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# Journalism in Slovakia Five Years After the Murder of Ján Kuciak

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## ABSTRACT

February 2023 marked five years since the tragic assassination of Ján Kuciak, an investigative journalist from Aktuality.sk, and his fiancée Martina Kušnírová. The results of the investigation of the murders revealed the primary motive behind the murder was Kuciak's dedicated pursuit of investigative journalism. This revelation sparked the consequential societal upheaval and tensions which triggered significant shifts within high-ranking politicians, later leading to governmental crisis. Furthermore, the murder garnered attention and prompted critical discussions within European institutions. As a result, Slovakia, which used to be one of the best countries when it came to Freedom of the Press, dropped down in rankings. This study delves into the far-reaching consequences of this event, focusing on the profound political, legislative, and societal transformations that have unfolded in the wake of Kuciak's murder. These changes have left an indelible mark on journalists, reshaped the landscape of journalism as a profession, and brought changes to Slovak media legislative.

## KEY WORDS

Freedom of Speech of the Journalists. Ján Kuciak. Journalists. Murder. Slovak Media Law. Slovakia.

# 1 Introduction

As of February 2023, five years have passed since the murder of Ján Kuciak, an investigative journalist for the *Aktuality.sk* portal, and his fiancée Martina Kušnírová. It has also been five years since the journalistic profession underwent one of its most difficult tests, which put freedom of speech and Slovak democratic society to the test. According to the results of the investigation, the reason for the murder of Ján Kuciak was his investigative journalistic work.<sup>1</sup> Ján Kuciak reported on the group centred around businessman Marian Kočner and the links between the Italian mafia and Slovak political leaders. The murder, which took place on 21<sup>st</sup> February 2018, has raised many questions. From the reasons for the murder and the people who ordered it, to the debate about the violations of the democratic principles of the state and the future of the journalistic profession itself. It was the first murder of a journalist in the era of the independent Slovak Republic.<sup>2</sup> According to the results of the investigation, Tomáš Szabó was an accomplice, Miroslav Marček admitted to shooting, Zoltán Andruskó was a middleman, and Alena Zsuzsová ordered the murder.<sup>3</sup> However, prosecutors believe that Alena Zsuzsová played the role of middlewoman for the Slovak businessman Marian Kočner,<sup>4</sup> although, Marian Kočner has not yet been legally convicted of ordering the murder.

A statement of the editors-in-chief on the murder of Ján Kuciak and his fiancée was issued by twelve representatives of the Slovak media and condemned the murder of the journalist. They urged the state to do everything possible to find the killer so that journalists could carry out their work safely.<sup>5</sup> Marína Urbániková and Lenka Haniková stated that journalism has never been a safe profession, because all over the world journalists are intimidated, attacked, kidnapped or murdered.<sup>6</sup> Evidence of the dangerous nature of the profession is also provided by murders both within and outside the European Union. For example, since 2010 alone, journalists have been murdered in Greece, Latvia, Azerbaijan, France, Poland, Serbia, Denmark, Malta, Slovakia, the United Kingdom, Georgia and possibly in Belarus. As of today, 2,074 journalists have been murdered around the world since 1997, 211 of whom have been murdered in Europe, therefore in countries that often describe themselves as democratic.<sup>7</sup> The murders have been reported in the media, but there are also numerous cases of mysterious disappearances of journalists that have not yet been solved. One example concerns another Slovak investigative journalist, Pavol Rýpal, who disappeared without a trace in 2008. His work covered VAT and excise fraud, but also the mysterious disappearances of hundreds of people.<sup>8</sup> Although realistically it is still impossible to know whether the journalist decided to leave or whether someone murdered

<sup>1</sup> VIŠŇOVSKÝ, J., BIELIK, P.: Actual Trends in Investigative Journalism Methods and Techniques. In *Otázky žurnalistiky*, 2022, Vol. 65, No. 1-2, p. 29-40.

<sup>2</sup> NICHOLSON, T.: *Slovakian Journalism's Darkest Day*. [online]. [2023-09-04]. Available at: <<https://www.politico.eu/article/jan-kuciak-gorilla-slovakia-journalist-dead-darkest-day/>>.

