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Media Capture in Slovakia:

A story of fragile pluralism, media resilience
and the struggle against corruption



MEDIA CAPTURE IN SLOVAKIA: A STORY OF FRAGILE PLURALISM, MEDIA RESILIENCE AND THE STRUGGLE AGAINST CORRUPTION

Acknowledgements

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Hanák also worked as a journalist for the Slovak public service broadcaster RTVS in 2012 – 2018. His contract was not prolonged after he (along with 60 other colleagues) protested against the new politically appointed chief of RTVS, Jaroslav Rezník, in 2017. This posting and the subsequent events¹ were seen as an example of possible media capture and Rezník's appointment was repeatedly criticized by international organizations.²

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Online: <https://www.cogitatiopress.com/mediaandcommunication/article/view/4204/4204>.

² <https://rsf.org/en/unrest-within-slovak-public-broadcaster-over-political-pressure>

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AN INTRODUCTION TO MEDIA CAPTURE IN EUROPE

Over the past decade, independent journalism and press freedom across large parts of Europe have faced increasing pressures from the phenomenon of media capture. This system involves the capture of once-independent media houses by vested political or business interests, which collude to control the narrative and serve their own political and financial ends. In this symbiotic relationship, media tycoons acquire independent titles in order to wield influence and curry favour with the state, while the government benefits from positive coverage in return for state advertising and often lucrative contracts in other sectors. In many countries in Central and Eastern Europe, this stealth-like takeover of news media by oligarchic owners working in tandem with state authorities has severely distorted the free flow of information and eroded media pluralism, with deeply damaging effects on democracy.

The most advanced model of media capture within the European Union has been developed in Hungary. Over the past decade, the Fidesz government of Victor Orbán has gained an unprecedented level of control over the country's private and public media, allowing it to muzzle the independent press and manipulate the market to entrench a dominant pro-government narrative. The bulk of major print, radio and television media have been acquired by business figures connected directly or indirectly to the ruling party, in some cases with the help of loans from state-controlled banks and state contracts in other industries. Much of the market has since been consolidated under the KESMA foundation, controlled by figures with ties to Fidesz or even the party's former MPs.

According to the February 2022 International Press Institute (IPI) mission to Hungary, this system of media control has been designed “to give Fidesz plausible deniability against accusations of meddling”, with responsibility for attacks on independent journalism “artificially shifted away from the ruling party.”³

While media capture in Europe takes different forms, the Fidesz model is characterized by the use of legislative, regulatory and financial powers of the state by the dominant political force to capture media to advance its political interest. While private oligarchs act in collusion and benefit from the arrangement, the balance of power lies with the government. In this model of media capture, four key indicators have been highlighted: control of regulators, control of public media, misuse of public funds to control media, and control of private ownership.⁴ Media capture is most entrenched and systemic where all four indicators are achieved by the ruling party.

In recent years, IPI has been documenting the spread of this model of media capture across Europe in a series of reports. IPI's monitoring and reporting have outlined the expansion of media capture tactics from Hungary to other Central European states, including Poland and Slovenia. Recent reports have examined the landscape for media capture in Bulgaria⁵ and the Czech Republic⁶. These reports identified comparable attempts by illiberal-minded governments to control public discourse, but also illustrated the national characteristics and key players involved in media capture in each country. IPI's reporting has also highlighted efforts by newly elected governments in Slovenia and the Czech Republic to implement legislative changes to roll back media capture and safeguard independent journalism.

³ <https://ipi.media/mission-report-media-freedom-in-hungary-ahead-of-2022-election/>

⁴ See 'Media Capture in Europe' 2019 by Marius Dragomir
<https://cmds.ceu.edu/article/2019-05-27/media-capture-europe-mdif-publishes-new-report-dragomir>

⁵ <https://ipi.media/ipi-report-shines-light-on-hidden-alliances-and-vested-interests-behind-media-capture-in-bulgaria/>

⁶ <https://ipi.media/ipi-publishes-report-on-media-capture-in-the-czech-republic/>

A common regional feature of media capture is that the politicized media takeovers were facilitated by the withdrawal of foreign media owners in the wake of the 2008 financial crisis. The new owners were often powerful oligarchs who sought to protect their business interests by exercising political influence through the purchase of substantial media assets. They invested not for profit, but for influence. This, together with a more systemic failure to establish fully public service media out of the former state broadcasters, and failure to safeguard media regulators from politicized appointments were decisive factors in the rise of media capture across Central and Eastern Europe.

In addition to examining the different forms this phenomenon takes, and its damaging effects on watchdog media, journalistic standards and democratic values, IPI's work is aimed at finding national and international solutions to help stem the tide of media capture.⁷



⁷ See IPI's Media capture work <https://ipi.media/media-freedom-rapid-response/media-capture-in-europe/>

MEDIA CAPTURE IN SLOVAKIA

This report shows that the Slovak media landscape is affected by media capture although the situation is presently less acute compared to other countries in Central Europe. Vigilance and key reforms are required to shore up the country's defenses against media capture and strengthen the independent press.

Slovakia's fragmented political landscape has, thus far, prevented any single political force from capturing the media, as Hungary's Fidesz has done. The level of media pluralism is higher than elsewhere in the Visegrád region, and the power of media oligarchs, while still problematic, is more restrained. There is a resilient independent media sector. The public broadcaster is vulnerable but has so far avoided becoming full party propaganda.

Nevertheless, there are clear threats. Examples of the instrumentalization of media by both politicians and oligarchs to protect their interests can be seen, as exemplified by the role of some media in discrediting efforts to prosecute engrained corruption, undermine the courts, and create a hostile climate for investigative journalists. State funding to media is not transparent and lacks safeguards to prevent abuse. Rules for protecting the independence of media regulatory bodies and the public broadcaster are inadequate and open the door to political influence.

The 2018 murder of Slovak investigative journalist Ján Kuciak shattered the edifice of this corrupted system and provided a political opening for democratic reform, leading to clear but fragile improvement in the wider landscape for press freedom where watchdog reporting by small independent outlets remains strong. However, with an early election approaching and a change in government appearing likely, the issue of media capture and its corrosive effects on democracy is more relevant than ever.

The report examines the level of media capture in Slovakia by reviewing four key indicators:

- Media capture and private media
- Political independence of public service broadcasting
- State advertising
- Media regulators

Slovakia's media have been subject, albeit to differing degrees, to the same forces of capture that have affected the political and media landscape of its neighbours. At the same time, the country has its own unique experience shaped by its media, political and business leaders.

In Slovakia, a number of private media were taken over by business oligarchs in the decade following the 2008 financial crisis, with the majority of these oligarchs having made their fortunes in businesses dependent on close relations with the state. Nevertheless, the country has also been able to maintain a relatively high level of pluralism in comparison to some of its neighbours, and the independent media sector is notable for its resilience.

The Slovak public service broadcaster has been the target of political control and influence efforts, and while Radio and Television of Slovakia (RTVS) has not devolved into the propaganda mouthpieces that operate today in Hungary and Poland, it has also been forced to compromise on its independence as evidenced by several scandals over recent years.

The lack of transparency and rules over the distribution of state advertising make Slovakia's media vulnerable to political interference and abuse. The few studies that exist demonstrate a clear imbalance in the distribution of state advertising funds to media.

Appointments to regulatory bodies are often highly political resulting in boards populated by ill-qualified and politically dependent members. However, rarely has any one political party or force been in power long enough to monopolize a regulatory body, and a level political balance has somehow been maintained.

This report also looks at the level of online abuse of journalists, and particularly the role that politicians have played in attacking and discrediting critical journalism, which is a common feature of politically captured media environments. In this context, the 2018 murder of Ján Kuciak and his fiancée, Martina Kušnírová, while not directly related to media capture, serves as a warning to what can happen when politicians enable a toxic political environment for journalists to flourish alongside high levels of corruption.

