

Media Pluralism in Slovakia

A Test Implementation of the Media Pluralism Monitor 2015



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About the project

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second pilot test implementation of the MPM, which was carried out in 2015. The implementation was conducted in 19 EU Member States with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom ([CMPF](#)) at the European University Institute.

The Monitor's methodology is based on research carried out by national country teams in the 19 countries, except for Malta where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly sensitive questions (see Annexe I for the list of experts).

Risks to media pluralism are examined in four main thematic domains, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area. The Basic Protection domain consists of four indicators; Market Plurality has three, while Political Independence and Social Inclusiveness each contain six indicators.

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political bias in the media	Access to media for different social and cultural groups, and local communities
Protection of right to information	Concentration of media ownership	Politicisation of control over media outlets	Availability of media platforms for community media
Journalistic profession, standards and protection	Concentration of cross-media ownership	Politicisation of control over media distribution networks	Access to media for the physically challenged people
Independence of national authority(ies)		State advertising	Centralisation of the media system
		Independence of PSM governance and funding	Universal coverage of the PSM and the Internet
		Independence of news agencies	Media literacy

The results for each domain and indicator are presented on a scale from negligible to 100%, a negligible risk being the lowest, and 100% risk being the highest score. Scores between negligible and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

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Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection.

1. Introduction

The most popular medium in Slovakia, similarly to many other EU countries, is television, which is watched daily by 81% of the population. Radio is listened to on a daily basis by around two thirds of the population (65%). However, only 52% of Slovaks use the Internet every day, which is under the EU-28 average (60%). The medium which is least used on a regular basis is the print media: only every fifth Slovak reads newspapers every day (19%).¹ In fact, the readership of the daily press in Slovakia has been in long-term decline.

In the past, about 25 years ago, the main problems with media plurality were related to political influences. The political consolidation of a liberal democracy around and after the year 2000 lead to the growing importance of the economic aspects of media pluralism. In the present media landscape, the potential consequences of media ‘oligarchisation’ (mainly, but not exclusively, in the print media sector) seem to represent a threat, although presently this is more latent than overt. The implementation of the Media Pluralism Monitor (MPM) in Slovakia in 2015 revealed that there is low risk in the ‘market plurality’ domain, although the 30% risk level is on the verge to medium risk. The ‘basic protection’ domain also shows low risk (23%), while the ‘social inclusiveness’ (35%) and ‘political independence’ (44%) domains both score medium risk. Overall, most indicators are assessed at low risk (11%), five indicators are at medium risk, and three indicators in the ‘political Independence’ domain are at high risk.

