**1. a) What are the key trends, threats, or challenges to the freedom, independence, plurality, and diversity of media and the safety and security of journalists in your country, region, or, in your opinion, globally?**

**b) How much these trends, threats, and challenges have worsened due to the digital and social media policies and practices?**

**c) Please emphasise the gender dimensions of these trends and their impacts on the equality and safety of female journalists, as well as on the freedom of media.**

Slovakia has slumped significantly in the freedom of press rankings in the recent years, with the main reason being the 2018 murder of investigative journalist Ján Kuciak and his fiancé Mária Kušnírová. Politicians verbally assaulting journalists and the lack of legislative arrangements to strengthen journalists’ protection do not make the situation any better. Therefore, our efforts should primarily focus on stopping these trends and improving the existing conditions by reinforcing the protection of journalists and strengthening their professional position, and on attempting to move Slovakia higher in the Reporters Without Borders ranking.

One of the effective instruments to improve the current situation could be the proposed amendment to the Penal Code which also responds, among other things, to the increasing number of assaults against journalists or other professions that are necessary for our society (medical doctors, teachers, etc.). Among several other changes, it is proposed that a crime committed for practicing employment, occupation, or function be included among special motifs of crime, thus increasing the criminal penalty. At the same time, introducing a new type of crime, “incitement towards hatred”, has also been proposed in response to the growing number of cases of hate speech and assaults.

In addition, the protection and safety of journalists should also be covered by a new cultural policy strategy which is currently under preparation and expected to improve the conditions for practicing this liberal profession.

Assuring the independence and plurality of media is also one of the most challenging tasks today. The plurality of media is enhanced by their transparent ownership informing the general public and regulatory authorities of their real ownership structures. Information media serve as public watchdogs, provide room for public debate, and significantly shape and influence public opinion. Ensuring regulatory safeguards to the plurality of information, including by restricting influence that may distort it, as well as creating conditions for transparent funding and effective operation of the property and personal links is, therefore, one of the main goals of a new law on media services which is currently in the final stage of legislative procedure.

The assessment of the influence of a content service provider, as well as of a media group on the plurality of information is expected to be a competence of the national regulatory authority. The assessment process should identify mutual correlations of the influence of these entities on the plurality of information, advertising market, and a possible risk of distortion of the plurality of information with respect to the exercise of this influence, where the regulator will primarily examine the decisive influence, relevant influence, and low influence.

The new legislation also envisages ensuring the transparency of financing which should mainly be achieved by introducing an obligation to publish a list of persons who have participated in collective funding of a content service provider or have provided donations or other benefits without corresponding consideration.

The key prerequisite for ensuring the transparency of media ownership and transparency of their financing is an effective and consistent assessment of property and personal links. In addition to transparent ownership relations or transparency and credibility of financial sources designed to fund broadcasting services, attention should be paid in practice to examining if there is an apparent risk that the broadcasting services could be misused for discrimination, to incite intolerance, or jeopardise constitutional order and democratic system of basic rights and freedoms guaranteed by the Constitution of the Slovak Republic, if there is an apparent risk of distortion of the plurality of information and media contents, and, last but not least, whether a broadcaster is not financed by a terrorist organisation or by an entity included on a UN or EU sanction list.

We believe that the aforementioned mechanisms should contribute to ensuring the independent functioning of the private and public media in compliance with European and international standards.

A no easier task today is to find means to eliminate the spread of hoaxes, misinformation, or hate speech, which spread rapidly, especially through social networks. They have far-reaching negative impacts on society. We believe that it is mainly enhanced media literacy or implementation of international documents that offer effective tools to combat said threats that could help effectively eliminate the ongoing undesired phenomena. For this purpose, Slovakia and its culture ministry have decided to particularly support media literacy through subsidies to improve critical thinking and interpretation of contents distributed by the media, to develop self-regulatory tools designed to search and eliminate disinformation, or to implement tools to combat disinformation. Said measures comply with the government’s manifesto.

**2. What measures (legislative, administrative, policy, regulatory or other) have the governments put in place to support the freedom of press/media, including with respect to the issue of their independence, plurality, viability, and ownership? What effects do these measures have? What changes or additional measures would you propose to recommend?**

The currently applicable Slovak media legislation ensures, in compliance with the European standards, the independence and freedom of media, including the independence of the public broadcaster, and the plurality of media, with the journalist profession not being conditional upon any official recognition by government authorities; restricting the freedom of press is only possible in the cases permitted by law in compliance with Article 10 of the ECHR, and the source confidentiality and the protection of the content of information are guaranteed.

The freedom of expression, the right to information, the universal right to express one’s opinions verbally, in writing, in press, pictures, or other ways, as well as the right to freely seek, receive and impart ideas and information regardless of state boundaries, are directly guaranteed under Article 26 of the Slovak Constitution which at the same time guarantees that the press is not subject to any permission procedure. The Constitution prohibits any censorship and specifies that the freedom of expression and the right to seek and impart information may only be restricted by law if it involves measures that are necessary in a democratic society for the protection of rights and freedoms of others, national security, for the protection of public order, and for the protection of health and moral.