<sup>3</sup> CSANYI, P.: Slovakia Political Briefing: Fight for Justice of Ján Kuciak Continues. In *China-CEE Institute*, 2021, Vol. 41, No. 1, p. 2-3. [online]. [2023-09-15]. Available at: <[https://china-cee.eu/wp-content/uploads/2021/07/2021p07\\_Slovakia.pdf](https://china-cee.eu/wp-content/uploads/2021/07/2021p07_Slovakia.pdf)>.

<sup>4</sup> GRIFFEN, S.: *Background: Murder of Ján Kuciak*. [online]. [2023-09-15]. Available at: <<https://ipi.media/wp-content/uploads/2019/02/Jan-Kuciak-Background.pdf>>.

<sup>5</sup> *Vyhlasenie šéfredaktorov k vražde Jána Kuciaka*. [online]. [2023-09-04]. Available at: <<https://www.aktuality.sk/clanok/567821/vyhlasenie-sefredaktorov-k-vrazde-jana-kuciaka/>>.

<sup>6</sup> URBÁNIKOVÁ, M., HANIKOVÁ, L.: Coping with the Murder: The Impact of Ján Kuciak's Assassination on Slovak Investigative Journalists. In *Journalism Practice*, 2022, Vol. 16, No. 9, p. 1927.

<sup>7</sup> Authors's note: Information is up-to-date to 26<sup>th</sup> September 2023. Source: *Deaths*. [online]. [2023-09-04]. Available at: <[https://ipi.media/deaths/?incident\\_type=0&years=0&country=europe&gender=0&search=&](https://ipi.media/deaths/?incident_type=0&years=0&country=europe&gender=0&search=&)>.

<sup>8</sup> *Nezvestného novinára Paľa Rýpala stále nevyhlásili za mŕtveho: Takéto je vysvetlenie rodiny!* [online]. [2023-09-04]. Available at: <<https://www1.pluska.sk/regiony/stredne-slovensko/novinar-palo-rypal-je-nezvestny-13-rokov-rodina-otala-jeho-vyhlasenim-mrtveho>>. See also: MASSAYOVÁ, V.: *EXKLUZÍVNE Paľo Rýpal je nezvestný už 15 rokov: Pred zmiznutím písal o Kataríne Hrozányovej*. [online]. [2023-09-04]. Available at: <<https://www.startitup.sk/exkluzivne-palo-rypal-je-nezvestny-uz-15-rokov-pred-zmiznutim-pisal-o-katarine-hrozanyovej/>>.

him, it is safe to say that the journalistic work he conducted was dangerous. It is also proof that what happened to Ján Kuciak and his fiancée was not unexpected. On the contrary, problems with the safety of journalists were bubbling just below the surface before that, until they eventually led to this tragedy 10 years later. The murder of the investigative journalist and his fiancée brought a wave of changes within the Slovak Republic. However, these would not have taken place without the mobilisation of the public and the protests of Slovak citizens on the streets, where, according to Scott Griffen, protesters gathered in the largest numbers since the Velvet Revolution in 1989.<sup>9</sup> The aim of the study is to shed light on the changes in society, the perception of the journalistic profession and the freedom of the journalist, and the transformation of media legislation five years after the event, which continues to traumatize Slovak society, even today.

## 2 Political and Social Context and Changes After the Murder of a Journalist

The social unrest following the murders brought about significant political changes. The first to resign was Culture Minister Marek Maďarič, who said that the Ministry of Culture was the closest part of the government to the media and that he could not imagine sitting quietly in his chair after the tragedy.<sup>10</sup> Subsequently, Robert Kaliňák, who held the post of Minister of the Interior, also resigned at the insistence of the public.<sup>11</sup> The then-president of the Slovak Republic, Andrej Kiska, stated that the distrust of the citizens towards the state was enormous, even after Robert Kaliňák's resignation. As a possible remedy, he saw a fundamental reconstruction of the government that would not polarize society, or early elections.<sup>12</sup> According to Michal Ovádek, Andrej Kiska was one of the biggest critics of the SMER-SD leader and warned that the government should be rebuilt.<sup>13</sup> Robert Fico, who was Prime Minister of the Slovak Republic for three terms, resigned from his post on 15<sup>th</sup> March 2018. On the same day, Peter Pellegrini was entrusted with forming a new government. Tomáš Drucker became Minister of the Interior in the newly formed government and resigned only after three weeks in government. The reason was the belief that the dismissal of the then-police president Tibor Gašpar was not correct. According to Ján Kuciak, he committed several criminal acts, for which he is currently being prosecuted. Protesters and people at the For a Decent Slovakia rally claimed that there was no