¹ http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_media_fr.pdf

2. Results from the data collection: assessment of the risks to media pluralism

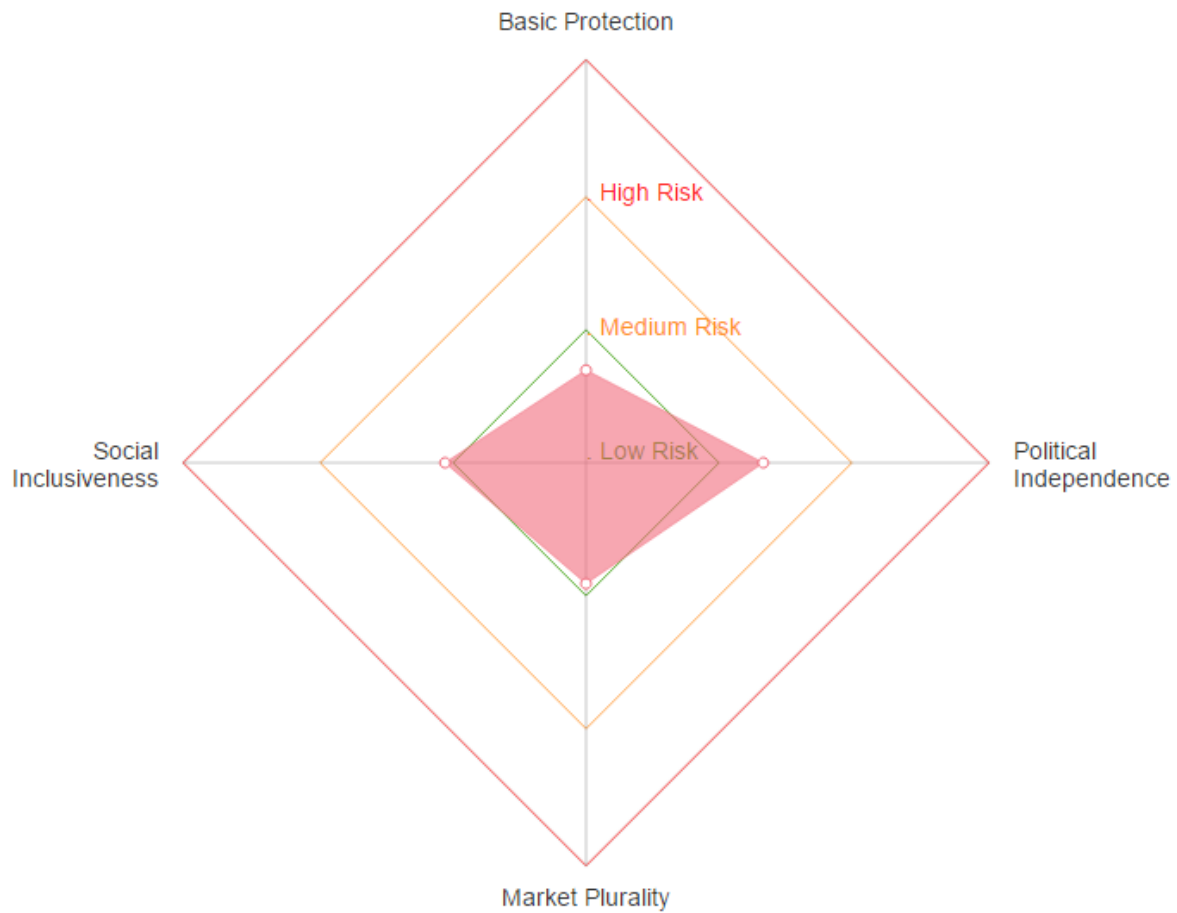


Figure 1 Media Pluralism Monitor 2015 - Slovakia, Results by Risk Domain

2.1 Basic Protection (23% risk – low risk)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy and they measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for the freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; as well as the independence and effectiveness of the national regulatory bodies, namely, media authorities, competition authorities and communications authorities.

Indicator	Risk
Protection of freedom of expression	22% risk (low)
Protection of right to information	25% risk (low)
Journalistic profession, standards and protection	29% risk (low)
Independence of national authority(ies) ²	15% risk (low)

The legal protection of freedom of expression does not show any substantial problems (‘Protection of freedom of expression’: 22% - low risk). Freedom of expression is explicitly recognised in the Constitution and in national laws. Slovakia is a party to the International Covenant on Civil and Political Rights (ICCPR), as well as to the European Convention on Human Rights (ECHR). However, the assessment of whether restrictions on freedom of expression are clearly and narrowly defined in law, in accordance with international and regional human rights standards, is more problematic, as interpretations of the same law have varied depending on the different actors, in particular, the police, prosecutors and the courts.

The issue of defamation is more problematic from an analytical point of view. Slovakia has not decriminalised defamation, although there has been some progress in this area in the last twenty years. With regard to the legal defences that can be used against a defamation claim, the courts’ interpretation varies on this matter, with the higher courts usually being more liberal in this area, in the sense that they are more likely to accept arguments that the disputed statement was an opinion, not an allegation or a fact; or that the publication or broadcasting of the disputed fact/opinion was reasonable or in the public interest. Further, defamation laws are not narrowly defined and they can be related to natural and legal persons.

² NB: It needs to be noted that this indicator has been found to be problematic in the 2015 implementation of the Media Pluralism Monitor. The indicator aimed to combine the risks to the independence and effectiveness of media authorities, competition authorities and communication authorities, but it was found to produce unreliable findings. In particular, despite significant problems with regard to the independence and effectiveness of some of the authorities in many of the countries, the indicator failed to pick up on such risks and tended to produce an overall low level of risk for all countries. This indicator will be revised in future versions of the MPM (note by CMPF).

Legal remedies, in cases of violations of freedom of expression, are generally considered to be effective, although in most cases they are subject to delays. Finally, occasional violations of freedom of expression take place in Slovakia, although there are no known cases of violations of freedom of expression online.