The report further compares the situation with the Czech Republic with which Slovakia has the closest political, business and cultural links and where there is considerable crossover in media owners and political strategies.

Finally, the report makes urgent policy recommendations to reverse or prevent media capture.

But first, an introduction to Slovakia's political landscape.

SLOVAKIA: A POLITICAL OVERVIEW

In 2020, the populist protest movement OĽaNO (Ordinary People and Independent Personalities), led by anti-corruption activist Igor Matovič,⁸ won the general election and established a coalition government. Knowledge of Slovakia's recent political history is important to understand the public demand for an anti-corruption movement.

*Prime Minister of Slovakia,
Robert Fico arrives to attend in an
EU leaders summit, 2016.*



With the exception of a brief gap (2010-12) Slovakia was continuously governed by the Smer political party from 2006 to 2020. Smer has socialist roots but is now a socially conservative party appealing to elderly rural voters. Smer's chairman, Robert Fico, was prime minister on three occasions and remains the uncontested party leader. Smer's coalition governments have included nationalists and authoritarians, and Fico's policies have become increasingly illiberal in recent years.

As prime minister, Fico developed an abrasive relationship with critical media, often labelling them enemies and traitors. As revelations and allegations of corruption against Smer politicians and the circle of business oligarchs around the party grew, so, too, did the hostile rhetoric against the press, intimidating journalists and dismissing allegations as fake and politically charged.⁹

Many of the corruption claims centered on Norbert Bödör,¹⁰ who was allegedly protected by the then head of the police, Tibor Gašpar. In 2021-2022 several senior officers testified in court of having been paid by Bödör to ignore the criminal activities of "our people" under the previous government (2016 - 2020).

⁸ also former owner of a network of regional newspapers
<https://spectator.sme.sk/c/20693133/matovics-publishing-house-regionpress-has-changed-hands.html>

⁹ VAGOVIČ, M. 2016. Vlastnou hlavou. Premedia. 248 pages.

¹⁰ A former fighter whose family run a well-connected security firm
<https://twitter.com/occrp/status/1230920617949618177>



*Bratislava, Slovakia. 16 March 2018.
Photograph of the murdered
journalist Jan Kuciak and Martina
Kusnirova with the inscription "we
will not forget"*

In 2017, investigative journalists were beginning to expose the surface of criminal networks that incriminated dozens of state officials. In February 2018, one of those journalists, Ján Kuciak from Aktuality.sk, was murdered together with his fiancée, Martina Kušnírová. Kuciak had revealed incriminating information on Marian Kočner, another wealthy businessman close to Bôdör, and was also investigating links between the Italian mafia, Ndraghetta, and the Smer party at the time of his murder. The killings shocked the nation, sparking mass protests leading to Fico's resignation and the eventual defeat of Smer in the 2020 elections.

The murder investigation revealed substantial incriminating information on the circle around Fico and Bôdör. Thousands of private messages were published between the main suspect, Marian Kočner, and Bôdör, revealing an extensive surveillance operation on almost 30 Slovak journalists,¹¹ including Kuciak and colleagues at Aktuality.sk.¹²

The trial for the murder of Kuciak and Kušnírová saw the gunman, driver and a middleman who testified against Kočner all convicted and sentenced for the murders in September 2020. While Kočner and his associate Alena Zsuzsová were initially acquitted, the Supreme Court overturned the acquittal in June 2022 and ordered a retrial.

The 2020 election of a new coalition government led by the OĽaNO movement was followed by a wave of police investigations. Dozens have been investigated for organized crime including Bôdör; the former chief of police, Gašpar; and their allies in the Smer party. The governing coalition also came under strain when investigations began to turn toward allies of the coalition partner Sme Rodina, chaired by Boris Kollár.¹³

¹¹ <https://ipi.media/who-and-why-is-surveilling-journalists-in-slovakia-sme/>

¹² <https://spectator.sme.sk/c/22105666/screening-journalists-monitoring-kocner-kriak-police-toth.html>

¹³ Kollár also owns Funmedia Radio Group

The struggle against corruption has become one of the new dividing lines in Slovak politics, pitching the splintered anti-corruption movement against those who label the investigations as fabricated and politically driven. Most of the watchdog media are still targeted by Fico and his allies as political enemies while some of the oligarchic media, notably those owned by Penta, with connections to Jaroslav Haščák¹⁴ who himself faces numerous investigations, have joined the efforts to discredit the investigations.

SLOVAK GOVERNMENTS 1994 - 2022

	PRIME MINISTER	COALITION PARTIES	CHARACTERISTICS
1994 - 1998	VLADIMÍR MEČIAR	HZDS, SNS, ZRS	Authoritarian, Nationalist, Illiberal
1998 - 2002	MIKULÁŠ DZURINDA	SDK, SDL, SMK, SOP	Centre-right, Democratic
2002 - 2006	MIKULÁŠ DZURINDA	SDKÚ, ANO, SMK, KDH	Economic liberalism
2006 - 2010	ROBERT FICO	SMER, SNS, HZDS	Social democratic, populist, nationalist
2010 - 2012	IVETA RADÍČOVÁ	SDKÚ, SAS, MOST-HÍD, KDH	Economic liberalism
2012 - 2016	ROBERT FICO	SMER	Populist
2016 - 2020	ROBERT FICO, PETER PELLEGRINI	SMER, SNS, MOST-HÍD, SIEŤ	National populism
2020 - 2023	IGOR MATOVIČ, EDUARD HEGER	OLANO, SAS, SME RODINA, ZA LUDI	Centre-right populism

¹⁴ Jaroslav Haščák is a co-founder of Penta, an oligarchic group with business in regulated industries. Following police investigations, he resigned from his executive position in Penta, and transferred his Penta shares (approx. 44 percent) to his wife. Source: <https://www.omediach.com/tlac/21066-penta-meni-vlastnicku-strukturu-hascak-prevadza-podiel-na-rodinu>

Public trust in media is further damaged by political rhetoric that mimics Viktor Orbán and whips up public hostility to journalists by framing independent critical media as stooges of western liberalism acting against Slovakia's national interests.

This hostility to media can be found across the political spectrum. Igor Matovič, the former prime minister and later finance minister,¹⁵ was also criticized for his outspoken attacks on media by a coalition of media freedom groups in October 2022.¹⁶

*Trnava / Slovakia - February 2020
Leader of Slovak opposition party
OL'ANO - Igor Matovič during the
2020 parliamentary elections
with his family.*



.....
¹⁵ Matovic was forced to step down as Prime Minister to become Minister of Finance after repeated conflicts with members of his own government and coalition.

¹⁶ <https://ipi.media/slovakia-deputy-pms-attacks-undermined-governments-broader-efforts-to-strengthen-press-freedom/>

MEDIA CAPTURE AND THE PRIVATE MEDIA

The last 15 years have witnessed a huge turnover in media ownership in Slovakia with oligarchs, often on the back of fortunes made in state dependent industries, taking over, selling, and then reinvesting in different media ventures. The changes can be hard to map and the true beneficial owners can be hidden by complex ownership structures. However, a number of important acquisitions which pose risks of media capture can be highlighted.

In 2007 a large Slovak holding, J&T, operating mostly in real-estate, banking and finance, and energy, acquired the second-biggest commercial broadcaster, TV JOJ.

In 2010, Pravda daily was sold by Northcliff (publisher of UK's Daily Mail) to a previously unknown company, Florena, owned by an obscure airport manager who would not have had the capital to purchase a media outlet. It is uncertain where the money came from and who the beneficial owners were, but the transaction was administered by J&T who may have sought to conceal the purchase to avoid breaching cross-ownership rules given their ownership of TV JOJ.