<sup>9</sup> GRIFFEN, S.: Covering up a Murder. In *British Journalism Review*, 2018, Vol. 29, No. 4, p. 5. [online]. [2023-09-04]. Available at: <<https://doi.org/10.1177/0956474818816832>>. See also: *Death of Investigative Journalist Sparks Mass Protests in Slovakia*. [online]. [2023-09-04]. Available at: <<https://www.theguardian.com/world/2018/mar/09/death-of-investigative-journalist-sparks-mass-protests-in-slovakia>>; *Vražda Kuciaka a Kušnírovej bola úkladná a na objednávku*. [online]. [2023-09-04]. Available at: <<https://spravy.pravda.sk/domace/clanok/484456-live-prokurator-informuje-o-progrese-v-pripade-vrazdy-kuciaka-a-kusnirovej/>>.

<sup>10</sup> TÓDOVÁ, M.: *Maďarič v pondelok podá demisiu: S vraždou Jána Kuciaka sa neviem vyrovnáť*. [online]. [2023-09-13]. Available at: <<https://dennikn.sk/1043843/madaric-v-pondelok-poda-demisiu-s-vrazdou-jana-kuciaka-sa-neviem-vyrovnat/>>.

<sup>11</sup> *Obrazom: Tisíce demonštrantov opäť žiadali demisiu Kaliňáka*. [online]. [2023-09-13]. Available at: <<https://sita.sk/obrazom-tisice-demonstrantov-opat-ziadali-demisiu-kalinaka/>>. See also: ŠKOLKAY, A.: What Does the Murder of Journalist, and Follow-up Events, Tell Us about Freedom of the Press and Politics in a European Country? In *Central European Journal of Communication*, 2019, Vol. 12, No. 1, p. 28. [online]. [2023-09-26]. Available at: <[https://doi.org/10.19195/1899-5101.12.1\(22\).2](https://doi.org/10.19195/1899-5101.12.1(22).2)>.

<sup>12</sup> PALKOVÁ, S., ŠKRANKOVÁ, P., VESELÁ, P.: *Kiska chce novou vládu alebo predčasné voľby. Fico to rezolútne odmietl*. [online]. [2023-09-13]. Available at: <[https://www.idnes.cz/zpravy/zahranicni/andrej-kiska-jan-kuciak-reakce.A180304\\_160258\\_zahranicni\\_PAS](https://www.idnes.cz/zpravy/zahranicni/andrej-kiska-jan-kuciak-reakce.A180304_160258_zahranicni_PAS)>.

<sup>13</sup> OVÁDEK, M.: "Popular Tribunes" and Their Agendas: Topic Modelling Slovak's Presidents' Speeches 1993-2020. In *East European Politics*, 2021, Vol. 37, No. 2, p. 221.

guarantee of an independent investigation.<sup>14</sup> Tomáš Drucker was replaced by Denisa Saková and Tibor Gašpar left the post of Police President at the end of May 2018. Milan Lučanský became the new Police President. During his tenure, he also investigated an anonymously filed criminal complaint against the organisers of the For a Decent Slovakia protests and assessed that the information provided by the leadership of the National Criminal Agency (NAKA) was not true to the facts of the case.<sup>15</sup> Peter Hraško, the then-director of NAKA, filed a request for release from service at the end of 2018 after a conversation with Milan Lučanský about a number of irregularities following the receipt of an anonymous criminal complaint. Milan Lučanský committed suicide in December 2020.

