



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media**

Legal Review of the Right of Reply as Prescribed by the Statute on Periodic Press and News Agencies of Slovakia

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Executive Summary and recommendations

This legal review analyses the recent amendments¹ on the right of reply introduced in the Statute on Periodic Press and News Agencies of Slovakia (*Zákon o periodickej tlači a agentúrnom spravodajstve*), No. 167/2008 Z. z., as amended on 11 October 2018.² The current amendments were submitted to the National Assembly of the Slovak Republic on 11 January 2019.

The first part of the legal review looks at the international standards and commitments taken within the Organization for Security and Co-operation in Europe (OSCE) on freedom of expression and freedom of the media, as well as the specific right of correction or reply in international law. It also provides examples from national law and professional standards of the press.

The second part reviews the right of reply as envisioned in Article 8 of the Statute. It looks into earlier recommendations of the OSCE Representative on Freedom of the Media based on a legal review by ARTICLE 19 (London). It traces changes made in this article in 2011 and comes to the analysis of the current draft, which, in particular, intends to restore the status quo established prior to 2011.

Based on the OSCE and other international, and specifically European, standards, the recommendations suggest, in particular, keeping provisions of Article 8 that restrict the right of reply of political leaders and public figures, extend the restriction to political and public legal entities, and to preserve the right only in response to “false, incomplete or truth distortive” factual statements (as it is today). It also advises the Parliament to revise Article 8 in view of its full compliance with Slovakia’s OSCE commitments and obligations under European international human rights instruments.

¹ <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=461644>

² <http://www.zakonypreludi.sk/zz/2008-167#f3516914>

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1. Freedom of expression and the right of correction or reply in international law

The legal provisions under review regulate and affect a human right of freedom of expression enshrined in international treaties binding Slovakia: the Universal Declaration of Human Rights (UDHR) of 10 December 1948, and the International Covenant on Civil and Political Rights (ICCPR).

These rights are put forward in Article 19 of the ICCPR and Article 19 of the UDHR. Article 19 of the UDHR proclaims:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.³

Article 19 of the ICCPR says:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of

³ Universal Declaration of Human Rights <http://www.un.org/en/universal-declaration-human-rights/>

others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.⁴

The right of correction or reply in the mass media is related to the “special duties and responsibilities” of those who exercise the right to freedom of expression, including the media. It has also been highlighted as a human right related to freedom of information.

In the early 1950s, a French initiative led the UN General Assembly to adopt the *Convention on the International Right of Correction*⁵, aimed at maintaining peace and friendly relations among nations. It considered that, “as a matter of professional ethics, all correspondents and information agencies should, in the case of news dispatches transmitted or published by them and which have been demonstrated to be false or distorted, follow the customary practice of transmitting through the same channels, or of publishing, corrections of such dispatches” (both the “correspondents” and “information agencies” were broadly defined therein).

The Convention acknowledged the impracticality of establishing an international procedure for verifying the accuracy of media reports that might lead to the imposition of penalties for the dissemination of false or distorted reports. It prescribed, though, that if a contracting State’s international relations or “national prestige or dignity” might suffer from false information, or be distorted by a news dispatch, it has the right to submit its version of the facts to those States from which the dispatch originated, with a copy provided to the journalist and media outlet concerned to enable a correction. Then, within five days, the recipient State is obliged to release the correction to the media

⁴ International Covenant on Civil and Political Rights
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁵ UN Convention on the International Right of Correction. Opened for signature on 31 March 1953. Entered into force 24 August 1962. See <https://tinyurl.com/y8ztcfa7>. The Convention has 12 signatories and 17 parties, including 6 OSCE participating States.

operating in its territory. In case of failure to do so, the correction will be given appropriate publicity by the UN Secretary-General.

Nevertheless, the Convention on the International Right of Correction has rarely been enforced. Thus, experts believe that it is not clear whether and how effectively it has served its original purpose.⁶

It should be noted that unlike the United Nations *Convention on the International Right of Correction* (the “United Nations Convention”), which aims at the protection of States, there are provisions in other international instruments that aim at the protection of individuals.

At about the time of adoption of the above Convention, the UN General Assembly debated an adoption and implementation of an International Code of Ethics for Journalists that would respect both the right of correction and the right of reply in media enterprises. A draft was prepared by the UN Economic and Social Council (Sub-Commission on Freedom of Information and of the Press) in Resolution 442B (XIV) in 1952. However, the whole attempt failed, leaving the adoption of professional codes to individual editorial offices and media associations.⁷

Speaking of the individual’s right to reply or correction, we should note the position of the UN Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression. In 1999 in the context of Hungary, he came to the view “that if a right of reply system is to exist, it should ideally

⁶ Youm, Kyu Ho. The Right of Reply and Freedom of the Press: An International and Comparative Perspective. 76 Geo. Wash. L. Rev. [vii] (2007-2008) - Issue 4,—p.1017-1064. P.1023-1024. <http://www.gwlr.org/wp-content/uploads/2012/08/76-4-Youm.pdf>.

