**QUESTIONNAIRE**

**“Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters”**

SLOVAKIA

***Question 2***

***Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?***

The constitutionally guaranteed freedom of expression and the right to information can only be limited by law if it concerns measures in a democratic society necessary to protect the rights and freedoms of others, the security of the state, public order, the protection of public health and morals.

Issuing publications in Slovakia is not subject to a permission procedure, but new media legislation effective from August 2022 introduced obligation to register in the Register of public sector partners for all media, regardless of whether they do business with the state or not. An exception to this obligation applies to scientific periodicals and community periodicals. The purpose of making information about media owners available through a public register should bring more transparency to media ownership. However, this registration entails certain financial costs.

The provision of content services (broadcasting, provision of on-demand audiovisual media services, retransmission and provision of video sharing platforms) is subject to authorization by the Council for Media Services under conditions set by law. However, the provision of content services itself is carried out freely and independently, interventions are possible only in cases defined by law.

The right to timely inform the public about the activities of public authorities is specifically regulated, without unnecessary delay and with an emphasis on the principle of equality. This provision does not affect the obligation to provide information pursuant to the Freedom of Information Act.

The new Act on Media Services improves access to information for persons with hearing and visual disabilities, as well as members of national minorities. The Act increases the share of programs with a multimodal access, i.e. share of programs that are accompanied by subtitles for persons with hearing impairments or interpreted into Slovak sign language or accompanied by audio description. Public service broadcaster shall broadcast all programmes with subtitles or sign language and at least half of its programmes shall have audio description. For private broadcasters and on-demand audiovisual media service providers the quotas will be lower. Broadcasters and on-demand audiovisual media service providers will be required to reach the stated share from January 1, 2027, until then a transitional period has been set, during which these quotas will be gradually increased.

The Act on Media Services also amended the Act on Radio and Television Slovakia. The amendment included a programme intended for disadvantaged groups of people in the definition of programmes in the public interest.

New media legislation also brings positive changes in the field of broadcasting for national minorities.

The law introduces the rule that the time range of public service broadcasting for national minorities and ethnic groups should correspond to the results of the last population census. The daily broadcast time of the television broadcasting for national minorities was also significantly increased by law, and public service broadcaster shall have a separate website for such programs.

The public service broadcaster should also pay more attention to broadcasting for other minorities not only the disabled and national minorities. We believe that the new system of financing of public service broadcasting, which shall be implemented in 2023, will make this possible.

In 2022, the Act on the accessibility of products and services for persons with disabilities was adopted, which is a transposition of European legislation in this area and will enter into force in 2025. This law is intended to improve access for persons with disabilities, among other things, to services providing access to audiovisual media services, thereby improving their right of access to information.

***Question 5***

***What laws, policies and practices exist in your country to facilitate public participation and access to information and data relating to sustainable development? Where have there been successes, or conversely challenges, with facilitating access to information and data relating to sustainable development in relation to a) governments and b) companies?***

In relation to the facilitation of access to information in general, we refer to the answer to question 2. In addition, the impact of the new legislation on the quality of access to information will be able to be evaluated with a longer interval.

We cannot provide relevant data related to the facilitation of public participation and the right to access to information and data related specifically to sustainable development as it is not within our scope.

***Question 6***

***What role do the media play in promoting sustainable development in your country? What challenges and threats do journalists face in accessing public information or reporting on or criticizing development policies?***

The media play an important role as critical public watchdogs and provide space for social debate and significantly influence public opinion. Therefore, it is essential that they emphasize the principles of democracy, sense of belonging and social responsibility in order to ensure sustainable development in all areas of society. Above all, the role of public media is to develop national awareness, contribute to cultural inclusion and bring programs that reflect the diversity of opinions and directions and strengthen mutual tolerance, cohesion, and knowledge level of society. Programmes contributing to public environmental responsibility, healthy lifestyle, media literacy or mutual tolerance are beneficial for the effective fulfilment of all three domains of sustainable development pursuant to Agenda 2030 (economic, social and environmental).

Besides the optimal functioning of the public service media, one of the basic prerequisites for the proper media market is the creation of favourable conditions for the protection and support of cultural and informational plurality. This is beneficial for the development of a balanced and non-discriminatory environment supporting fair competition and the development of new technologies and services. In times of Internet boom, cultural and informational diversity is a desired trend.

In democratic societies, it is essential that the media, as content service providers, follow the rules to ensure the protection of human dignity, the protection of minors and to obviate spreading of illegal or harmful content. However, in this digital era with extremely fast flow of information it might be a challenge for them. Besides that, traditional and social media should hold democratic debates presenting different (even contradictory) opinions, as well as debates that draw attention to important topics, debates that take into account equal gender representation. These actions may also eliminate the polarization of society and create conditions for the full exercise of freedom of expression and the right to (diverse) information.