The changes that have taken place in important political positions have also affected the social acceptance and preferences of established political parties. While until 2018 SMER-SD, Robert Fico's political party, was a clear leader, after 2018 none of the winners in the municipal elections represented that party. Darina Malová claims that many tried to end their links to SMER-SD, and those who had been its nominees for a long time had their reputations damaged by the party's scandals. She also argues that the results of the local elections were proof of the changing political status of the country.<sup>16</sup> The results of the 2022 municipal elections also represented society's position against the SMER-SD party, as no candidate from this party obtained a leading position in the regional cities.<sup>17</sup> The presidential election in 2019 was won by Zuzana Čaputová. Zuzana Čaputová's political campaign also illustrated society's dissatisfaction with the investigation into the murder of Ján Kuciak and his fiancée, as she sits across from a figure who strikingly resembles Marián Kočner and openly rails against him in campaign videos. The idea of fighting corruption through the murder of a journalist and his fiancée was also used by OĽaNO party. In 2020, a film directed by Mariana Čengel Solčanská and Rudolf Biermann was released, based on the book of the same name by the investigative journalist and political commentator Arpád Soltézs. The plot of the film is about a teenage girl who is addicted to drugs. She disappears from a resocialization centre, but no one is looking for her and no one misses her. When her friend wants to tell the police about the scandals of the resocialization centre like forced sex and drugs, they send her away. She then seeks out a journalist and he sets out to investigate crime, the mafia and blackmailing. After publishing his investigative work, he is found dead with his girlfriend.<sup>18</sup> Although the story is fictional, it was inspired by some of the events and alleged cases linked to the actors in the investigation of the murder of Ján Kuciak and Martina Kušnírová.

Tim Haughton, Marek Rybář and Kevin Deegan-Krause argue that the 2020 general election results were accelerated by "anti-corruption".<sup>19</sup> Anti-corruption became the main pillar of the new government that came to power during the pandemic period. However, the problems that arose were not only related to Covid-19, but also existed within the government coalition, which

<sup>14</sup> PRUŠOVSKÁ, V.: *Najvyšší súd potvrdil: Tibor Gašpar ide po roku z väzby na slobodu*. [online]. [2023-09-13]. Available at: <<https://dennikn.sk/2597852/najvyssi-sud-potvrdil-tibor-gaspar-ide-po-roku-z-vazby-na-slobodu/>>. See also: BEŇOVÁ, Z.: *Odchádza najdlhšie úradujúci policajný prezident (Profil Tibora Gašpara)*. [online]. [2023-09-13]. Available at: <<https://spravy.pravda.sk/domace/clanok/466478-dchadza-najdlhsie-uradujuci-policajny-prezident/>>.

<sup>15</sup> *Lučanský: Od NAKA som dostal nepresné informácie*. [online]. [2023-09-13]. Available at: <<https://spravy.pravda.sk/domace/clanok/492043-lucansky-su-nezrovnalosti-tykajuca-sa-oznamenania-na-organizatorov-protetov/>>.

<sup>16</sup> *Political Analysts: Smer Defeated Without Single Regional Capital Mayor*. [online]. [2023-09-13]. Available at: <<https://www.tasr.sk/tasr-clanok/TASR:20181111TBA00968>>; *Výsledky komunálnych volieb 2018*. [online]. [2023-09-13]. Available at: <<https://volby.sme.sk/komunalne-volby/2018/vysledky>>.

<sup>17</sup> *Výsledky komunálnych volieb 2022*. [online]. [2023-09-13]. Available at: <<https://volby.sme.sk/komunalne-volby/2022/vysledky>>.

<sup>18</sup> *Sviňa*. [online]. [2023-09-13]. Available at: <<https://www.cine-max.sk/filmy/film/svina>>.

<sup>19</sup> HAUGHTON, T., RYBÁŘ, M., DEEGAN-KRAUSE, K.: Corruption, Campaigning, and Novelty: The 2020 Parliamentary Elections and the Evolving Patterns of Party Politics in Slovakia. In *East European Politics and Societies and Cultures*, 2022, Vol. 36, No. 3, p. 729.

consisted of OĽaNO, Za ľudí, Sloboda a Solidarita and Sme Rodina. During the governing period of the four-coalition government, a new Act on Media Services and an Act on Publications were adopted. The government committed to amending media laws in its 2020 programme statement: “*The Government of the Slovak Republic respects the indispensable role of the media and journalists in the control of public authority and governance. The Government of the Slovak Republic will therefore prepare a fundamental recodification of media law to ensure a functioning pluralistic media market with free, independent, transparent and competitive media, including fundamental guarantees for the independent exercise of the journalistic profession, in line with the values of civil society*”.<sup>20</sup>

