic product) raise further concerns about the independence of RTVS (Public Media Alliance, 2023). Moreover, an "online public service mission" does not exist as a legal concept and it is not defined in law.

### Focus on the digital environment

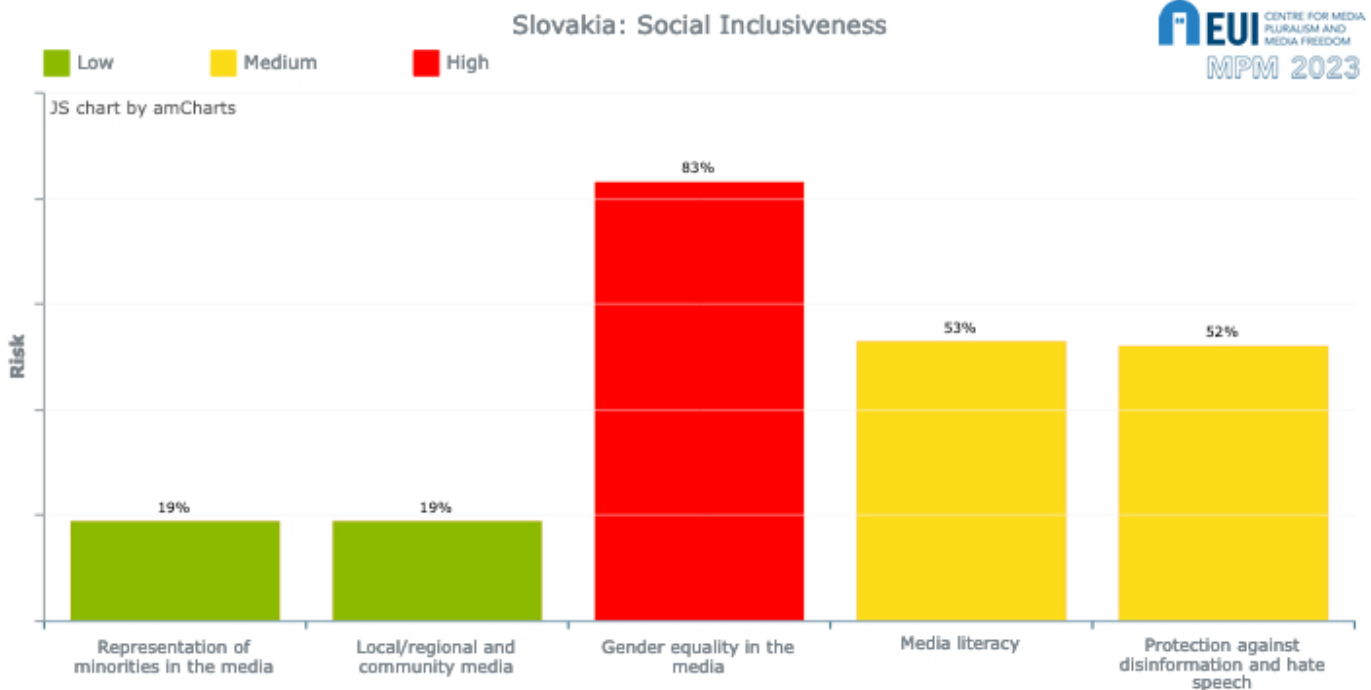
In the area of **Political Independence**, online media are less at risk of being politically controlled than the media sector in general (44% compared to 52%; medium-risk zone). The leading native digital media are largely free from political influence. However, the worrying trend of the increased activity of news websites with unclear funding that produce biased content, fake news, and disinformation continued in 2022. These online media do not adhere to journalistic standards or ethical codes of

conduct, and their stories often do not have an identifiable author. They produce biased content, fake news, misinformation, disinformation, and, in some cases, extremist propaganda.

The risk also lies in the lack of regulation for political advertising on online platforms. *Act No. 181/2014 Coll., on Electoral Campaigns* does not apply to news websites and broadcasting carried out exclusively via the internet (Council for Media Services, 2022b). This means that political parties and candidates who compete in elections are not obliged to report separately on campaign spending on online platforms and social media. This is, at least partially, remedied by the estimation of the costs of the online advertising campaign provided by Transparency International Slovakia, which is based on the analyses of the transparent accounts of individual political parties. Such a study was also conducted after the combined municipal and regional elections held in Slovakia in October 2022 (Transparency International Slovakia, 2022b).