‘Protection of right to information’ scores a low risk (25%). The laws on the protection of the right to information are satisfactory and do not pose any particular risks. Their implementation has not yet been tested in the case of the Press Law, but only in the case of Freedom of Information Act, where the procedures of the appeal mechanisms are occasionally misused. There is also some evidence of the violation of right to information, actually including some by the courts.

‘Journalistic profession, standards and protection’ scored 29%, indicating a low risk. Only a limited proportion of journalists is represented by professional associations or other journalists' organisations. Further, these associations are only partially effective in guaranteeing editorial independence and/or a respect for professional standards. The working conditions of journalists depend on the type of medium, with good working conditions for journalists who work for the PSM or for big media houses, while those who work in local media and smaller media outlets face greater job insecurity and/or lower income levels. There are no effective mechanisms granting social protection to journalists in the case of changes of ownership or editorial line, and commercial entities, or the owner of the media company, occasionally influence, or seek to influence, the editorial content of broadcasters or the press. Overall, both MPM2015 and our experts' assessments show low to medium risks in these indicators.

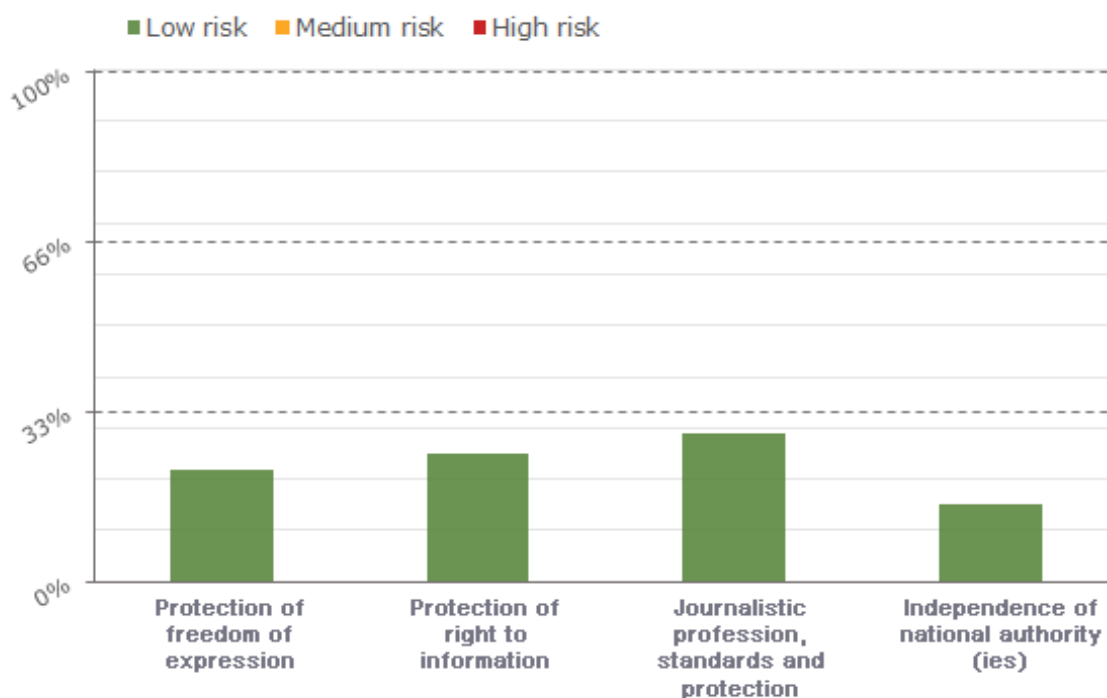


Figure 2 Media Pluralism Monitor 2015 - Slovakia, Basic Protection Domain, Results by Indicators

2.2 Market Plurality (30% risk - low risk)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the regulatory safeguards against high concentration of media ownership and control in the different media, within a media market as well as cross-ownership concentration within the media sector.

Indicator	Risk
Transparency of media ownership	25% risk (low)
Concentration of media ownership	61% risk (medium)
Concentration of cross-media ownership	4% risk (low)

The risk related to ‘transparency of media ownership’ scores a low risk (25%). The national law contains transparency and disclosure provisions that oblige media companies to publish their ownership structures on their website or in records/documents that are accessible to the public, and to report ownership structures to the public authorities. Moreover, sanctions can be imposed in cases of failure to respect disclosure obligations. However, in practice, some of the key agenda-setting media have non-transparent ownership, which is indeed problematic.