Reactions to the situation in Slovakia from abroad came immediately. The United States Mission to the OSCE and the Delegation of Canada to the OSCE sent a response letter confirming Robert Fico’s words that this is an “*unprecedented attack on freedom of the press and democracy in Slovakia*” and saying that journalists must be able to work “*safely and freely to safeguard open, democratic societies*”.<sup>21</sup> The European Parliament also reacted to the murder of Ján Kuciak and his fiancée, with its members calling for an independent, international and thorough investigation to bring the perpetrators to justice, while also noting that it is time to improve laws at national and European levels to ensure the safety of journalists, bloggers and whistle-blowers.<sup>22</sup> At the same time, an international investigative team was formed, consisting of Slovak and Italian investigators, to investigate the cases that had been dealt with by Ján Kuciak. Although the cooperation was successful and helped to investigate some cases, it did not have a lasting effect, as the team disbanded after the case was investigated.

### 3 Journalistic Environment in Slovakia

The murder significantly affected the perception of the journalistic profession and its practical performance. *The Reuters Institute’s Digital News Report 2023* found that up to 37% of people in Slovakia actively avoid news reporting. At the same time, only 27% trust the news.<sup>23</sup> This figure is not surprising, as the level of trust in the media in Slovakia has been low for a long time. Over the last seven years, the highest level of trust was in 2018 (34%), while the lowest was in 2022 (26%).<sup>24</sup> Among some of the common reasons people cite for distrust is the frequent interference in content by companies and political leaders. The public service broadcaster *Radio and Television of Slovakia (RTVS)* has the highest level of trust among all TV stations.<sup>25</sup> On the contrary, online media have lower levels of credibility.<sup>26</sup> An exception among the online media is the *Aktuality.sk* portal, for which Ján Kuciak also worked, as it achieved a higher level of trust in the survey compared to other digital media.

<sup>20</sup> *Programové vyhlásenie Vlády Slovenskej republiky na roky 2020 – 2024*. [online]. [2023-09-13]. Available at: <[https://www.culture.gov.sk/wp-content/uploads/2020/09/Programove\\_vyhlasenie\\_cele\\_zmenie\\_2020-2024.pdf](https://www.culture.gov.sk/wp-content/uploads/2020/09/Programove_vyhlasenie_cele_zmenie_2020-2024.pdf)>.

<sup>21</sup> *United States Mission to the OSCE Delegation of Canada to the OSCE: Statement on the Murder of Jan Kuciak*. [online]. [2023-09-15]. Available at: <<https://www.osce.org/files/f/documents/e/4/374860.pdf>>.

<sup>22</sup> *Murder of Ján Kuciak: MEPs Urge EU Investigation, Action to Protect Journalist*. [online]. [2023-09-13]. Available at: <<https://www.europarl.europa.eu/news/en/press-room/20180309IPR99421/murder-of-jan-kuciak-meps-urge-eu-investigation-actions-to-protect-journalists>>.

<sup>23</sup> NEWMAN, N. et al.: *Reuters Institute Digital News Report 2023*. [online]. [2023-09-15]. Available at: <[https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2023-06/Digital\\_News\\_Report\\_2023.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2023-06/Digital_News_Report_2023.pdf)>.

<sup>24</sup> CHLEBICOVÁ HEČKOVÁ, A., SMITH, S.: *Slovakia*. [online]. [2023-09-15]. Available at: <<https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2023/slovakia>>.

<sup>25</sup> Compare to: GLOWACKI, M.: Pasts, Presents and Futures of Public Service Media: The Challenges of Adaptation and Change in the Age of Data. In *Communication Today*, 2022, Vol. 11, No. 2, p. 104-117.

<sup>26</sup> See: NEWMAN, N. et al.: *Reuters Institute Digital News Report 2022*. Oxford : Reuters Institute for the Study of Journalism, 2022. [online]. [2023-09-15]. Available at: <[https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-06/Digital\\_News-Report\\_2022.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-06/Digital_News-Report_2022.pdf)>.