In 2018 Pravda daily was sold again to the Czech company Our Media, owned by Michal Voráček and Ivo Valenta. Voráček later purchased the Slovak news broadcaster TA3¹⁷ and left Our Media, possibly to avoid breaching cross-media ownership rules that forbid owning both a national daily and a national broadcaster. The new owner of Voráček's shares in Our Media is a Cyprus based company,¹⁸ a brand connected to Ivo Valenta.

In 2013, the daily financial newspaper Hospodárske noviny was sold to the Czech oligarch and politician-to-be Andrej Babiš shortly before he purchased Mafra media and launched his political career.

In 2017 the country's most popular tabloid, Nový Čas, was sold by Ringier Axel Springer to the FPD group of Anton Siekel, who has ties to the nationalist SNS party.¹⁹ The impact of these new owners on editorial independence is hard to assess. However, the ownership of media by business groups often dependent on generating profits in other state-dependent industries clearly compromises their ability to hold the government to account.

Penta

The most important arrival in Slovakia's media was the Penta group when in 2014 it purchased 7Plus publishing house. Penta owns businesses in heavily regulated industries such as healthcare, banking and finance, real-estate and industrial production. It is also notorious for the "Gorilla" political and corruption scandal that led to large protests and a snap election in 2012. Penta already had a reputation for suppressing investigative journalism when it tried to stop the publication of a book on the scandal.²⁰

¹⁷ TA3 has a history of oligarchic ownership and close relations to politicians. One of the main managers, Zuzana Martináková, a former politician, and her husband worked as a communication specialist for Fico, and later for Peter Pellegrini who succeeded Fico as prime minister in 2016.

¹⁸ Synot Invest Limited

¹⁹ SNS party chairman, Andrej Danko, worked as a lawyer for Siekel
<https://domov.sme.sk/c/22008339/majitel-slotovej-vily-peter-nosal-robi-pre-siekela.html>

²⁰ <https://ipi.media/slovak-court-blocks-book-on-graft-scandal/>

7Plus owns the most popular weekly magazine Plus7dní, a tabloid that also covers political scandals, and the second most popular tabloid daily, Plus1deň, among other titles. Penta also acquired Trend, an influential economic weekly, and acquired a minority stake in Petit Press from the German publishing group Verlagsgruppe Passau. The purchase of Petit Press caused a scandal because it publishes the most influential legacy daily in Slovakia, SME, as well as a large network of regional newspapers, including the only Slovak Hungarian-language daily,²¹ Ujszó. The acquisition led to over 50 of SME's leading editors and journalists walking out. They went on to launch a new daily, Denník N, with financial backing from the Slovak tech giant Eset.

One of Penta's co-owners, Marek Dospiva, likened their media investments to holding a "nuclear briefcase" explaining that the investment was for "politics" not profit.²² It is hard to find a clearer example of plans to instrumentalize media by a new owner and a clear case of attempted media capture by vested interests.








However, Penta was unable to exercise influence on SME's editorial policy and in 2021, the company sold its stake in SME to the Media Development Investment Fund. The paper's staff successfully defended the paper's independence, allowing SME to survive the Penta era and retain its position as one of the country's leading independent media. Penta still owns News and Media Holding, now the largest Slovak media company with a large network of periodicals and a leading position in the online news market with the most visited website Pluska.sk, which belongs to the tabloid daily Plus1deň.

One of Penta's leaders, Jaroslav Haščák, who has faced repeated police investigations over his connections to the Gorilla scandal, was arrested and detained for a month following a police raid at Penta's premises in 2020. He was released in January 2021 due to a lack of evidence and the Ministry of Justice subsequently apologized. Since then, Penta media, particularly the weekly magazine Plus7, have repeatedly tried to discredit the police, prosecution, and the specialized corruption court. By 2023, Haščák had again been charged with organized crime connected to the Gorilla scandal.

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²¹ Hungarian speakers make up 8 percent of Slovakia's population.

²² <https://archiv.hn.cz/c1-63893810-spolumajitel-penty-dospiva-chceme-medialni-stit-proti-iracionalnim-utokum>

DAILY NEWSPAPER MARKET

	NEWSPAPER	OWNER	READERSHIP
	Nový čas (tabloid)	FPD (Siekel)	12%
	PlusIdeň (tabloid)	Penta	6%
	SME	MDIF+others	5%
	Pravda	Our Media	5%
	Šport	Šport Press	4%
	Hospodárske noviny	Mafra (Babiš)	3%
	Denník N	Various	3%




Data: MML-TGI 3-4/2022, Median Research Agency

WEEKLY NEWSPAPER MARKET

	OWNER	READERSHIP
	Penta	14%
	Z+M Press (RegionPress)	7%
	Petit Press	3%
	FPD (Siekel)	3%
	Mafra (Babiš)	2%
	Mária Reháková	2%

Data: Calculated from MML-TGI 3-4/2022, Median Research Agency





RADIO MARKET

	RADIO NETWORK	OWNER	SHARE OF THE MARKET
	Expres, Europa, Melody	Bauer Media	26%
	Public service radios	RTVS	20%
	Radio Group/Funmedia23	Boris Kollár	16%

Data: MML-TGI 3-4/2022, Median Research Agency

Slovakia has a concentrated radio market with the majority of it split between the three biggest players. The largest, with a 26% share, belongs to the German company Bauer Media. The public broadcaster, RTVS, comes second with a 20% share, while the Funmedia radio group, owned by Boris Kollár since 2021, comes in third with a 16% share. Kollár is also chair of the governing Sme rodina party, however his radio stations are not primarily political.

TELEVISION MARKET

	TELEVISION	NETWORK OWNER	TOTAL VIEWERSHIP
	Markíza	PPF	39%
	TV JOJ	J&T Group	32%
	Public service broadcaster	RTVS	27%
	TA3 TV	Our Media	2-4% ²⁴

Data: MML-TGI 3-4/2022, Median Research Agency

²³ Funmedia changed its name to Radio Group after purchasing part of the former J&T radio network in 2022.

²⁴ TA3 was too small to be included in the original cited data so the 2-4% estimate is based on their own claims of „record-breaking“ 3,5 percent share of the Slovak TV market in 2021.

The television market is also controlled by a small handful of players. The most popular commercial broadcaster, Markíza, was bought by the Czech PPF Group in October 2020 when PPF purchased the parent company Central European Media Enterprises (CME), which also owns broadcasters in the Czech Republic, Slovenia, Bulgaria, Romania and Croatia. PPF's acquisition of CME was approved by the European Commission²⁵ despite concerns about the impact on media pluralism and fears that PPF's financial investments in China may create a backdoor for Chinese influence.²⁶ In 2021, IPI reported on concerns about PPF's influence on editorial policies in Slovenia,²⁷ though no obvious editorial changes have been noted in TV Markíza and journalists inside confirm that they have not seen any evidence of China being treated with a special status.

As TV Markíza is one of the most important information sources for the Slovak public, maintaining its editorial independence is of primary concern. Since the death of PPF's owner, Peter Kellner, in 2021 there have been concerns about Penta's interest in purchasing TV Markíza.

The second-biggest broadcaster, TV JOJ, is owned by Slovenská produkčná, part of the J&T empire via a Cyprus based company.²⁸ J&T Finance Group is partially (45%) owned by Josef Tkáč, whose son, Patrik Tkáč, is the vice-chair of the J&T board of directors. Patrik Tkáč also owns a 44% share in the Czech energy firm EPH, controlled by Daniel Křetínský, a major media owner in the Czech Republic and France.²⁹

In 2010, there was an alleged censorship scandal in TV JOJ when one of the J&T owners prevented the broadcast of a report into the finances of the Smer party involving a friend of the J&T owner.³⁰ The editor-in-chief conceded at the time that "it happens everywhere, but only we admit it."³¹ However, there have been no further scandals involving TV JOJ and its reporting is generally considered to be balanced and fair.