‘Concentration of media ownership’ shows a medium risk (61%). The Slovak media legislation contains specific limits to prevent a high level of horizontal concentration of ownership. However media concentration seems to be a concern with regard to Slovak media. The author estimates the market share of the Top4 audio-visual media owners to be 85%, and the market share of the Top4 newspapers’ owners to 70%. Moreover, the audience concentration for the audiovisual media and for the radio market in Slovakia are estimated at 75% respectively, while the readership concentration for the newspaper market seems to be even higher (90%).

‘Concentration of cross-media ownership’ indicates a low risk, scoring 4%. This value is due to the existence of laws on cross-media concentration and the unavailability of data on Top8 owners’ concentration, which is assessed as not being relevant in this specific case. The media legislation defines some limits in the case of the nation-wide press and TV/radio media cross-media concentration. This is regulated by broadcasting law, however. In other words, there is no specific regulation on the newspapers’ ownership, only the general anti-monopoly law, as well as regulation on cross-ownership (but from the point of view of the broadcasting law, not of the Press Law). The media legislation does not contain specific thresholds or limits which are based on objective criteria, such as their circulation, distribution of share capital or voting rights, and turnover/revenue, to prevent a high level of horizontal concentration of ownership and/or control in the newspaper sector. This is, in general, dealt with through anti-monopoly legislation.

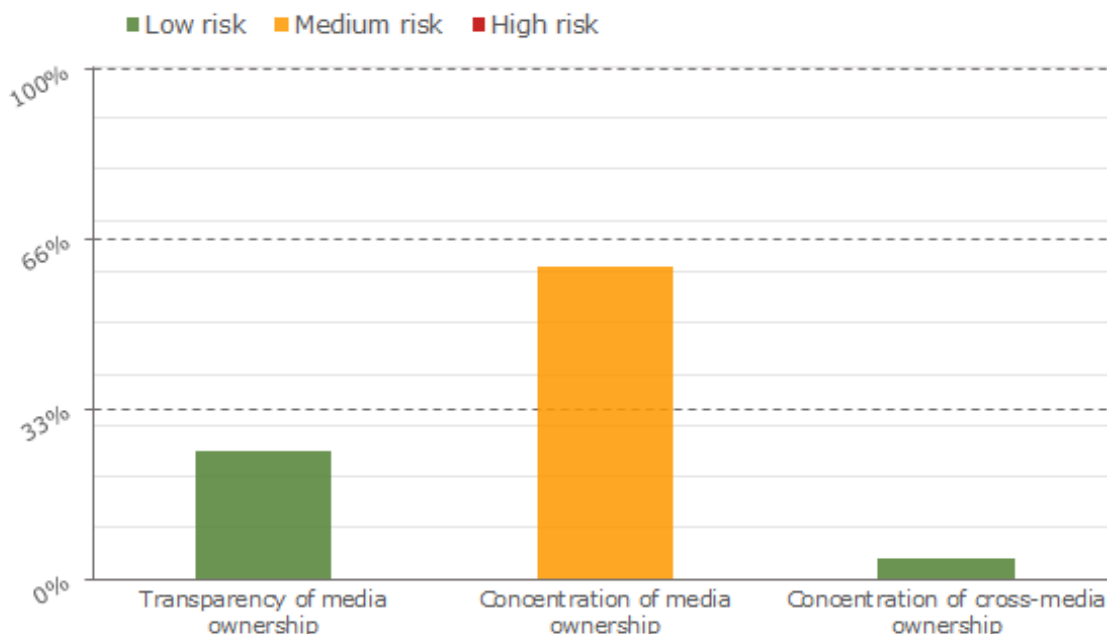


Figure 3 Media Pluralism Monitor 2015 - Slovakia, Market Plurality Domain, Results by Indicators

2.3 Political Independence (44% risk - medium risk)

The Political Independence indicators assess the existence and effectiveness of the implementation of regulatory safeguards against the biased representation of the political viewpoints in the media, and also the extent of the politicisation over media outlets, media distribution networks and news agencies. Moreover, it examines the influence of the state on the functioning of the media market, with a focus on state advertisement and public service media.