### 3.4. Social Inclusiveness (45% - medium risk)

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



The area of **Social Inclusiveness** continued to be in the medium-risk zone, with a slight improvement compared to last year (45% compared to 54% in MPM2022). Only one out of the five indicators displayed high risk: Gender equality in the media. The adoption of new and more modern media laws (*Act No. 264/2022 Coll., on Media Services*, which finally implemented Audio-visual Media Services Directive 2018/1808, and *Act No. 265/2022 Coll., on Publications*) brought several positive changes that resulted in improved risk ratings for two indicators: the score for Local/regional and community media shifted to the low-risk zone from the medium-risk zone, and the score for Protection against disinformation and hate speech shifted to the medium-risk zone from the high-risk zone.

The risk score for **Representation of minorities in the media** remained in the low-risk zone with a similar risk score to last year (19% compared to 24% in MPM2022). Only public service media are legally required to grant proportional airtime access to national minorities (see *Act No. 532/2010 Coll., on the Radio and Television of Slovakia*); this does not apply to commercial media. In general, RTVS fulfils its legal obligation to cater to the needs of national minorities well, as stated by the RTVS Council (RTVS, 2022). Access to airtime in PSM and commercial media for minorities that are not legally recognised (e.g., LGBT+, migrants, Muslims) could be improved, as could their media representation. On a more positive note, Slovakia has a well-developed and implemented legal framework for providing media content to people with disabilities. The new *Act No. 264/2022 Coll., on Media Services*, adopted in 2022, significantly increased the requirements for broadcasters in terms of the proportion of programmes that must be accompanied by voice-overs for persons with visual impairments, and the proportion of programmes with subtitles or sign language for persons with hearing impairments (transitional provisions apply; the proportions of programmes should reach the level set by the Act in 2027).

The **Local/regional and community media** indicator scored as a low risk (19%), which is an improvement compared to last year's medium-risk score (44%). This reflects the positive change brought about by the new *Act No. 264/2022 Coll., on Media Services*, which, among other things, introduced a legal definition for community media (§107) and granted them access to TV and radio infrastructure (§30 and §44). On a less positive note, local and regional media are in a difficult economic situation and there is no state system to support them through subsidies.

As in the previous year, **Gender equality in the media** scored as a high risk (83%; almost the same score as in the MPM 2022). Women are severely underrepresented in executive positions and on the management boards of both PSM and commercial media, and comprehensive gender equality policies are lacking (even in PSM). Besides, women experts are less often than men invited to comment on political and other relevant matters and events. For example, based on the data collected for this report, in the first half of 2022, women accounted for 11% of the guests on the political talk show *O 5 minút 12* (public-service RTVS), 15% of the guests on the political talk show *Na telo* (Televízia Markíza), 16% of the guests on the political talk show *V politike* (TA3), 7% of the guests on the talk show on societal issues *Do kríža* (public-service RTVS), and 24% of the guests on the talk show on societal issues *Večera s Havranom* (public-service RTVS). Such bias is, to some extent, attributable to the lower representation of women in politics and the public sphere; however, this is rarely considered problematic, and systematic efforts to achieve equitable representation for women in the media are lacking.

**Media literacy** remains in the medium-risk zone (53%). The key issues are the same as in the previous year: the media literacy policy is underdeveloped, outdated, and not among the priorities of the current political leadership. Although media literacy is a compulsory cross-cutting subject in primary and secondary education, there is some evidence that, in practice, it is not being implemented in the curriculum (Bielčíková, 2021). Activities to enhance media literacy are limited and often depend on EU funding, so they are not sustainable in the long term. However, a positive change was brought about by the newly adopted *Act No. 264/2022 Coll., on Media Services*, which vested new competencies in the area of media literacy to the Council for Media Services (in §110 (3) (g, j)). In 2022, the Council for Media Services started to coordinate various activities and initiatives in the field of media literacy in Slovakia, bringing together several dozen actors from the public, non-governmental, and private sectors, and creating the Media Literacy Platform.