The Slovak Republic, which was ranked 14<sup>th</sup> in the *RSF Press Freedom Index* in 2015, has dropped to 35<sup>th</sup> place in 2019. However, an improvement can be observed in 2023, as Slovakia is ranked 17<sup>th</sup>.<sup>27</sup> Based on semi-structured interviews with Slovak investigative journalists, Marina Urbániková and Lenka Haniková found that journalists' attitudes towards their own safety changed after the death of Ján Kuciak and his fiancée, and that they often felt threatened in the course of their work. As part of their individual initiative, Slovak investigative journalists are trying to approach their work more cautiously. For example, they secure their phones, approach (confidential) sources of information with more caution or prefer face-to-face communication. On the other hand, the journalists themselves confirmed that these steps are not long-lasting and that they stopped using them after a while. The murder of the journalist marked the position of the Slovak Republic within the framework of press freedom, but it was also an accelerator in addressing the safety of journalists in Slovakia. Nevertheless, research has confirmed that the number of incidents has increased in the 5 years since the murder. The results of the survey, which included more than 400 Slovak journalists, point to interesting findings:

- 66.2% of journalists have experienced an attack or threat in the past 12 months;
- 47% of journalists think the number of attacks has increased, 22% think it is at the same level and 8% think there has been a decrease;
- the most common incident, according to 76%, was verbal assault in person or online;
- the intensity of verbal attacks increased by 78.6%;
- the attacker was most often an ordinary citizen (56.79%), a person posing as a supporter of a political party (22.22%) and (local) politicians, administrators or officials (18.52%);
- respondents saw the attack as an attack on journalism (73.46%) rather than an attack on their person (9.88%);
- 85% of journalists consider threats and intimidation a threat to freedom of speech;
- the most common reason journalists gave for not reporting an attack was low severity (61.54%), attacks are a normal part of a journalist's job (51.28%), or the belief that there would be no follow-up action to investigate the attack (20.51%);
- 16% of journalists have experienced self-censorship linked to potential or actual threats;
- 53% of journalists feel they are more careful in doing their job;
- 97% of journalists would welcome a system to help journalists facing attack, threat or legal action;
- 65% of journalists consider their employer's protection measures to be sufficient, 35% insufficient.<sup>28</sup>

## 4 New Media Legislation

The five years since the murder have also introduced various legislative changes to the practice of journalism, which are intended to increase transparency in the media environment and positively influence the work in this sector. The *Media Plurality Monitor 2023* (MPM), which is a tool for identifying potential risks to media pluralism in the European Union member states and other candidate countries, has also produced interesting results. In the area of “fundamental protection”, Slovakia was rated as low risk with 24%. However, critical results were found in “market pluralism” (68%).<sup>29</sup> At the time, when the research was conducted,

<sup>27</sup> *Index 2023 Global Score*. [online]. [2023-09-15]. Available at: <<https://rsf.org/en/index?year=2023>>.

<sup>28</sup> *Výskum: Cítia sa slovenskí novinári bezpečne?* [online]. [2023-09-15]. Available at: <<https://www.icjk.sk/229/Vyskum-Citia-sa-slovenski-novinari-bezpecne>>.

<sup>29</sup> URBÁNIKOVÁ, M.: *Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, Republic of North Macedonia, Serbia & Turkey in the Year 2022. Country Report: Slovakia*. [online]. [2023-09-15]. Available at: <[https://cadmus.eui.eu/bitstream/handle/1814/75737/slovakia\\_results\\_mpm\\_2023\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/75737/slovakia_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y)>.

the new Act requiring disclosure of information about media owners was not yet in effect. Ján Višňovský, Juliana Mináriková and Miroslav Kapec also point to the inaccessibility of more information and the lack of transparency in the portrayal of real media owners.<sup>30</sup> The change came about through the enactment of the new Publications Act and the Media Services Act, whereby today a publisher, broadcaster or provider of on-demand audiovisual media services must provide easy, direct and permanent access to information such as name, business name, registered office address, telephone number, ownership structure, whether the entity is subject to a self-regulatory mechanism and, if so, an indication of that self-regulatory body, etc.<sup>31</sup> The implementation of the new media laws has potentially improved the Slovak Republic's scores in the area of "political independence". While in 2022, when the Acts were not in effect, political independence was still in the medium risk range with 57%, a year later we can see an improvement (52%).<sup>32</sup>