The third-largest player is the public-service broadcaster RTVS which will be addressed in the public service media chapter.

The relatively small private news broadcaster TV TA3 is owned by the Czech businessman Michal Voráček who also previously co-owned the daily Pravda. TA3 may be small, but it is a dedicated news channel for political debate and so its political influence and connections outweigh its modest audience reach.

²⁵ https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1842

²⁶ <https://zpravy.aktualne.cz/domaci/home-credit-ppf-petr-kellner-campaign-china/r~265579361bf511ea926e0cc47ab5f122/>

²⁷ <https://ipi.media/report-slovenian-government-eroding-media-freedom-as-it-takes-over-eu-presidency/>

²⁸ The ownership structure is complex, but Slovenská produkčná is owned by JOJ Media House which in turn is owned by the Cyprus based company TV JOJ L.P. J&T states that "Entities in the J&T group contribute to financing some activities of JOJ Media House" and "J&T Bank is one of the financing subjects of JOJ Media House". For further sources see:

https://www.ineko.sk/file_download/857 and <https://dennikn.sk/blog/222737/ako-to-je-s-jt-televiziami-a-radiami/>

²⁹ Křetínský is part owner in Le Monde, Elle magazine and in 2022 invested in saving la Libération

³⁰ <https://domov.sme.sk/c/5383939/jt-v-joj-stopla-reportaz-o-financovani-smeru.html>

³¹ <https://domov.sme.sk/c/5388637/redaktorka-joj-ma-neplatene-volno.html>

The Slovak TV market appears to be concentrated but the statistics ignore the popularity of foreign broadcasters, particularly Czech and, to a lesser extent, Hungarian channels catering for Slovakia's Hungarian language minority. Depending on the methodology, Czech broadcasters take up to 12% of the Slovak market and Hungarian another 4% while other foreign channels take up a further 15%.³² Almost a third of the entire broadcast market therefore is occupied by foreign channels helping prevent any one Slovak channel gaining a dominant position.

A full view of the media pluralism levels is difficult to obtain due to the lack of transparency over beneficial media ownership. Moreover, the audience share of the top four broadcasters exceeds 60%. According to the Media Pluralism Monitor published by the Centre for Media Pluralism and Media Freedom (CMPF) these combined factors place Slovakia in the "high risk" category for media concentration.³³

In 2022, the Slovak government introduced media law reforms that formally guaranteed protection of sources for online media and improved levels of ownership transparency. A public register is being set up on media ownership and media outlets will be further required to record all investments of over 2000 euros. All publishers, including news websites, must be registered in the public sector partnership registry. If properly implemented, this could be a significant step in revealing the true owners (or beneficiaries) of media outlets.

The rules on cross media ownership have also been updated to the following

- ▶ No private company can simultaneously operate both a terrestrial radio and a terrestrial TV channel.
- ▶ No private company can simultaneously operate a broadcaster and a terrestrial multiplex.
- ▶ No individual can be the final beneficiary of more than one content service provider, if the combined share of the Slovak advertising market exceeds 60 percent.

³² <https://zive.aktuality.sk/clanok/YGtTCX7/sledovanost-stanic-skupiny-markiza-a-joj-maju-spolu-43-percent-vieme-ako-sa-dari-ceskym-a-dalsim-tv/>

³³ <https://cadmus.eui.eu/bitstream/handle/1814/74704/MPM2022-Slovakia-EN.pdf?sequence=1&isAllowed=y>

KEY NEWS PROVIDERS NOT OWNED BY OLIGARCHS

Pluralism in the news media market is, however, positively affected by a diverse range of quality print and online media outlets independent from oligarchs. These include the second-biggest news website Aktuality.sk, the legacy newspaper SME with its website Sme.sk and Denník N. These sites, together with the tabloids Pluska.sk and Topky.sk, dominate the Slovak online news.

›aktuality.sk **Aktuality.sk**³⁴ is a news site with approximately 800,000 daily real users, known for its investigative journalism. It belongs to the Swiss publishing house Ringier and was also Ján Kuciak's employer. Aktuality was at the forefront of exposing corruption allegations against the oligarch Bödör and other business leaders close to the Smer party. Consequently, Fico and his allies frame Aktuality as a hostile and biased actor. However, it is also critical towards the current governing coalition and is therefore attacked by both political camps.

SME **SME** is the country's leading liberal legacy newspaper which has established a strong online presence, consistently ranking among the top three most popular news sites with approximately 650,000 daily real users. It succeeded in maintaining editorial independence during Penta's minority shareholding (now sold) and its critical journalism has also made it a favourite target for Fico.

DENNÍK N **Denník N** was founded by the leading editors and reporters exiting SME after Penta first bought shares in the newspaper. The outlet has a relatively strong online presence with approximately 240,000 daily real users, which provide an income through digital subscription. They often break new investigative stories and leaks from important corruption cases. Denník N has a similar media project in the Czech Republic, Deník N. They are also seen as a liberal newspaper, and both Fico and Matovič regularly attack it.

³⁴ Note the report's author works for Aktuality.sk

POLITICAL INFLUENCE AND SAFEGUARDING THE INDEPENDENCE OF PUBLIC SERVICE MEDIA

Public service media in Slovakia have faced threats to their independence from political forces since they were first established following the country's independence. When the totalitarian state-controlled model under communism was converted to public media many senior journalists from the communist regime had to leave.³⁵ Then in the semi-authoritarian regime of former Prime Minister Vladimír Mečiar in the 1990s, an early example of an illiberal democracy³⁶, the public service media were captured by political nominees and used to spread government propaganda. The 1998 election led to a change in government and paved the way for Slovakia to join the EU. In this process of democratization the new management of the public broadcaster removed the leading propaganda journalists. This cyclical pattern of replacing journalists following changes of government would sometimes improve RTVS's independence and sometimes reinforce its political control.

When Mečiar returned to the governing coalition with the nationalist SNS and Robert Fico's Smer in 2006, Štefan Nižňanský was appointed director general of the public television and pro-government bias appeared to rise again. Then, in 2010, when the next coalition government wanted to replace Nižňanský, they dissolved the two separate broadcasters - Slovak Television (STV) and Slovak Radio (SRo) to merge them into the Radio and Television of Slovakia (RTVS) - with Miloslava Zemková, the former director of SRo, becoming the new RTVS director general. While the directors of STV and SRo had been elected by boards representing society (following the German model), the new institution had its director general elected by parliament. This system of direct appointment strengthens the leverage any government has over the director general.

In 2012, Robert Fico regained power and his Smer party replaced Zemková with the experienced media manager Václav Mika.

The 2016 - 2020 government, still led by Smer but with a powerful nationalist SNS coalition partner, repeatedly attacked the public broadcaster with the SNS leader, Andrej Danko, calling for it to be replaced by a state-controlled broadcaster. While this did not materialize, the coalition refused to support Mika for reappointment and instead elected the former head of the public news agency TASR, Jaroslav Rezník³⁷, as director general. Rezník is a self-proclaimed national conservative who was accused of using the public news agency to promote the SNS.^{38 39}

³⁵ HANÁK, P. OSVALDOVÁ, L. 2017. The 1989 Revolution and Transformation in the Slovak Public-Service Radio. IN: *Media studies*. vol. 1/2017. p. 18 – 20.

³⁶ ZAKARIA, F. 1997. p. 22.

³⁷ Rezník was also previously the head of SRo – Slovak Radio, during the 1990s government of Vladimír Mečiar.

³⁸ ŠÍPOŠ, G. 2015. TASR robí za štátne volebnú kampaň SNS. [TASR is campaigning for SNS]. IN: Transparency.sk. Online: <https://transparency.sk/sk/tasr-robi-za-statne-volebnu-kampan-sns/>.