In practice, the performance of the journalistic profession is often threatened by physical or psychological intimidation, verbal hate speech (including verbal attacks by political officials) and spread of hoaxes. Another threat for journalists represent strategic lawsuits against public participation (SLAPP), as a modern tools for censorship, intimidation or silencing of investigative journalists or human rights activists. SLAPPs are known as fabricated lawsuits aimed at intimidating critics and draining them of funds, which is currently a hotly debated topic. Regrettably, the numbers of defendants in SLAPP are constantly increasing in the European region. Journalists, who inform about unfair practices of natural or legal persons, often face several lawsuits at the same time. The Slovak Republic, through its representative from the Ministry of Culture, actively participates in the upcoming initiatives at the level of the European Union and the Council of Europe in this area.

In order to improve the situation with the phenomenon of spreading hate speech and disinformation, which is closely linked to the low level of media literacy, the Ministry of Culture plans to launch a new support scheme aimed at supporting and developing media literacy, including the fight against disinformation. Scheme is intended to improve the ability to critically assess and interpret content disseminated by the media, to create self-regulatory tools aimed at searching for and removing disinformation, or to implement tools to combat disinformation. Support for projects to combat disinformation, increase information literacy and research, development and deployment of technologies is also part of the proposal for the Action Plan for the digital transformation of Slovakia for the years 2023-2026.

***Question 7***

***What laws, policies and other institutional measures exist in your country to protect investigative journalism and whistleblowing? How effective are they and what further measures should be taken to protect journalists and whistleblowers? Where possible, please provide concrete examples of investigative journalism or whistleblowing related to sustainable development, e.g. exposure of corruption or misuse of natural resources.***

Laws and policies covering whistleblowing do not fall within the competence of Ministry of Culture.

The new Media Services Act, i.a., guarantees the freedom and independence of the media, enshrines the protection of the source, the right to information and the plurality of information, defines community media, makes the process of granting authorizations and registrations in the provision of content services more transparent, introduces new rules for ensuring transparent financing of the media and transparency of personnel and property relationships, and enables the existence self-regulatory mechanisms for the field of media.

The new Act on Publications brings the same rights and obligations in relation to electronic and online media (news web portals) compared to traditional print media, it also modifies source protection, introduces the possibility of self-regulatory mechanisms and guarantees greater transparency of ownership relationships in the media through the possibility of assessing personnel and property relations of media actors. A public media and audiovisual database (register) is also being established, which will provide an overview of the information about content services and their providers in one place.

The new media legislation in Slovakia sets completely new rules regulating the protection of source. This fundamental right is enshrined in the Act on Media Services and similarly in the Act on Publications. The content service provider and other persons who participated in obtaining or processing information from a source whose identity is to remain confidential, for the purpose of publishing it within the content service, are obliged to maintain confidentiality about sources of information obtained in the course of their activities and about the content of this information in such a way that the identity of the person who provided the information cannot be ascertained. The protection of source does not apply to a content service whose authorization or registration has been revoked due to financing by terrorist organization, placing on the sanctions list of the United Nations or the European Union or due to content blocking for cyber security purposes. Another exception to the protection of the source is preventing the commission of a crime, in case, when the public interest in preventing criminal activity clearly outweighs the interest in protecting the source. The prevailing interest needs to be examined individually in each case.

The improvement of safety and protection of journalists is an integral part of the Culture and Creative Industry Strategy of the Slovak Republic 2030 which is currently being prepared by the Ministry of Culture.

The issue of protecting journalists will also be addressed as part of the Strategy for the Prevention of Crime and Other Antisocial Activities in the Slovak Republic until 2028. Based on the proposal of the Ministry of Culture of the Slovak Republic, the Strategy should include the creation of a methodology for the police procedure to protect journalists at risk factors of mass events and a mechanism for monitoring attacks on journalists and crimes of which journalists are the victims.

These specific policy actions are paired with other ongoing activities of the Ministry of Culture of the Slovak Republic, such as creating platform for dialogue with journalists by organizing informal meetings. In this respect The Ministry of Culture organized workshops with PersVeilig and Dutch police. These consisted of three separate meeting: with public servants (with emphasis on the police), the journalist, the publishers and broadcasters and third one with public service media provider. These workshops and meetings helped to kick start first survey on threats to journalist (including SLAPP). This survey is being done in cooperation with the Kuciak Center for investigative journalism. The survey also covered the area of SLAPPs.

In order to ensure a space for an effective exchange of opinions and share of experiences that arises from the above mentioned survey, the Ministry of Culture is currently planning to hold a conference on the topic of protecting journalists (including SLAPP, independence of media and new European legislation), to which various national and international experts will be invited.

With the aim of helping journalists in the successful fight against various forms of threats, Slovakia aims to promote implementation of the new European Media Freedom Act, which proposes a new set of rules to protect media pluralism and independence in the EU.

A constitutional Act on Freedom of Media which would entail measures in the area of protection and empowerment of journalists is currently under development. The proposal has not been submitted to the legislative process yet. The passing of such a constitutional act would require a qualified majority of the parliament, which is still to be obtained.

3 February 2023