Indicator	Risk
Political bias in the media	3% risk (low)
Politicisation of control over media outlets	67% risk (high)
Politicisation of control over media distribution networks	17% risk (low)
State advertising	67% risk (high)
Independence of PSM governance and funding	35% risk (medium)
Independence of news agencies	75% risk (high)

The highest risk among the political indicators has been detected in the indicator ‘Independence of news agencies’ (75%). The market share of the leading news agency is estimated at 65% and at least one news agency has political affiliations. The indicator ‘state advertising’ which assesses the influence of the state

on the functioning of the media market, focusing particularly on the risk of discrimination in the distribution of state advertising, scores a high risk (67%). However, it is worth noting that government policies in this area are improving, e.g. the tenders for governmental PR activities are becoming more open.. There is also a trend towards the wider use of various media platforms for state-sponsored advertisements. The author notes a problematic aspect of the latter development: an abundance of advertisements that are paid for with EU funds for the glorification of the achievements reached due to EU funds, a circumstance which occurred shortly before the parliamentary elections in March 2016 (see Kaľavský 2015).

The indicator ‘Politicisation of control over media outlets’ also scores as high risk (67%). Although there are no politically affiliated newspapers, and the lack of data about politically affiliated radio and television stations does not seem to be problematic, information about the political affiliation of media owners is not always either publicly available and/or transparent. In addition, not all of the major media outlets have measures that will stipulate editorial independence, which increases the risk for this indicator.

The indicator ‘Politicisation of PSM governance and funding’ scores as being at medium risk (35%), due to the fact that there is no body which will actively monitor the implementation of regulatory safeguards that aim to de-politicise the appointments to the PSM’s boards, and there is evidence of conflicts concerning appointments to these PSM boards. In addition, media law prescribes transparent and objective procedures to determine the amount of money to be granted to the PSM, but the ability of the state to interfere is reflected in the fact that the state contributes 30% of the PSM budget, and it can independently decide on the amount of some of the elements of those budgets.

Only one of the distribution networks for print media seems to be politically affiliated, so the overall risk for ‘Politicisation of media distribution networks’ is low (17%). The indicator ‘Political bias in the media’ also scores as being at low risk. All legal safeguards seem to be in place, different political viewpoints appear to be represented in the media, and political actors are guaranteed coverage during electoral campaigns.