³⁹ KERNOVÁ, M. 2015. Agentúra TASR sa zmenila na tlačové oddelenie SNS. [TASR agency had become a press department of SNS party]. IN: Dennik.sk. Online: <https://dennikn.sk/blog/173814/agentura-tasr-sa-zmenila-na-tlacove-oddelenie-sns/>.

Rezník, in turn, appointed former government spokespersons as news managers, interfered with the main investigative programme and removed critical journalists. When more than 60 RTVS journalists protested in 2018 some of them were also subsequently laid off, prompting protests at home and abroad and further journalist departures.⁴⁰ Their departure was followed by several unprofessional-reporting scandals including accusations of misinformation over Covid-19 vaccines.⁴¹ During this period, the public media can be considered to have been captured by vested political interests, which overtly served one ideological agenda.

Under Rezník, RTVS adopted a subtle pro-Russian tone, mirroring the views of the politicians who elected him. This changed following the Russian invasion of Ukraine when the news editor-in-chief was fired due to mismanagement and insufficient reporting on the Russian invasion.

Luboš Machaj replaced Rezník in 2022, but RTVS continues to provoke controversy. After only two months in place the news management team resigned after a backlash for broadcasting an hour-long speech by Fico without comment or context. Then at the end of 2022, Marek Vagovič resigned after being told his investigative show “Under the Surface” was to move to a minor channel after the board criticized him for an interview with a key witness in the corruption scandals against Smer associates.

Even a director elected by an anti-corruption majority can face huge obstacles illustrating how hard it is to change the political culture around RTVS, which for so long has been the target of political control and influence.⁴²

The public news agency TASR also plays an important role in the national media. The agency was led by Jaroslav Rezník between 2009 and 2017, during which time he was accused of providing a pro-SNS bias. In 2017 TASR was forced to cancel a contract with the Russian news agency Sputnik after a public outcry.⁴³ When Rezník left he was replaced by a long-term aide, Vladimír Puchala.

There are two key challenges for the survival of independent public service broadcasting. Firstly, the system of appointments of the director general and members of the governing boards by parliament inevitably creates a politicized process enabling the political majority to exert control over the public broadcaster. The current government's Ministry of Culture proposed depoliticizing the procedure by removing it from the parliament and putting it in the hands of the RTVS council, but the proposal was blocked by the coalition partner Sme rodina.

⁴⁰ <https://rsf.org/en/unrest-within-slovak-public-broadcaster-over-political-pressure>

⁴¹ RTVS had reported on the death of a woman after which they linked to her vaccination. The death was later proved to be unconnected to the vaccine and RTVS was forced to apologize.

⁴² Machaj also made questionable nominations; the new head of RTVS marketing, Zuzana Ťapáková, was involved in a company supplying allegedly overpriced services to the Ministry of Foreign Affairs in 2016. The scandal sparked a wave of verbal attacks on journalists including Fico calling journalists „dirty anti slovak prostitutes“.

⁴³ <https://www.rferl.org/a/slovakia-news-agency-cancels-sputnik-contract-russia/28400557.html>

The second and even more serious systemic problem is the chronic underfunding of RTVS caused by the freezing of the licence fee since 2003. Sufficient and sustainable financing is essential also for political independence. The huge funding gap created by the fee freeze forces each director general to negotiate with the government for additional budgets further undermining RTVS's ability to provide news coverage in the public interest. Meanwhile, the current government has decided to abandon the fee system altogether from July 2023 without announcing how it will be replaced. Until a new funding system is introduced RTVS will be dependent on direct government subsidies. Any new mechanism that requires the public service media to negotiate its budget directly with the government will only increase political control.

Slovakia's public service media has been severely compromised but it has not become the total propaganda arm of the government as is found in Hungary and Poland. The situation today is considerably improved compared to the Reznik period and the last Smer government. However, until there is a depoliticization of appointments and better funding, it will be the target of pressure by incoming governments.

STATE ADVERTISING: TRANSPARENCY AND ACCOUNTABILITY

Money distributed to media by the state in the form of advertising or subsidies can be abused to engineer editorial alignment and further media capture.⁴⁴ In Slovakia, there is no general public subsidy for media beyond a small programme to support minority media or non-commercial arts and culture-oriented publishing. The government raised the idea of a state fund to support investigative journalism in 2020, but it was rejected by the journalist community due to fears about independence.

State advertising, however, can be a powerful tool for governments to wield over media to secure positive coverage. The importance of state advertising has been increasing over the past decade, firstly as a result of the precarity of the media economic model and the dominance of social media platforms, and secondly as a result of the injection of government advertising budgets from European Union funds.

Governments in EU member states are usually required to spend a proportion of European funds on public communications to promote EU-financed programmes, providing a further opportunity for officials to direct funds to reward political friends in their favoured media while withholding advertising revenue from their critics.⁴⁵ This creates distorted market conditions against independent media.

Central to the problem is the absence of clear rules to protect the distribution of state advertising from political interference and the lack of transparency over how advertising is spent and who benefits.

Moreover, the distribution of advertising funds to media outlets is decentralized. Each government ministry, local municipality, local hospital and public institution allocates its own advertising budgets. As a result there is no central register of public advertising, and no official figures on who gets how much money from whom.

A central register of all public contracts is available, but the effort and resources required to separate out and analyse the advertising expenditure creates a considerable barrier to transparency. As a result, there is little clear information on advertising expenditure creating the perfect environment for abuse thereof.

The most extensive investigation was conducted by Peter Sabo, an award-winning journalist at Aktuality.sk⁴⁶ who collected data on how much state advertising was spent on which media between 2018 and 2020. Sabo studied 243 contracts between the state and media, published in the public registry of contracts from August 2018 until September 2020.

If government advertising was spent to reach the largest and most diverse members of the public you would expect advertising to be spread across all media with the amount spent reflecting the relative reach of each media. Sabo's study revealed however that there was often little coherence between the sums spent and the respective audience of each media.

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⁴⁴ DRAGOMIR, M. 2019. p. 8,

⁴⁵ The misuse of EU communication funds has been well documented in Bulgaria <https://ipi.media/ipi-report-shines-light-on-hidden-alliances-and-vested-interests-behind-media-capture-in-bulgaria/>

⁴⁶ Sabo did not publish his research but provided the data to the author of this report.

State advertising received by the biggest players August 2018 - September 2020

ORDER BY STATE ADVERTISING	COMPANY NAME	STATE ADVERTISING RECEIVED IN EURO	APPROXIMATE ORDER BY REACH OF AUDIENCE ⁴⁷
1	TV JOJ	8,494,413	3
2	TV Markíza	5,480,801	1
3	TA3	3,753,124	14
4	Zoznam	2,271,776	10
5	Radio Services	1,413,690	4
6	Media RTVS	978,369	2
7	FUN MEDIA GROUP	951,555	9
8	News and Media Holding	742,367	5
9	EXPRES MEDIA	720,704	6
10	MAFRA Slovakia	657,031	12
11	Ringier Axel Springer Slovakia	583,191	8
12	Petit Press	464,064	11
	Other	1,450,000	

Data: Peter Sabo, Aktuality.sk. Analysis from public registry of contracts crz.sk; Reach of audience is calculated by the author of this report in his dissertation.

⁴⁷ The reach of audience is a very approximate number and was calculated on markets of the daily press, online news, national TV and radio channels. Some media houses own other regional media not included in these measurements including Petit Press (regional media) Penta (national weeklies and other magazines) and MAFRA (network of specialized magazines). Most of these publications are specialized with limited readership and therefore cannot explain the often vast differences between the reach of audience and the level of state advertising provided.

Some of the most striking inconsistencies in expenditure included.