Also, the Slovak legislation does not require the journalists to be registered or hold a press ID card. The right to the freedom of expression also entails the right to free access to journalist profession, that is, no official recognition by government authorities or other bodies (e.g., professional) is required.

In addition to the foregoing, the protection of source confidentiality and content of information is also an essential element in the protection of journalists. This protection is embedded in the Press Act and the Broadcasting and Re-transmission Act.

Publishers, news agencies, broadcasters, and their employees have an obligation to protect the confidentiality of source and content of information if a person who has provided information so requests. However, the confidentiality obligation is not an absolute one, since it does not apply, in accordance with §123 of the Penal Code, to a witness testimony concerning a crime that a witness has an obligation to thwart. The source confidentiality mechanism thus ensures the journalists a right not to disclose the source of their information. As a result, potential providers of information take less risk of disclosure and subsequent negative consequences, which has a positive effect on their decision to provide information. It is, therefore, an important part of journalist freedoms which has also been explicitly identified by the European Court for Human Rights as a subjective right derived from the freedom of expression.

Established by Act No. 54/2019 Coll., the Office for the Protection of Whistleblowers is also an important element in the protection of the providers of information. Its objective is to provide advice and, in particular, assistance to people who report anti-social activities, i.e., crimes, offences, administrative offences, and other actions with adverse impacts on society. The office operates in compliance with stringent moral and ethical standards.

A major media reform is currently underway in Slovakia, having the form of new comprehensive legislative arrangements in the area of audio-visual media services which are to supersede the Broadcasting and Re-transmission Act and the Digital Broadcasting Act. As far as the freedom of expression and the freedom of media are concerned, the new legislation should enable the state to create favourable conditions for the protection and promotion of cultural and information plurality, for the development of a balanced and non-discriminatory environment supporting fair competition and development of new technologies and services. Besides the existence of the dual system of private broadcasters and the public broadcaster, the new legislation for the first time governs the so-called non-commercial community media the goal of which is to participate in the activities of public interest or the interest of a particular community.

The greatest change to be introduced by the new media legislation is including video-sharing platforms under the regulatory framework of audio-visual media services. Extending the rights and obligations to also apply, in addition to incumbent providers of content services, to operators of video-sharing platforms, as well as providers of content services that are not classified among the aforementioned entities, is inevitable to provide democratic guarantees

The new regulatory conditions also change the position, powers, and competencies of the national regulator.

It is more than desirable for the new media actors to be subject to the requirements that guarantee the protection of minors, especially in terms of incitement to hatred, violence, or terrorism. To guarantee compliance with said protection mechanism, Slovakia also introduces specific obligations and frameworks for the implementation of measures by video-sharing platform operators whose suitability and adequacy will be subject to assessment by designated entities.

The new regulation unifies requirements for individual entities across multiple aspects, e.g., in the protection of minors, protection from hate speech, and the like.

One of the key aspects of a thriving media landscape is preserving the public’s access to information in programming services, complete with safeguarding access to diverse, objective, and impartial information. The right to access to information also entails ensuring this access for people with (medical) disabilities by means of multimodal access in TV broadcasting and in the provision of on-demand audio-visual media services.

The necessary prerequisite for the healthy functioning of the media is the proper regulation of commercial communication in the media, i.e., teleshopping messages, teleshopping presentations, sponsoring, product placement, etc., responding both to the shortcomings identified in practice and to the new EU-wide regulation.

Significant changes are also introduced in the area of the plurality of information and transparency of property and personal links where simplification is proposed for the sake of greater clarity. A novelty in Slovakia is the obligation for all media to be registered in the Register of Public Sector Partners, regardless of whether they do business with the state or not. Making the information about their beneficial owners available in the public register should enhance the transparency of media ownership. The sufficient level of transparency of ownership relations in the media has been emphasised both at the European as well as international level.

**3. What measures do governments adopt to support public media? What is the effect of such measures? What changes or additional measures would you recommend?**

The Slovak public broadcasting system fundamentally changed as of 1 January 2011 when Act No. 532/2010 Coll. on the Radio and Television of Slovakia entered into force (hereinafter only referred to as the “RTVS Act”) under which the previously autonomously operating public TV broadcaster, the Slovak Television (Slovenská televízia) (STV), merged with the autonomously operating public radio broadcaster, the Slovak Radio (Slovenský rozhlas) (SRo), into a single public broadcaster under a joint brand name Rozhlas a televízia Slovenska (Radio and Television of Slovakia) (RTVS). The RTVS Act was adopted in order to enhance their effective operation and reinforce their public character. Its main goal was to avoid the further generation of debts by the public broadcasting services and create conditions for their consolidation. The purpose of the new legislation was to restore the public character of SRo’s and STV’s broadcasting and, in this respect, enhance the attributes of public service, independence, objectivity, truthfulness, and transparency, as well as the effective use of allocated public funds, and to reinforce, as much as possible, public trust in these media (source: explanatory memorandum to the RTVS Act).