With the introduction of Act No. 264/2022 Coll. on Media Services, the original regulatory body, the Broadcasting and Retransmission Council, ceased to exist and was replaced by the Media Services Council. It supervises compliance with the legislation governing broadcasting, retransmission, the provision of on-demand audiovisual media services and the provision of content-sharing platforms.<sup>33</sup> The explanatory memorandum to the law argued for the need to update media legislation in line with the 2018 Directive of the European Parliament and of the Council of the European Union on the coordination of measures in the member states relating to the provision of audiovisual media services in the light of changing market conditions.<sup>34</sup> The law has also clarified property and personnel relations related to the media, while source protection, the duty of confidentiality and the right of expression are equally important areas of regulation. After one year of the Act's implementation, the Ministry of Culture has drafted an amendment to the Act, again reflecting the new European Directive of October 2022, which is intended to improve the conditions for the provision of cross-border intermediary services, while also improving the position of consumers and strengthening the protection of users' rights in the online space.<sup>35</sup> When approved, oversight of the matter should be given to the National Digital Services Coordinator.

In August 2022, Act No. 265/2022 Coll. on Publications came into effect, which reflects current developments and requirements in the dissemination of information through the press, electronic publications and news web portals. The Act also includes the regulation of the obligations of publishers of periodical publications and press agencies in the dissemination of information, the obligations of operators of news web portals, the obligations of publishers of non-periodical publications in relation to the distribution of these publications, and the building of a preservation fund and a digital deposit fund.<sup>36</sup> At the same time, due to the law, the publisher is obliged to separate journalistic content from advertising. One of the main reasons

<sup>30</sup> VIŠŇOVSKÝ, J., MINÁRIKOVÁ, J., KAPEC, M.: *Slovenský mediálny priemysel*. Prague : Wolters Kluwer, 2022, p. 33-34.

<sup>31</sup> *Legal Act on Media Services No. 264/2022 Coll., from 22nd June 2022*. [online]. [2023-09-15]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/264/20220801.html>>.

<sup>32</sup> URBÁNIKOVÁ, M.: *Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, Republic of North Macedonia, Serbia & Turkey in the Year 2022. Country report: Slovakia*. [online]. [2023-09-15]. Available at: <[https://cadmus.eui.eu/bitstream/handle/1814/75737/slovakia\\_results\\_mpm\\_2023\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/75737/slovakia_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y)>.

<sup>33</sup> *Pôsobnosť Rady pre mediálne služby*. [online]. [2023-09-18]. Available at: <<https://rpms.sk/posobnost-rady-pre-medialne-sluzby>>.

<sup>34</sup> *Dôvodová správa k zákonu č. 264/2022 Z. z. o mediálnych službách a zmene a doplnení niektorých zákonov (zákon o mediálnych službách)*. [online]. [2023-09-18]. Available at: <<https://www.epi.sk/dovodova-sprava/dovodova-sprava-k-zakonu-c-264-2022-z-z.htm>>.

<sup>35</sup> *Ministerstvo kultúry pripravilo novelu o mediálnych službách*. [online]. [2023-09-18]. Available at: <<https://www.teraz.sk/slovensko/novela-stanovi-regulatora-v-online-pri/732007-clanok.html>>.

<sup>36</sup> *Dôvodová správa*. [online]. [2023-09-18]. Available at: <<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507888>>.

for updating the law was the lack of adequate coverage of the dynamically evolving situation in the field of multiplatform publishing and digital journalism, and the fact that electronic publications and news web portals are currently the most widely used sources of information with a broad impact on society. The Act on Publications, among other things, replaced the institutes of the right of reply and the right of rectification with the right of expression.<sup>37</sup> The newly created institute establishes an obligation to publish a statement, if a public official, the chairman of a political party or a political movement, the vice-chairman of a political party or a political movement, or a legal entity requests its publication. It is criticised by the media and non-profit organisations. However, the explanatory memorandum to the draft law defined the right to make a statement in the case where the statement concerns a political official or other legal person only in the context of the exercise of his or her functions.<sup>38</sup> The right to be heard allows a person to deny, supplement, clarify or explain an evaluative judgment based on a disputed claim. Nevertheless, the right to be heard has been criticised both by journalists and by the President of the Slovak Republic, who signed the law. She argues that although the right to be heard for public officials and politicians is not unconstitutional, she will monitor whether it is being abused.<sup>39</sup> Among the critics is the journalist Filip Struhárik, who stated that although the new legislation is a step forward, the right to be heard is a protective measure for politicians, who have many other ways to communicate their views. He also adds that politicians who criticised the right of reply under the SMER-SD government have themselves adopted it a few years later.<sup>40</sup> The right to be heard was criticised back in 2019 when the then-government sought to include a legal mandatory right of reply for politicians. At that time, 465 journalists opposed it, as politicians have plenty of opportunities to express themselves on issues they cover in the media, while at the same time they themselves refuse this opportunity and do not answer the questions asked.<sup>41</sup> Therefore, the right to be heard poses a certain threat to the impartiality of the media. It should not be used by political or public figures as a means of self-presentation or reputation enhancement through unjustified requests for comment whenever they disagree with the published content.