- TV JOJ (J&T Group) received the largest funds, 8.5 million, compared to 5.5 million for its larger competitor TV Markíza,
- TA3 received the third largest sum, 3.75 million, while ranking only 14th in size with an audience of only 3.5 percent of the TV market in 2020.⁴⁸
- Fun Media Group, owned by the politician Boris Kollár (of Sme rodina party) received more than its larger competitors, and almost as much as the much bigger RTVS.
- In the newspaper market MAFRA Slovakia, ranked 12th, received more money than the Petit Press ranked 11th.⁴⁹

Older studies on state advertising by Transparency International⁵⁰ show similar results whereby the same media - JOJ, Fun Media Group and TA3 - with oligarchic ownership received considerably more funds than they would have got had advertising been distributed according to audience size.

The data shows clearly how some oligarchs receive a disproportionately larger slice of the advertising budgets than the relative popularity of their media would justify. It is only possible to speculate as to why.

Media known for their independent investigative or critical journalism appear to be the biggest losers from the distribution of state advertising. Denník N received no state advertising during the period examined (2018-2022), and Peter Bárdy, the editor-in-chief for Aktuality.sk, said for this report “We have received significantly less money from state advertising than the media uncritical towards the government.” The state-owned lottery Tipos removed Aktuality from their advertising budget after it criticized Tipos for an alleged money-laundering scandal.⁵¹ Since the 2020 election, Aktuality started to receive state advertising again.⁵²

The lack of transparency over state advertising is a problem in many countries and makes comparisons between countries difficult to confidently assert. Nevertheless, the available information suggests that the problem is widespread and there are few mechanisms to either monitor or prevent the abuse of these budgets by politicians. There is no evidence to suggest the current government is misusing the advertising budgets. Nevertheless, the Media Pluralism Monitor classifies Slovakia as being at “high risk” of possible misuse of the public advertising money both in law and in practice due primarily to the lack of transparency and regulation.⁵³

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⁴⁸ TA3 used to claim that their real viewership was bigger, because they were the only specialized news channel that was often broadcast in public places such as cafes etc. This is a questionable logic and the viewership claims are immeasurable. Even if true, it still does not explain why they received much more than bigger competitors.

⁴⁹ In reality the 11th place of Petit Press is a much stronger player than MAFRA, because it also owns a network of local and regional newspapers, all with strong online presence. Those are not represented in the figures.

⁵⁰ TRANSPARENCY INTERNATIONAL SLOVAKIA. 2019. Vláda pred voľbami točí v štátnych reklamách rekordné peniaze. [The government feeds record sums to state advertising]. IN: Transparency.sk. Online: <https://volby.transparency.sk/parlament2020/2019/12/17/vlada-pred-volbami-toci-v-statnych-reklamach-rekordne-peniaze/>

⁵¹ The scandal ended up in arrests of the Tipos managers.

⁵² This is however explained by the head of sales under Ringer as a result of an administrative barrier – the company was not a part of a register of public sector partners until 2022, thus limiting the possible state advertising amount to 250 000 euros a year. This approximately reflects the sum they received – 580 000 in a little over 2 years.

⁵³ https://cmpf.eui.eu/what-is-state-advertising-and-why-is-it-a-problem-for-media-freedom/?utm_source=rss&utm_medium=rss&utm_campaign=what-is-state-advertising-and-why-is-it-a-problem-for-media-freedom

MEDIA REGULATORS: POLITICAL APPOINTEES AND POLITICAL BALANCE

A key pillar of media capture involves gaining political control over the bodies that regulate the media. These include the broadcast licensing authorities and the competition authorities that can approve or block media take-overs. In Hungary and Poland control of these bodies has proved crucial in taming private broadcasters, which can arbitrarily lose their licences⁵⁴ or be fined for breach of broadcast standards.

In Slovakia the Council for Media Services, which replaced the former Broadcasting Council in 2022, is responsible for issuing licences for broadcasters, regulating impartiality, objectivity and balance in the news, and sanctioning breaches of these principles. Penalties range from minor fines to licence withdrawals. While there is no known case of arbitrary licence withdrawal, small fines for minor offences are quite frequent and the fines can climb for repeated offences.

To guarantee professionalism, balance and impartiality, the Council should be run by non-political appointees, experts in their field, who can represent the broad diversity of the public. However, in Slovakia, members of the Council for Media Services have predominantly been nominees of political parties.

In 2018 the board ruled against RTVS and one of its journalists, Zuzana Hanzelová, for a report on how Mafra media helped Andrej Babiš politically by censoring critical news. Mafra media brought the complaint and, despite the council's own lawyers concluding that the news item had not breached the guidelines, the board voted unanimously to sanction RTVS for violating impartiality standards⁵⁵. The council also sanctioned TV JOJ after a complaint from an SNS politician before the decision was overturned by the Constitutional Court as a breach of the right to freedom of expression.⁵⁶

The current board is made up of Pavel Izrael and Ivan Bindas, nominated by the governing OĽaNO party; Anikó Dušíková and Gyorgy Batta, who have ties to Most-Híd, a minority party in the previous parliament; and Andrej Zmeček who was affiliated with a short-lived governmental party, Siet. Chair Marta Danielova was elected to the Council twice when the Smer party held the parliamentary majority, though she has never been directly associated with any political party. Of the remaining two members, Katarína Začková has no obvious political affiliation and Vice Chair Andrea Cocherová stepped down in March 2023 after she entered politics alongside Prime Minister Eduard Heger and his new political party.

The current council can therefore be considered pluralistic in that it is not controlled by nominees of any one political party. However, the political ties of some members, past and present, can be seen to undermine the appearance of professionalism and ability to make impartial and informed decisions.

⁵⁴ <https://ipi.media/leading-independent-radio-station-muzzled-in-hungary/>

⁵⁵ <https://medialne.trend.sk/televizia/reportaz-babisovi-rada-trestala-hoci-pravnici-tvr dili-je-poriadku>

⁵⁶ Judgement of the Constitutional Court of Slovakia no. II. ÚS 307/2014-45.

This diversity is a result of the dynamics of Slovak parliamentarism with frequent changes of governing coalitions ensuring members are nominated from various political parties, insulating the regulator from capture by any single political group. Furthermore, because only one-third of the council is elected every two years, a parliamentary majority is prevented from capturing the council within one election cycle. If, however, one political force remained in power for long enough there is a risk of political capture by that party.

This safeguard could be strengthened by extending the term of each board member to nine years instead of six, and also extending the election cycle, so that one-third of the members are elected every three years. However, the impartiality of individual Council members must still be ensured.

Another important regulatory institution is the Antimonopoly Office (AMO SR), which oversees mergers and acquisitions to maintain competition in the markets. Assessing the impact of mergers on competition in the media market can be highly complex given the different sub markets and product types. To date, AMO SR has not blocked any media take-overs. This process could be strengthened by requiring the AMO SR to consider media pluralism criteria in addition to competition criteria in its review of media mergers. The head of AMO SR was Tibor Menyhart, a close ally of an oligarch behind the Most-Híd party (in government 2010 – 2012 and 2016 – 2020). The new governing coalition replaced Menyhart with Juraj Beňa in February 2023.

Slovakia has a comparatively healthy level of pluralism in the media regulator compared to Hungary and Poland. The media regulators have not been captured by one political force. The system of parliamentary appointments however, without strong criteria for expertise and competence in the necessary field nor political independence, results in politicized appointments in some cases, albeit with a broad diversity and political balance. The staggered appointments system has so far done its job in protecting regulators from political control. However, the culture of political appointments leaves regulators vulnerable to future capture. Reforming this system should be a priority for Slovak policy makers.

A HOSTILE ENVIRONMENT FOR JOURNALISTS

Slovak journalists are no strangers to public criticism, whether facing insults and intimidation from political leaders or being trolled on social media by their supporters.

