[SK] Measures by the Broadcasting Council during the Election Campaign of September 1998

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The Council of Slovak Republic for Radio and Television Broadcasting which is responsible for electronic media has taken several decisions just before the elections for the national council, thus establishing offences against the broadcasting law and the electoral law by the "Slovak Television" as well as private broadcasters. In that context, it pronounced 15 sanctions according to the more restrictive catalogue of sanctions provided by the legal amendment No. 187/1998.

In early July 1998, the Broadcasting Council published a recommendation concerning the behaviour of electronic media during the election campaign, the moratorium, and the national council election. This recommendation was particularly aimed at explaining those regulations of the electoral law regarding private broadcasters for which interpretations had raised open questions.

In that context, the Broadcasting Council made it clear that electoral advertising by political parties was to be broadcast by public-law broadcasters exclusively.

In the opinion of the Broadcasting Council, nearly all of the major broadcasters have offended against the electoral law several times since the beginning of the election campaign.

The Broadcasting Council accused the "Slovak Television" of acting as "ëspokesman" for only one political movement. Despite the nearly total freeze during the moratorium, it had broadcast the speech of the President of Parliament in which he had made an appeal to the voters using the election slogan of the governing party. The Broadcasting Council then imposed a fine of 1 million SK. In addition, a programme featuring some of the leading politicians was prohibited and the broadcaster was compelled to transmit the admonition by the council.

The Broadcasting Council also intervened against the private station "Markíza", imposing heavy fines, prohibiting the broadcasting of a political programme, and compelling the broadcaster to transmit the admonitions by the council. "Markíza" was actually considered to be a balanced source of information with regard to the programme in its entirety, although the station gave a hearing mainly to members of the opposition in newscasts, talkshows, and debates. The high fine of

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3.5 million SK was imposed in the context of the "occupation of Markíza", during which the control of the broadcaster by the security service of its new owners had caused public demonstrations with the participation of politicians from the opposition. Instead of the scheduled programme, the station had then broadcast live political speeches in which the coalition parties were held responsible for the situation. This was classified as political coverage of the election campaign by the Broadcasting Council, which is not permitted for private TV broadcasters.

Through the legal amendment No. 187/1998 of the electoral law and the broadcasting law, the Slovak Parliament has mainly revised Article 5 under which broadcasters are obliged to guarantee that their programmes conform with the constitution and accord with the provisions of the electoral law. The Broadcasting Council is entitled to verify the compatibility of broadcasting activities with the regulations of the electoral law, especially during the period just before an election. In addition, the powers of the Broadcasting Council regarding the sanctions for offences by the broadcasters were strengthened. The Council is entitled to use sanction instruments that allow it to impose actions on the broadcasters whereby these may be compelled to transmit the admonitions of the Broadcasting Council concerning their own news coverage. The Broadcasting Council may also prohibit the transmission of particular programmes for up to one month. In addition, it can impose fines up to 5 million SK.

Article 23a prohibits the transmission of electoral speeches, election platforms, as well as any kind of public statement used by political parties for advertising purposes. These and other regulations of the electoral law have provoked ample discussion during which the main criticism was that the legal regulations were incompatible with the right to information guaranteed by the Slovak constitution. An appeal to the constitutional court was lodged in this regard, however a decision is still pending.

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