## 5 Conclusion

The murder of Ján Kuciak changed the media space in Slovakia and helped transform it into its current form. Nevertheless, it must be noted that the public have also made a significant contribution to the transformation of society, although being helped to do so by the media. One of the main consequences that occurred was a change in social sentiment towards the SMER-SD party, which changed from previously favourable to negative, that also resulted in the non-election of (potential) public officials to higher positions from that party. The murder had a major impact on the realignment of political power in Slovakia and triggered trials of prominent

<sup>37</sup> *Legal Act on Publications No. 265/2022 Coll., from 22<sup>nd</sup> June 2022.* [online]. [2023-09-19]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/265/20220801>>.

<sup>38</sup> *Dôvodová správa.* [online]. [2023-09-18]. Available at: <<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=507888>>.

<sup>39</sup> *Prezidentka odobrila mediálne zákony, no má voči nim vážne výhrady.* [online]. [2023-09-18]. Available at: <<https://strategie.hnonline.sk/news/media/96029937-prezidentka-odobrila-medialne-zakony-no-ma-vo-ci-nim-vazne-vyhrady>>.

<sup>40</sup> STRUHÁRIK, F.: *MediaBrifing: Nové mediálne zákony sú krokom vpred, zvýšia transparentnosť aj dezinformačných webov.* [online]. [2023-09-18]. Available at: <<https://dennikn.sk/2907856/mediabrifing-nove-medialne-zakony-su-krokom-vpred-zvysia-transparentnost-aj-dezinformacnych-webov/>>.

<sup>41</sup> *Politici by nemali rozhodovať o obsahu médií (Responses).* [online]. [2023-09-15]. Available at: <<https://docs.google.com/spreadsheets/d/1OCFPHediO3LmcQZ9kE01SsA74JXFW6edA4apxgQB9Tc/edit#gid=380100963>>. See also: *400 novinárov vo vyhlásení: Politici by nemali rozhodovať o obsahu médií.* [online]. [2023-09-15]. Available at: <<https://dennikn.sk/1372732/politici-by-nemali-rozhodovat-o-obsahu-medii/>>.



defendants. Protests in the streets led to a change in government and in the leadership of the police. Prosecutors who brought charges in high-profile cases received sympathy and media coverage. Acts were also passed that tightened controls on judicial competence and made the election of the Attorney General more transparent. In August 2022, the Act on Publications and the Act on Media Services came into effect. Under the new Publications Act, modern regulatory elements, including self-regulation, came into force, bringing significant transparency to the ownership and financing of print and digital media. Their aim was to ensure plurality of media content and increased transparency in the disclosure of media ownership and funding. It also increased the protection of sources, since as a result of the new regulation a journalist cannot be forced by public institutions to reveal their source. Similarly, the Media Services Act, among other things, places emphasis on the transparency of ownership and funding arrangements. Slovakia, which dropped from the top of the *Freedom of the Press Index* after the murder of an investigative journalist and his fiancée, has risen to almost its original position in 2023. Although fear for safety among journalists has increased compared to the period before the murder, it has not deterred them from practicing the journalistic profession. Thus, it can be concluded that the murder of an investigative journalist and the massive public and media reaction have both contributed to a more efficient administration of justice and a more acceptable environment for the work of journalists. However, there is certainly room for improvement. Shortly after the murder, Slovak journalists and the media industry had to deal with numerous other problems brought about by the coronavirus pandemic.<sup>42</sup> A pandemic of hoaxes and misinformation flooded the media space, whether in relation to the coronavirus or the armed conflict in Ukraine that broke out in February 2022.

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