The long tradition of conflict between leading politicians and journalists started in the 1990s with the authoritarian prime minister Vladimír Mečiar, who regularly insulted journalists as “anti-Slovak” and even physically assaulted journalists on more than one occasion. The adverse relationship between governing politicians and journalists continued in the 2000s and 2010s under Robert Fico and his allies. Fico called journalists “idiots”, “hyenas” and “dirty anti-Slovak prostitutes” and would refuse to answer legitimate questions from critical media. Fico continues to attack journalists even after the murder of Ján Kuciak.

The new government of 2020 claimed it wanted to protect journalists, but some of its leading figures continue the tradition of hostility. Former prime minister (2020 – 2021) Igor Matovič, head of OĽaNO party, blames journalists for his drop in popularity and has frequently attacked them as corrupt, and even comparing journalists to Nazi-era propagandists. This latest outburst in October 2022 prompted an international protest⁵⁷ and an apology from Prime Minister Eduard Heger.

Political attacks on the media are often followed by waves of online trolling and harassment of journalists by political supporters. They serve to both discredit and intimidate journalists into silence. The longer-term consequences are severe with a loss of public trust in all journalism and increased popularity of conspiracy theory and disinformation sites.

The illiberal strategy of labelling critical media as political opponents divides journalists into ideological camps and undermines their investigations. This division is already visible in Slovakia with the emergence of conservative websites which frame public debate as a struggle to conserve traditional values against the decadent, liberal West and their proxies in “liberal media”. It derides liberal institutions and the principles underpinning secular, pluralist, democracy.

The trolling of independent and critical journalists is not central to media capture but it is a common feature across countries where media capture is most advanced. It is also an indicator of a dangerously hostile political culture that can have appalling consequences for journalists. As noted earlier in the report, the murder of Ján Kuciak, like that of Daphne Caruana Galizia in Malta, took place while the country’s political leaders were stoking the fires of hatred towards journalists. Such a culture enables and emboldens those who have most to gain from silencing journalists in the belief that they will be protected by their friends and allies.

Moreover, while the last decade has seen a steady poisoning of the online space with threats of violence, particularly aimed at women journalists,⁵⁸ now commonplace, the dangers have been largely ignored by policy makers. Trumpism turbo-charged political aggression towards journalists, lending it a false and lethal legitimacy in political rhetoric. Then Covid-19 and the lockdowns witnessed online violence moving to the real world as hundreds of journalists across Europe found themselves assaulted by the public in conditions not witnessed in recent memory.⁵⁹

⁵⁷ <https://ipi.media/slovakia-deputy-pms-attacks-undermined-governments-broader-efforts-to-strengthen-press-freedom/>

⁵⁸ IPI’s online campaign researches the issue and trains newsrooms on how to protect their journalists <https://ipi.media/programmes/online/>

⁵⁹ Visit <https://www.mappingmediafreedom.org/> for comprehensive data on European media freedom violations



Harassment is on the rise and according to a survey by the Investigative Center of Jan Kuciak (ICJK)⁶⁰ over two-thirds of journalists have experienced some form of threat or attack within the previous year.

Journalists need much greater protection and the current Slovak government has promised to prioritize journalists' safety including taking legal measures to protect them from online and offline aggression. A new journalists safety platform, Safe.journalism.sk, has been set up by the ICJK modelled on the Dutch PersVeilig system.⁶¹ Journalists will be able to report threats and receive support. The backing and engagement of police and the broader authorities will be vital to its success.

In September 2021, the European Commission issued recommendations on journalists' safety⁶² including action on public protests, online safety, women and minority groups. Member states are due to report back within 18 months on their implementation.

⁶⁰ <https://gijn.org/member/investigative-center-of-jan-kuciak-icjk/>

⁶¹ <https://www.persveilig.nl/>

⁶² https://ec.europa.eu/commission/presscorner/detail/en/ip_21_4632

COMPARISON WITH THE CZECH REPUBLIC

There are many parallels between the Czech Republic and Slovakia where the respective media scenes enjoy much crossover and integration with Czech broadcasters taking up to 12% of the Slovak market. This is no surprise given the political origins of the two republics under communist Czechoslovakia, the linguistic similarities, the social integration and merging interests of political and business elites.

Among the biggest media owners are Czech-Slovak oligarchs, operating on both markets. There are two big cross-border oligarchic groups of this kind: J&T/EPH and Penta. Both have large business operations in regulated industries in each country, including media. Other significant Czecho-Slovak players are Mafra (owned by Andrej Babiš through Agrofert) and the CME / PPF Group.

The J&T/EPH connection is through J&T's vice chair, Patrik Tkáč, who owns 44% of EPH, while his father owns 45% of J&T. Between father and son, they are co-owners of Czech News Centre with 38% of the Czech print market and of TV JOJ with 20% of the Slovak TV market.

Penta owns Vltava Labe Press with 15% of the Czech daily print market (plus online operations), and in Slovakia they hold 6% of the daily and 14% of the weekly print markets, (plus a network of other magazines). Penta is also a large player in Slovak public life, has been subject of political scandals and has used its media to attack the credibility of corruption investigations.

Former Czech prime minister Andrej Babiš currently⁶³ owns Mafra media controlling 34 percent of the daily print market, 14 percent of radio, 17 percent of online news providing a significant political campaign vehicle. Babiš's role in Slovakia is significantly smaller, controlling 7,7 percent of the daily press and 4,7 percent of online news markets, (plus a network of magazines). Babiš was involved in a conflict-of-interest scandal with former Smer minister Pavol Pavlis,⁶⁴ and the politics of Babiš and Fico often seem closely aligned.

In 2019 the PPF Group acquired CME which owns TV Nova (29 percent of Czech TV market) and Markíza (26 percent of Slovak TV market). PPF is based in the Czech Republic with businesses spanning 25 countries, and only relatively small investments in Slovakia. PPF differs from Penta, J&T and Agrofert as it is a truly global company and is not therefore reliant on close relations with Czech or Slovak governments for its profits. It has also not faced the same allegations of exploiting media to reach their political or business agendas.⁶⁵

A much smaller Czech-Slovak media group is Our Media. In Slovakia, they own the daily Pravda and a network of websites and in the Czech Republic, they own a controversial website Parlamentnilisty.cz, accused of spreading disinformation.

⁶³ He was in negotiations to sell Mafra media as the report was being finalised

⁶⁴ Pavol Pavlis was briefly minister of economy 2014-15 in the second Smer government before he was forced out after a series of scandals including awarding a record-breaking state subsidy to an Agrofert subsidiary. It emerged that Pavlis and Babiš were former business partners. However, he remained as MP for Smer and Chair of the Slovak Office for Standards, Metrology and Testing until 2020.

⁶⁵ See earlier observations on PPF connections to China.

A final example of journalistic crossover is the Slovak Dennik N and Czech Denik N, investigative journalism sites and dailies that provided a home to many of the respective countries best journalists when they sought shelter from the oligarchization of the media.

The author of this report developed a new methodology to measure the cross-platform influence of media owners: the Power of Media Owners (POMO) indicator.⁶⁶ It measures the relative power of media owners against each other by comparing market positions and weighting the markets according to their relative size. For example, the smaller daily press market has a lower weighting than the larger TV market. In this way it can provide a measurement for the relative reach of each media group on the overall population across platforms.⁶⁷

The POMO indicator shows that the four biggest Czech media companies (including public owned media) in 2020 each owned 14 - 18 percent of the overall media market, and together controlled 63% of the market. The top eight players controlled 94,5 percent of the overall media market (TV, dailies, radios and news websites, measured by the share of audience).⁶⁸

The Power of Media Owners in the Czech Republic (2020):

MEDIA OWNER	THEIR SHARE OF THE MEDIA MARKETS
Czech Republic (PSM)	17,87
Borgis/Seznam	15,72
J&T/EPH	15,45
Mafra (Babiš)	14,31
I. Zach	12,93
PPF	9,29
Media Bohemia	5,51
Penta	3,48
Z. Bakala	2,12
J. Soukup	1,17
Our Media	0,27
Others	1,87

Source: Author's dissertation.