⁷ United Nations. Resolutions adopted by the General Assembly at its Seventh Session during the period from 14 October to 21 December 1952. / Resolution 635 (VII) Freedom of information and of the Press: draft International Code of Ethics. Official Records. Supplement A/2361. 1952. P. 25. <http://www.un-documents.net/a7-2361.pdf> See also: Alleyne, Mark D. International power and international communication. New York: St. Martin's Press, 1995. – P. 85. Törnudd, Klaus: Finland and the International Norms of Human Rights. Martinus Nijhoff Publishers, Dordrecht, 1986, p. 139.

be part of the industry's self-regulated system, and in any case can only feasibly apply to facts and not to opinions.”⁸

Indeed, the right of reply is often provided for in the OSCE region as an element of the national professional codes of ethics for journalists.⁹

While the individual's right to reply or correction did not enter the universal documents on human rights, regional conventions pay due respect to its existence. The 1969 *American Convention on Human Rights*, in Article 14 (“Right of Reply”) stipulates:

“1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.”¹⁰

A possible problem with the above part 1 of Article 14 is that it includes the presumed mandatory (although not absolute) nature of the right of reply, if any “inaccurate or offensive” statements – or ideas (*sic!*) are disseminated.

⁸ Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain. Report of the mission to Hungary, 29 January 1999, E/CN.4/1999/64/Add.2. Para 35. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/096/72/PDF/G1809672.pdf?OpenElement>

⁹ Such as the Code of Ethics for the Estonian press (1997), see <https://bit.ly/2KNhqMO> , or Guidelines for Journalists in Finland (version from 1 January 2014), see <https://bit.ly/2K8Eepc>

¹⁰ American Convention on Human Rights “Pact of San Jose, Costa Rica” (B-32). Adopted at San José, Costa Rica, 22 November 1969 at the Inter-American Specialized Conference on Human Rights. Entry into force: 18 July 1978. URL: <https://tinyurl.com/9e9v6lr>.

Interestingly, the right to refute ideas stands only in the English official translation, while the Spanish original or other translations of the norm do not contain the word.¹¹ The Inter-American Commission on Human Rights established a Special Rapporteur on Freedom of Expression, and the latter concluded that Article 14 does not prescribe any particular mechanism and does not contemplate an automatic right of reply whenever anyone feels offended by a statement.¹² This Commission also importantly held an advisory opinion that the right of reply applies only to statements of facts, not expression of opinion.¹³

In the context of this review, it is important to consider the specific interpretation of this Convention by the Inter-American Court of Human Rights, competent with respect to matters relating to the fulfilment of the commitments made by its States Parties through the American Convention on Human Rights, of the “right to truth”. Experts see a possibility that, given its existing jurisprudence on this right in relation to the families of persons who “disappeared” during dictatorships, it can be spread to the area of freedom of expression, as the current restrictions to the freedom in Article 13 (5)¹⁴ have “historically been premised on falsities, manipulation of the truth, and the withholding of information.”¹⁵ Others rightfully argue that “credible information” is critical for individuals to make informed choices about how they exercise their civil, political, and socio-economic rights.¹⁶

¹¹ Enhancing Canada's role in the OAS: Canadian adherence to the American Convention on Human Rights. Report of the Standing Senate Committee on Human Rights, May 2003. Part IV.B.3. Discussion of issues raised with the committee. <https://tinyurl.com/ybh43yp6>

¹² Ibid.

¹³ See more in Youm, Kyu Ho. *Op.cit.*, pp.1017-1025.

¹⁴ “Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.”

¹⁵ Kearney, Michael G. *The Prohibition of Propaganda for War in International Law*. Oxford University Press, 2007, p.180, footnote 352.