The assessment of the indicator on **Protection against disinformation and hate speech** improved and scored as a medium risk (52%) compared to the high risk (71%) of the preceding year. This reflects the positive change brought about by the adoption of the new *Act No. 264/2022 Coll., on Media Services*, which gave the Council for Media Services new power to regulate online platforms (§151 to §153). People who are unsuccessful in complaining to online platforms about illegal content (e.g., the content that fulfils the characteristics of child pornography and extremist material; content that incites or endorses an act that fulfils the characteristics of terrorism; content that fulfils the characteristics of the criminal offence of defamation of nation, race, and beliefs, or the criminal offence of incitement to national, racial and ethnic hatred; see §151 (2)) can now turn to the council, either in writing or electronically. The council can initiate proceedings (§152) and possibly fine the platforms (§144). In addition, the Council for Media Services can initiate proceedings to prevent illegal content even if it becomes aware of the existence of illegal content through its own activities (§152 (3)). In the first six months since the new act came into force, the council's office has reported more than 400 posts to online platforms (Council for Media Services, 2023a). The council's proactive approach in the hate speech agenda was also evident after a radicalised attacker shot and killed two people and injured another outside an LGBTQ+ bar in Bratislava in October 2022 (see Council for

Media Services, 2023b for details of the case and for the critical analysis of the content moderation policies and responsiveness of online platforms).

However, disinformation is still widespread in Slovakia (GLOBSEC, 2022). The impact of fact-checking initiatives is limited; for example, under Meta's Third-Party Fact-Checking Program, all Slovak content on Facebook is fact-checked by just one person (Slovak Spectator, 2021). On a more positive note, there are a number of non-governmental initiatives to monitor and research disinformation. In addition, in March 2022, the government approved the Action Plan for Coordinating the Fight against Hybrid Threats 2022-24, which was authored by the Ministry of Defence and which includes a section on Strategic Communication and Disinformation (MOSR, 2022). In this area, the government plans, for example, to conduct a comprehensive analysis of the possibilities for increasing the transparency of the internet information space; to revise the Criminal Code in the context of hybrid threats; and to analyse the possibilities of effectively sanctioning the production and dissemination of disinformation.

### Focus on the digital environment

In the area of **Social Inclusiveness**, the risk score for the online media environment somewhat exceeds the risk identified for the total media sector (51% compared to 45%). Still, in both cases, it falls within the medium-risk zone. The digital skills of the Slovak population are average (55% of the population has basic or above basic overall digital skills while the EU average is 54%; Eurostat, 2023). This — together with the lack of a comprehensive and up-to-date media literacy policy, and the burgeoning activities of dis- and misinformation online media — leads the Slovak population to face a serious risk for succumbing to disinformation and conspiracies. According to the GLOBSEC report (2022), there is "strong buy-in to conspiracy theories and manipulative narratives" in Slovakia, and the country "ranks worst in the region as it pertains to fearing other groups – people are apprehensive that migrants or Western societies, for example, may threaten their identity and values". Consequently, disinformation impacts people's attitudes on important issues like the war in Ukraine and on COVID-19 vaccination (SAV, 2022).

## 4. Conclusions

**Fundamental Protection** scored as a low risk (24%). In general, the protection of the freedom of expression and the right to information follow international human rights standards. On a more critical note, legislation on defamation is still among the strictest in Europe (Griffen, 2017): it is a criminal offence and may be punished with up to eight years of imprisonment (see *Act No. 300/2005 Coll., Criminal Code*). The [proposed amendment](#) to the act originally stipulated that the penalty for defamation should generally no longer be linked to imprisonment and only, in more serious cases, should the upper limit of the penalty be one year imprisonment; but the [version approved](#) by the government in March 2023 only reduces the rate of imprisonment to one to two years. Also, although Slovak journalists' working conditions are generally rather favourable, attacks and threats against the journalists are unacceptably frequent (ICJK, 2023) and often come from top political figures (e.g., see European Centre for Press and Media Freedom, 2022). Moreover, many journalists are in a vulnerable position due to the widespread practice of avoiding standard employment contracts. On top of that, the Slovak Syndicate of Journalists, the main professional association for journalists in Slovakia, does not effectively fulfil its role.

Recommendations for the government:

- Amend *Act No. 300/2005 Coll., Criminal Code*, to decriminalise defamation or, at least, reduce the possible prison sentence.
- Adopt, to the maximum extent possible, the European Commission's [Recommendation 2022/758 on the protection of journalists and human rights defenders engaged in public participation from manifestly unfounded or abusive legal proceedings \("Strategic Actions against Public Participation"\)](#) to prevent vexatious lawsuits against journalists.
- Adopt the proposed [amendment](#) to *Act No. 54/2019 Coll., on the Protection of Whistleblowers*, which transposes the EU Directive on Whistleblowing (Directive 2019/1937) because the deadline for transposing the directive already passed in December 2021.