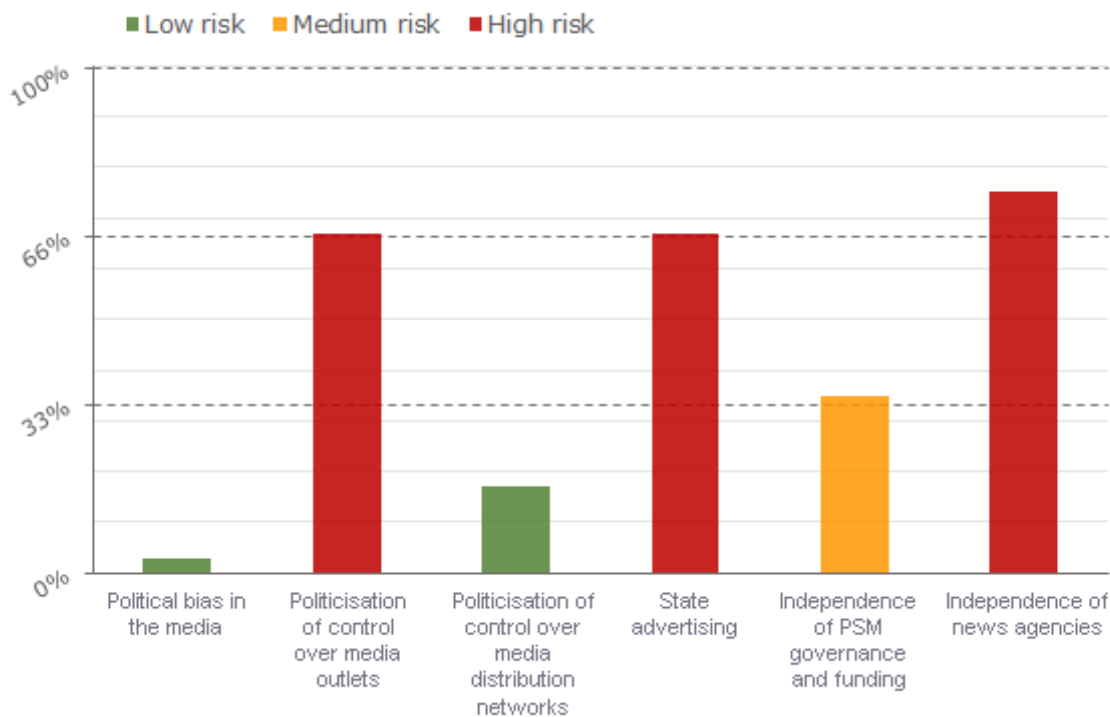


Figure 4 Media Pluralism Monitor 2015 - Slovakia, Political Independence Domain, Results by Indicators

2.4 Social Inclusiveness (35% risk - medium risk)

The Social Inclusiveness indicators are concerned with access to, and availability of, media for different, and particularly vulnerable, groups in the population. They assess regulatory and policy safeguards for access to media by various cultural and social groups, by local communities and by people with disabilities. Moreover, they assess the centralisation of the media system, and the quality of the country's media literacy policy, as well as the digital media skills of the population.

Indicator	Risk
Access to media for different social and cultural groups, and local communities	13% risk (low)
Availability of media platforms for community media	42% risk (medium)
Access to media for the physically challenged people	25% risk (low)
Centralisation of the media system	50% risk (medium)
Universal coverage of the PSM and the Internet	50% risk (medium)
Media literacy	33% risk (low)

Overall, the 'Social Inclusiveness' domain shows medium risk. Different social and cultural groups

(including minorities), and local communities have adequate access to the media (low risk). Access to airtime on PSM channels for different social and cultural groups is guaranteed by law, and the law is implemented. However, the PSM are not obliged to have a minimum proportion of regional or local communities involved in the production and distribution of content, or to have a balance of journalists from different geographical areas.

The ‘Availability of media platforms for community media’ is at medium risk (42%). The law contains provisions granting legal recognition to community media (in particular, to local media) as a distinct group alongside commercial and public media. However, the law lacks provisions that would grant the minority media access to media platforms, and only limited policy and financial support is available to such minority media. The number of media channels (TV/radio/newspaper) dedicated to minorities is less than proportional to the size of the minority population, which results in medium risk.

‘Access to media for people with physical challenges’ is at low risk (25%), given that the state policy in this area is well-developed. However, subtitles and sound descriptions for people with hearing impairments who watch TV are available only on an irregular basis.

The ‘Centralisation of the media system’ represents a medium risk at 50%. The media legislation recognises regional/local media as being specific categories of media with a special mission and obligations, and the law reserves frequencies for regional/local radio or TV. However, the legislation is not fully effective in safeguarding regional/local media. Many local and regional media depend on municipalities or self-governing regions, either financially or politically, and only a limited number of policy measures or subsidies are available to the regional/local media.

The ‘Universal coverage of the PSM and the Internet’ is at medium risk (50%). The risk is increased by the fact that only 95% of the population is covered by the terrestrial signal of the public TV and radio channels. Slovakia shows a medium risk on Internet access, given that 85% of the rural population is covered by broadband and the overall broadband penetration is at 74%.

‘Media literacy’ is at low risk (33%). The media literacy policy is underdeveloped. The Media Education Conception was approved by the Government in December 2009, and there are two governmental plenipotentiaries in closely related areas (one for the knowledge economy, and another for the information society). Despite these initiatives, governmental policies on media literacy development are only nascent, and they focus mainly on the younger generation. Slovakia shows better results in terms of Internet use (low risk), and the majority of the population has at least basic digital skills (medium risk).