The election process of their directors-general changed, too: they were elected by respective supervisory bodies – the STV Council and the SRo Council – before, while the director-general of the RTVS is now elected by the parliament. According to the Reporters Without Borders and other NGOs, this has put the public broadcaster’s management under political influence, and the selection procedure should shift back from the parliament to the RTVS Council. The parliament also elects the RTVS’s nine-member supervisory body – the RTVS Council. The law precisely specifies what experts must be represented in the RTVS Council. Even though the RTVS has not been generating debts since 2011, its revenues from the payments for public services are insufficient to cover its total costs, and the state each year provides additional funding under a so-called contract with the state.

In terms of viewership, the main television program channel Jednotka had an average viewer rating of 17% in 2011 and 25% in 2021. Jednotka’s market share also increased from 9% in 2011 to 15% in 2021 (source: median.sk).

The number of listeners of RTVS’s radio stations developed positively over the past ten years, as well. In 2011, radio ratings of its top stations, Radio Slovakia (Rádio Slovensko) and Radio Regina, amounted to 17% and 7%, respectively, and increased to 26% and 10% in 2021. However, their market share did not change significantly. Radio Slovakia had a market share of 20% and Radio Regina of 8% in 2011; the respective figures were 18% and 5% in 2021. However, ratings and market shares should not be the primary indicator of public broadcasting services’ performance; the emphasis should be put on ensuring that the public broadcaster meets its statutory tasks, delivers programmes for all audiences, including minorities, and provides a high quality and objective news coverage.

The need to resolve the funding of the RTVS is, in our opinion, the key challenge/additional measure from Slovakia’s perspective. The payments for the public broadcaster’s services have not changed since 2003: the monthly user payment rate paid by natural persons (individuals) is EUR 4.64 and, in the case of corporate clients, it depends on the number of their employees. The RTVS’s 2020 budget was approximately EUR 160 million, while the payments from the public accounted for some EUR 75 million. This also shows that the funding of the public broadcasting services in Slovakia needs to be increased, either by increasing user payments or by changing the systems of RTVS’s funding.

The role of public media is irreplaceable; their importance in the current era of disinformation, hoaxes, conspiracy theories, and attempts at a concentration of the media is greater than ever before. Therefore, we think that it is the governments that should primarily ensure sufficient funding for the public broadcasters to deliver their tasks and their independence from political influences so that they can fulfil their statutory obligations and contribute to enhancing the freedom of media and plurality and diversity of the media landscape. This must go hand in hand with an independent and objective news coverage, as well as with an excellent working environment for public media employees, which, however, has been a problem with the RTVS in the past few years, according to several sources, including the Reporters Without Borders.

**4. What measures to enhance journalists’ safety and security have been taken by a) governments, b) social media companies, and c) the media? What impact do those measures have? What more can/should be done and by whom? Please specify also any particular laws or measures to address online violence, threats, and harassment and their results.**

Improving the security of journalists and the overall conditions for practicing the journalist profession is one of the priorities of the current government. With respect to the protection of the rights and security of journalists, the Culture Ministry is working on a new piece of legislation that mainly focuses on legislative guarantees for the journalist profession, as well as on the rights and obligations of media information services providers in their communication with the public, which is based on the principles of editorial responsibility, transparency of media ownership, and the plurality of media services.

These changes are designed to reinforce the independence of journalists and the protection of source confidentiality while complying with the standards of professional journalism through self-regulation. Journalists’ independence should be protected against possible interventions by the state, as well as against the interventions of media owners who are in the position to disproportionately interfere with the journalists’ work by pursuing their political or economic interests.

The proposal reflects the need to increase the guarantees for the protection of anonymity and confidentiality of sources who provide information to journalists. Source confidentiality is one of the guarantees of the public’s right to information and, at the same time, warrants to the sources that they remain in anonymity.

Supporting the freedom and independence of the media is essential to preserving democracy and maintaining the professional standards of the journalist profession, however, there also have to be safeguards to prevent the misuse of these guarantees, both in the interest of the public and those for whom such guarantees have been put in place.

In our opinion, one of the effective means to strengthen the freedom and independence of the media is also to protect the journalists against criminal offences they are victims of for practicing their profession. To enhance their protection, the journalists should be awarded the position of a specially protected person under substantive criminal law. Cooperation with the Ministry of Justice of the Slovak Republic is envisaged in this respect.

The relevant legislation has yet not been submitted for a legislative procedure, but the Culture Ministry seeks its prompt adoption and subsequent application in practice.

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