[SK] Complaint against Satirical Video of Slovak President Dismissed

IRIS 2013-5:1/40

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On 9 April 2013, the Council for Broadcasting and Retransmission of the Slovak Republic ("CBR") dismissed a complaint against a satirical video about the President of the Slovak Republic ("President"), which had been provided within the audiovisual on-demand service ("TV" section) of one of the major Slovak press publishers.

The video provided allegedly "leaked" audiovisual material from the traditional New Year's speech of the President. It was provided within a section called "dead serious" run by two journalists well-known for their satire and comedy work. The given clip contained features in the nature of intense caricatures: the president was presented as a senile individual not being able to remember a few lines of his speech or to sit up straight without sitting on a piece of wood. The clip also featured a fake conversation between the President's spokesman and the Prime Minister of the Slovak republic referring to the President in rather profane language. Profanities were "beeped out", but could, however, easily be discerned in the context.

The CBR pointed out that the President is the highest public official and therefore must bear more criticism than other individuals. It referred to the most important rulings of the European Court of Human Rights (ECtHR) and their basic principles, having special regard to the recent Chamber judgment of 14 March 2013 in the case Eon v. France (application no. 26118/10, see IRIS 2013-5/1). The CBR stated that even though the video used a high level of exaggeration and shocking effect, its dissemination is covered by legitimate matters of public interest.

The CBR also took into account that the vulgar reference to the President resembled the way the President himself had allegedly referred to his predecessor in the past. Furthermore, it is a fact that many slips of the tongue occur during the President's official speeches. Presenting the President as a "marionette" of the Prime Minister referred to the fact that, as a presidential candidate, the President had emphasized his independence of any political party, whereas material had been found that showed the President stating that "my success will be the success of this party and my failure will be the failure of this party".

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The CBR declared in its paper that the authors clearly presented one-sided opinions and did not have the ambition to seriously present or analyse facts in a journalistically required way. Nevertheless, even such expressions regardless of their "specific" nature might foster public debate. Since the given video referred to legitimate matters of public interest it must be highly protected under the freedom of expression as provided in Art. 26 of the *Ústava Slovenskej republiky* (Constitution of the Slovak Republic). The dismissal of the complaint was necessary to safeguard free and diverse public debate, which is one of the highest values in any democratic society.

An appeal against the CBR's unpublished decision is not possible.

Decision of the Council for Broadcasting and Retransmission of the Slovak Republic of 9 April 2013

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