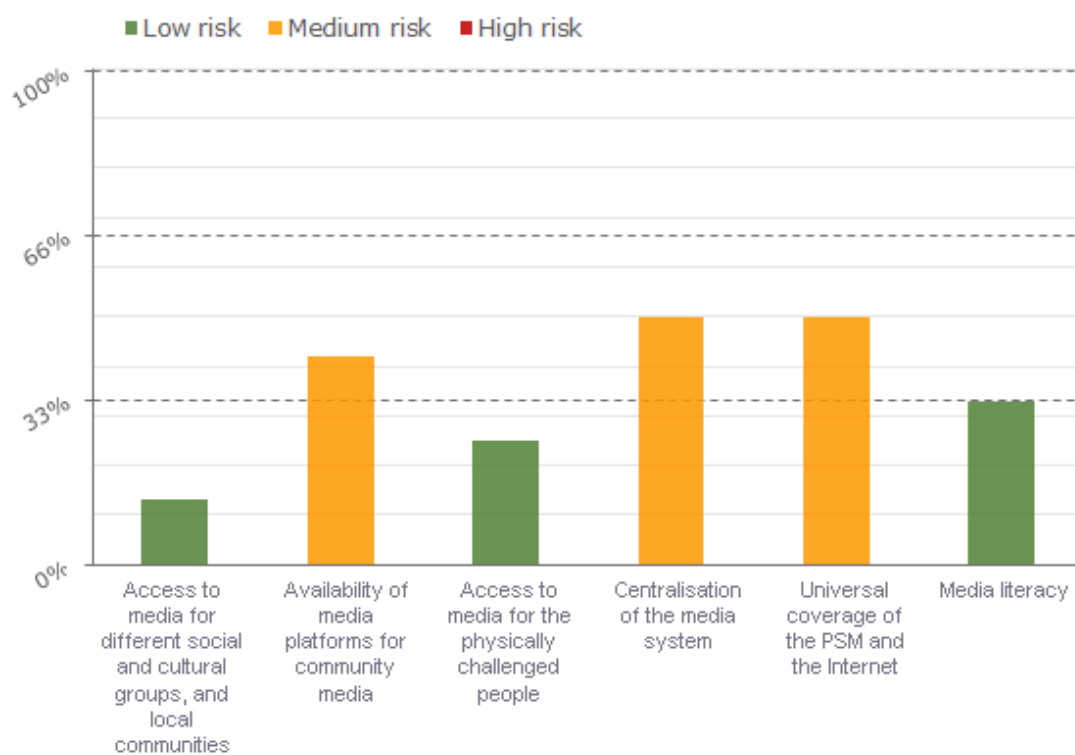


Figure 5 Media Pluralism Monitor 2015 - Slovakia, Social Inclusiveness Domain, Results by Indicators

3. Conclusions

Based on the findings of the MPM2015, the following issues have been identified by the country team as being more pressing or as deserving particular attention by policy-makers in order to promote media pluralism and media freedom in the country.

Several conclusions can be drawn following the implementation of the Media Pluralism Monitor in Slovakia. Firstly, the legal framework () complicates news broadcasting (especially live broadcasting), for minorities, in spite of having been softened after its introduction.³ Secondly, from the civic and political perspectives, the ongoing gradual, and partially indirect or covert, consolidation of key segments of the media market, present a potential danger. Furthermore, vital issues for future debate and policy measures with respect to media plurality in Slovakia include the following: how to deal with ongoing media ownership concentration; how to re-define the rules of conduct for interaction between journalists and government; and how to deal with the ethical-professional regulation of online and print media, with the possibility of imparting more rights to the media regulator. Special attention should be paid to the need for a widely respected, and functional, journalistic organisation. Local and regional media are rarely truly independent and their direct and indirect (not only financial) support might be considered. Finally, clear-cut guidelines are needed for an effective role to be played by either the media regulator and/or the anti-monopoly authority with regard to both cross-ownership and indirect ownership, or the ownership of media houses through so called “hidden” owners.

³ There are two related laws, one regulating the languages of “recognised” minorities, and one general state language law.

Annexe I. List of national experts who were consulted

Pavol Múdry

International Press Institute

Tomáš Kamenec

Association of Independent Television and Radio Stations

Ľuboš Kukliš

Office of the Board for Broadcasting and Retransmission

Pavel Lacko

Society for the Support of Arbitration

Juraj Filin

Goodwill

Peter Krug

DEVínsky EXpres

Jozef Viskupič

Member of Parliament

Július Lőrincz

former chair of the Press Council

Michal Beňadik

Association of the Publishers of the Regional Press

Daniel Modrovský

Slovak Syndicate of Journalists

Lukáš Fila

Denník N

Miroslava Kernová

Media watch dog expert monitor

Juraj Hrabko

Freelance commentator and journalist

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