Recommendations for journalists:

- Renew and strengthen (or newly establish) the professional association for journalists such that it would act as a respected voice for journalists and journalism in Slovakia.

Recommendations for the National Labour Inspectorate:

- Monitor compliance with the labour law in the media sector, with a focus on the performance of illegal work (i.e., dependent work carried out outside an employment relationship).

**Market Plurality** scored as a high risk (68%). Transparency of media ownership improved in 2022 with the adoption of new legislation (*Act No. 264/2022 Coll., on Media Services* and *Act No. 265/2022 Coll., on Publications*), which requires publishers, news website operators, broadcasters, and providers of on-

demand audio-visual media service to disclose information about their ultimate owners. The level of concentration of ownership and the efficiency of the measures aimed at its prevention are difficult to assess because the data for the market shares within individual media sectors are not collected and published. In addition, the Slovak media sector is in a difficult economic situation, especially print media. The nominal public service media revenues and the nominal advertising revenues in the TV, radio, and digital sectors (according to the WARC Adspend database forecast) grew slightly in 2022, but that growth was well below the rate of inflation; the newspaper and magazine sector even saw a nominal decline.

Recommendations for the government:

- Consider options for direct and indirect media subsidies and state support schemes; these should be adequate, well-targeted, fair, and non-threatening to media independence.

**Political Independence** scored as a medium risk (52%). A systemic problem with the legislation is that it does not sufficiently guarantee the independence of the Director General of the public-service RTVS and members of the RTVS Council from political influence (because they are all directly elected by Parliament). In addition, the sudden abolition of licence fees by the Slovak Parliament at the end of 2022 and the plan to finance RTVS directly through the state budget (presumably in the form of a statutory share of gross domestic product) raise further concerns about the independence of RTVS. At the same time, no regulatory safeguards prevent political representatives from owning media companies (and some are taking advantage of it).

Recommendations for the government:

- After a thorough public discussion of possible alternatives, amend *Act No. 532/2010 Coll., on Radio and Television of Slovakia* to de-politicize the election of the Director General and the members of the RTVS Council.
- Set up a new funding mechanism for RTVS so that the funding is stable, adequate, predictable, and, as far as possible, independent of political interference.
- Require the Council for Media Services to regularly carry out/commission rigorous empirical analyses of the objectivity and the impartiality of the news and current affairs TV and radio programmes, and provide funding for these purposes.
- Enact a law to prevent political representatives from owning media companies to prevent conflicts of interests.
- Adopt rules for the fair and transparent distribution of state advertising and introduce a monitoring mechanism.

**Social Inclusiveness** scored as a medium risk (45%). The overall proportion of women in the leadership of media organisations is low, as is the representation of women experts in news and current affairs content. Plus, comprehensive gender equality policies are lacking (even in public-service RTVS). The media literacy policy is underdeveloped and outdated, and that is one of the reasons why disinformation is widespread in



Slovakia, which became even more evident during the COVID-19 pandemic and after the Russian invasion of Ukraine.

Recommendations for the government:

- Develop and implement an up-to-date and comprehensive action plan to increase media literacy and digital skills.

Recommendations for media organisations:

- Develop and implement comprehensive gender equality policies to cover both personnel issues and programming content.

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## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
<i>Marína</i>	<i>Urbániková</i>	<i>Assistant Professor</i>	<i>Masaryk University</i>	X

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Ivan</i>	<i>Antala</i>	<i>President</i>	<i>Association of Radio Stations of Slovakia</i>
<i>Luboš</i>	<i>Kukliš</i>	<i>Media expert; former Chief Executive of Council for Media Services</i>	
<i>Ján</i>	<i>Hacek</i>	<i>Associate Professor; Head of Department of Journalism (Comenius University)</i>	<i>Comenius University (Faculty of Arts)</i>
<i>Alena</i>	<i>Pániková</i>	<i>Chairperson</i>	<i>The Print-Digital Council of the Slovak Republic</i>
<i>Peter</i>	<i>Hanák</i>	<i>Journalist, university teacher and researcher</i>	<i>Aktuality.sk; Comenius University (Faculty of Law)</i>
<i>Filip</i>	<i>Struhárik</i>	<i>Journalist specialising in media</i>	<i>Denník N</i>

**Research Project Report**

Issue -

June 2023

doi:10.2870/893760

ISBN:978-92-9466-459-4

QM-07-23-217-EN-N



Publications Office  
of the European Union