⁶⁶ <https://dspace.cuni.cz/bitstream/handle/20.500.11956/178596/140104881.pdf?sequence=1&isAllowed=y>

⁶⁷ Disclaimer: The POMO indicator assesses markets of the daily press, online news, and broadcast channels. It does not include weekly, semi-weekly or monthly publications. Their inclusion may alter marginally the overall positions of the main players. The figures are for 2020, and do not account for later ownership changes such as J&T selling their radio network to Boris Kollár and Bauer Media in 2021.

⁶⁸ Ibid. p. 212 – 213.

In Slovakia, the biggest group (J&T) owned 10.87 percent of the media market, the top four firms controlled 35,7 percent of the market, and the top eight firms controlled 50,75 percent⁶⁹, demonstrating a much lower level of concentration than in the Czech market.

The Power of Media Owners (POMO) in Slovakia (2020):

MEDIA OWNER	SHARE OF THE MEDIA MARKETS
J&T	10,87
FPD (Siekel)	8,36
Slovak Republic (PSM)	8,35
PPF	8,11
Bauer Media	4,79
Penta	4,62
Ringier AS	2,98
Funmedia (Kollár)	2,85
Our Media	2,73
M. Mác	2,37
P. Vajda	2,05
N Press	1,92
Mafru (Babiš)	1,67
I. Kmotrík	1,23
Others	37

Source: Authors dissertation.

These results are further borne out by the Media Pluralism Monitor 2022 report which place both countries at high risk for market plurality though with a significant difference in their respective results with Czech Republic scoring 78% risk and Slovakia 68% risk.⁷⁰

A broader regional comparison of media plurality risk levels by the Media Pluralism Monitor shows

Hungary	80%
Bulgaria	78%
Czech Republic	78%
Poland	74%
Slovenia	73%
Slovakia	68%

By contrast the Czech Republic has stronger protection of public-service media, while Slovakia's politicians are able to exert more political influence over its public broadcaster.

⁶⁹ Ibid. p. 210.

⁷⁰ <https://cmpf.eui.eu/mpm2022-results/>

SUMMARY AND POLICY RECOMMENDATIONS

Much like its neighbours, Slovakia faces serious challenges to protect media and journalism from the threat of media capture. Five years on from the murders of Ján Kuciak and Martina Kušnírová there have been significant improvements in tackling corruption, reinstalling confidence in the police and prosecution and some areas of media regulation reform. Despite the fragile progress⁷¹ made in the last few years, the threat posed by media capture remains acute and much more needs to be done to address it.

Media Capture and Private Media: Slovakia's overall levels of media pluralism are relatively healthy compared with other countries in the region, thanks in part to rules on cross ownership and the new transparency law should help prevent owners evading them through complex ownership structures or foreign based companies. Nevertheless, the fact that much of the leading media are owned by oligarchs whose main businesses are dependent on close relations with the state casts a shadow over their independence and how they might be leveraged by vested interests. The instrumentalization of media by certain oligarch groups, particularly to undermine investigations into corruption, is evident. The strong network of independent journalists dedicated to investigative journalism and holding power accountable helps correct the failings of larger media and must be supported.

Political Independence of Public Service Media: The situation in RTVS is much improved today but its past history of political capture and the failure to introduce reforms to depoliticise the appointments process and the uncertainty over the future funding mechanisms leaves it highly vulnerable to political influence in the future. While members of the current oversight board have links to the former government, overall the board is pluralistic enough to ensure the broadcaster and its programming do not face significant interference from outside political interests. Consolidating its political independence must be a top policy priority.

State Advertising: The lack of transparency and rules around the distribution of state advertising and other public subsidies create an open invitation for abuse by governments to reward political allies in the media. Tightening up the rules to ensure distribution decisions are transparent, objective, proportionate and non-discriminatory are vital to end this corrupt practice and provide a fair economic playing field for independent media.

Moreover, the misuse of state advertising is only a part of the problem of state financial relations with media oligarchs. Not addressed in this report is the level of dependency of oligarchs owning media on state contracts in other industries. The main sources of income for most of the companies that own Slovakia's media are dependent on close relations with the state. While the impact of this on editorial policies is often hard to prove it is also self-evident that such a situation is profoundly unhealthy for media independence.

⁷¹ Slovakia: Fifth anniversary of Kuciak and Kušnírová's killing marked by fragile press freedom progress - International Press Institute ([ipi.media](https://www.ipi.media))

Independence of Media Regulators: National regulatory authorities for media remain, for the most part, relatively uncaptured and pluralistic, but that may be as much by chance as by design. The current system still results in the politicized appointments of board members who may additionally lack the professional competence for the role. A reform of the appointments process that tightens up rules on political neutrality and professional experience would greatly enhance public confidence in the capacity and legitimacy of these bodies.

Safety and online attacks against journalists, particularly the political denigration and targeting of independent journalists needs constant vigilance and political leadership to address it. The government must get behind the safety initiatives set up and ensure the police and the courts are able to protect journalists against threats and intimidation.

Many of the issues in this report relating to media capture are addressed in the draft European Media Freedom Act (EMFA), presented by the European Commission in September 2022 including, independent public service media with adequate funding, guarantees of editorial independence, media ownership transparency, standards on media pluralism and protecting state advertising from political manipulation and protection from illegal surveillance. Should the EMFA pass, it could have a significant impact on Slovakia's media landscape and combatting media capture.

The European Commission has additionally presented its anti SLAPP directive to protect journalists against abusive legislation or Strategic Lawsuits Against Public Participation (SLAPPs). And it has issued safety recommendations to member states to address the safety crisis affecting journalists across the union.

RECOMMENDATIONS

IPI makes the following recommendations to the government of Slovakia

Media ownership and editorial independence

- Ensure the new media ownership law is fully implemented, that it can reveal all beneficial owners and can be used to prevent abuse of the laws limiting horizontal and cross media platform.
- Strengthen mechanisms to protect the editorial independence of media to limit owner interference in news reporting.

Public service media

- Reform and depoliticize the appointments process related to the director general and RTVS board members.
- Urgently introduce a new funding system for RTVS that guarantees sufficient income to perform its public service remit and that is insulated from political interference and conditions and that does not require annual negotiations with the authorities

State advertising and other public funds

- Introduce clear rules on transparency of allocation of funds and implement objective, proportionate and non-discriminatory criteria to ensure all funds are distributed free of political interference
- Introduce transparency on all financial relations between the state and media and extend this to any company that is a part of a business portfolio with national media.
- Examine the relationship between media owners and the state through other businesses they own that are dependent on state contracts and how this interdependency may undermine the professionalism and editorial independence of media owned by such companies.

National regulatory authorities

- Depoliticize the appointments process to the media regulators.
- Strengthen criteria for political independence and professional competence.

Safety and online attacks against journalists

- Commit to providing law enforcement authorities with all necessary means to bring about justice for crimes against journalists and improve their protection in line with the European Commission's Journalist Safety Recommendation from September 2021.
- Pledge to respond positively if Slovakia's new protection mechanism, Safe.Journalism.sk, requests cooperation.
- Pledge to end smear campaigns against media, condemn all such attacks and introduce sanctions against political party members who engage in them.
- Pass amendments to the criminal code to strengthen punishments for aggravated attacks and threats against journalists targeted for their work.

Finally, we urge the government to get behind initiatives of the European Commission to tackle media capture, improve safety and end the abusive litigation against journalists. In particular we call for:

- Implement the European Commission's recommendations against Strategic Lawsuits Against Public Participation (SLAPPS) and support for a strong EU Anti-SLAPP Directive
- Implementation of the European Commission's recommendations on the safety of journalists
- Support for a strong European Media Freedom Act



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