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FREEDOM OF THE PRESS

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Slovakia

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Press freedom in Slovakia is constitutionally guaranteed and generally respected, and independent media outlets freely disseminate diverse views. Defamation is not a criminal offense, though some types of expression—such as Holocaust denial—are subject to criminal prosecution. Civil defamation suits brought by members of the judiciary and political and business elites, many of which claim exorbitant damages, remain a concern. The 2006–10 administration of Prime Minister Robert Fico, head of the center-left Smer–Social Democracy party (Smer-SD), was widely considered hostile to the media. A short-lived coalition headed by Iveta Radičová, which took power in 2010, rolled back some constraints on the media before it collapsed in October 2011. Smer-SD won an overwhelming victory in snap elections held in March 2012, and Fico returned as prime minister. In September, Fico dropped his libel suit against the weekly *Plus 7 Dni* after reaching an out-of-court settlement, and gave his first cordial interview to the newspaper in years. Separately, at year's end he was still pursuing a suit over a critical 2009 political cartoon by Martin Šútovec, known as Shooty, having filed an appeal with the Supreme Court after losing in the district and regional courts. Fico

and controversial Supreme Court chairman Štefan Harabin have each collected hundreds of thousands of dollars from successful libel lawsuits over the past several years.

In September 2012, reports emerged that Harabin had threatened to sue the public broadcaster, Radio and Television of Slovakia (RTVS), and a psychiatrist who had criticized him on the air for as much as €400,000 (\$514,000) in damages. The psychiatrist had claimed that two judges had died—one of a heart attack and another of suicide—as a result of persecution by Harabin. Also in September, the Constitutional Court overturned a ruling that had awarded Harabin €16,666 (\$21,400) in another libel lawsuit. In what could prove to be a curb on Harabin's litigious practices, Jana Dubovcová, a former judge and a vocal critic of the Supreme Court chairman, was sworn in as Slovakia's new ombudswoman in March 2012. The post came with the power to file disciplinary complaints against judges, and Dubovcová signaled in November that she was prepared to do so. Separately, it was reported in November that Helena Kožíková, the former head of a district court in Bratislava, the capital, had filed a case against Zuzana Piusi, the director of a documentary that was critical of the judiciary, over allegations that Piusi had violated her privacy. Piusi faces up to two years in prison if convicted. Kožíková also sued RTVS for €30,000 (\$39,000) in damages for airing Piusi's documentary.

The 2000 Act on Free Access to Information allows anyone to request information from state agencies and receive an answer within 10 days, with noncompliant officials subject to potential fines. In October 2012, the government amended the act with the aim of bringing it into line with European Union (EU) regulations.

In late 2011, it was revealed that the military counterintelligence service had installed wiretaps on telephones belonging to several journalists. Deputy prosecutor general Dobroslav Trnka announced in February 2012 that a number of unidentified officials, including top military intelligence officers, would face charges of abuse of power and violating citizens' rights in connection with the wiretaps. Another scandal that came to light at the end of 2011, nicknamed "Gorilla," centered on the leak of several files purportedly documenting recordings taken by the Slovak Intelligence Service (SIS) in 2005–06. According to the files, the recordings had revealed corrupt behavior by associates of the country's largest private equity firm, Penta, and senior politicians during former prime minister Mikuláš Dzurinda's second term. In early 2012, Jaroslav Haščák, a co-owner of

Penta, unsuccessfully sought court injunctions against several websites that published the files, including the social-networking website Facebook. Haščák also sought an injunction against a book about the scandal, written by the Canadian-Slovakian investigative journalist Tom Nicholson. In February, a preliminary injunction against the book was granted, prompting complaints from rights organizations. A Bratislava court in June ruled that the book could be published, and stores began stocking it shortly thereafter. Haščák appealed that decision to the Supreme Court in August. It was reported in November that former economy minister Jirko Malchárek, who was also implicated in the Gorilla files, had sued Nicholson for libel. Both that case and Haščák's appeal remained open at year's end.

Following Smer-SD's victory in the March 2012 elections, a proposal to dismiss RTVS head Miloslava Zemková before the end of her term was introduced in the parliament. The measure claimed that Zemková, who had been elected to the position in 2011 under Radičová's government, had mishandled a public tender. The move drew complaints from press freedom organizations and the European Broadcasting Union (EBU), whose director called the proposal "alarming" and a clear sign of political interference. The parliament nonetheless passed the measure in late June in a vote boycotted by the opposition. Zemková then filed a complaint with the Constitutional Court, saying her dismissal had been politically motivated. Meanwhile, the parliament in August elected a new director, with opposition lawmakers again boycotting the vote. The Constitutional Court in December dismissed Zemková's complaint, finding that it was unsubstantiated and that the court lacked jurisdiction to rule on the issue.

Most Slovak media outlets, including all major print outlets, are privately owned. Lack of transparency in media ownership remains a concern, as does inadequate enforcement of regulations on cross-ownership of outlets. Print media ownership is concentrated in three major houses: Ringier Axel Springer, based in Switzerland, and Spoločnosť 7 Plus and Petit Press, both based in Bratislava. Slovakia's leading financial group, J&T, in recent years has acquired the country's second-most-popular daily newspaper, *Pravda*, as well as TV Joj, Slovakia's second-largest television network. In December 2011, the national transmission company Towercom was awarded an 18-year license to operate Slovakia's fourth digital terrestrial television multiplex—the only such broadcasting system it did not already control. The main operators in the radio market are Radio Expres, which is privately owned, and the public Slovak Radio. Slovaks enjoy growing access to the

internet, which the government does not restrict; approximately 80 percent of the population had access in 2012.

The economic outlook of RTVS remained uncertain in 2012. The broadcaster came into being at the start of 2011, after the dire financial position and dwindling audience of the existing public-service broadcasters prompted the government in 2010 to approve legislation outlining the merger of public television and radio networks into a single entity. The two-year merger process—which was designed to rescue both broadcasters from financial collapse, but did not relieve them of their massive debts—generally went according to schedule in 2012, though the organization had yet to establish a shared headquarters. To counter its financial difficulties, the newly elected RTVS director in October announced plans to lay off at least a fifth of the broadcaster's employees. Private media outlets have also faced increasing financial pressure in recent years.

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