¹⁶ Parmar, Sejal. *A Human Rights Perspective on “Fake News.”* / OSCE-LCM Results. Liechtenstein Institute on Self-Determination at Princeton University, 2017, – p. 73. https://lisd.princeton.edu/sites/lisd/files/OSCE-LCM_Results.pdf

An opposite view is highlighted in a ruling of the Slovak Constitutional Court (No II. ÚS 307/2014-45, 18 December 2014), which states that the right to information does not imply the right to objective information.¹⁷

A Council of Europe (CoE) instrument, the 1989 *European Convention on Transfrontier Television* (ECTT), envisioned in its Article 8 (“Right of reply”) as follows:

“1. Each transmitting Party shall ensure that every natural or legal person, regardless of nationality or place of residence, shall have the opportunity to exercise a right of reply or to seek other comparable legal or administrative remedies relating to programmes transmitted by a broadcaster within its jurisdiction <...>. In particular, it shall ensure that timing and other arrangements for the exercise of the right of reply are such that this right can be effectively exercised. The effective exercise of this right or other comparable legal or administrative remedies shall be ensured both as regards the timing and the modalities.

2. For this purpose, the name of the programme service or of the broadcaster responsible for this programme service shall be identified in the programme service itself, at regular intervals by appropriate means.”¹⁸

According to the ECTT’s *Explanatory Report*, a right of reply within the meaning of the ECTT is a right exercised by a natural or legal person, in order to correct inaccurate facts or information, in cases where such facts or information concern him/her or constitute an attack on his/her legitimate rights (especially in regards to his/her dignity, honour or reputation). The modalities of the exercise of this right are determined by the transmitting Party: right of

¹⁷ Judgement of the Constitutional Court of the Slovak Republic (*Nález Ústavného súdu Slovenskej republiky*) on the complaint of MAC TV. Case II. ÚS 307/2014-45. 18 December 2014. Para 61.

<https://tinyurl.com/y8yot6zd> This judgement does not cite but still follows the logic of the important case of the US Supreme Court *United States v. Alvarez*, 567 U.S. 709 (2012), in which the Court struck down the *Stolen Valor Act*, a federal law that criminalised false statements about having a military medal.

¹⁸ European Convention on Transfrontier Television. Strasbourg, 5.V.1989 <https://tinyurl.com/ya3gky2f>

reply, right of correction, right of rectification, right of recourse to special bodies or procedures. A right of reply or other comparable legal or administrative remedies are transfrontier in character. Therefore, they may be exercised equally by nationals and non-nationals, and residents and non-residents of Parties to the ECTT.¹⁹

A basis for this provision is the 1974 CoE *Resolution on the Right of Reply*.²⁰ Its aim was “to provide the individual with adequate means of protection against the publication of information containing inaccurate facts about him, and to give him a remedy against the publication of information, including facts and opinions, that constitutes an intrusion in his private life or an attack on his dignity, honour or reputation, whether the information was conveyed to the public through the written press, radio, television or any other mass media of a periodical nature”. In practice, it called for natural and legal persons, irrespective of nationality or residence, (with the exclusion of the state and other public authorities) to have an effective possibility for the correction, without undue delay, of incorrect facts relating to them which they have a justified interest in having corrected, such corrections being given, as far as possible, the same prominence as the original publication. The Resolution introduced the “Minimum rules regarding the right of reply to the press, the radio and the television and to other periodical media.” These rules present seven requirements related to: (1) the right of anyone for the right of reply in case the person is referred to and related facts were inaccurate; (2) the right to provide the text of the reply; (3) exceptions to the right; (4) promptness and prominence of the reply; (5) responsible request to publish the reply; (5) universality of the right in relation to all media; and (7) settlement of disputes.

¹⁹ Explanatory Report to the European Convention on Transfrontier Television. Strasbourg, 5.V.1989. ETS 132 . Paras 168-170. <https://rm.coe.int/16800cb348>

²⁰ Council of Europe Committee of Ministers. Resolution (74) 26 on the Right of Reply–Position of the Individual in Relation to the Press (Adopted by the Committee of Ministers on 2 July 1974, at the 233rd meeting of the Ministers’ Deputies). <https://rm.coe.int/16805048e1>

In 2004, the CoE introduced a Recommendation on right of reply to reflect technological changes and the online media landscape. It did not supersede the 30-year-old Resolution and should be considered together with the previous document. In particular, it recommended that Member State Governments should examine and, if necessary, introduce in their domestic law or practice a right of reply, or any other equivalent remedy, which enables a rapid correction of incorrect information in online or offline media along the lines of eight particular minimum principles. They relate to the issues of (1) scope of the right of reply, (2) promptness of reply, (3) its prominence, (4) complimentary publication, (5) exceptions to this right, (6) effectiveness of the exercise of the right, (7) a necessary link between the contested material and the reply in electronic archives, and (8) settlement of disputes.²¹

The right of reply, in the view of the 2004 Recommendation, should protect any legal or natural person from any information presenting inaccurate facts concerning that person and affecting his or her rights, while the dissemination of opinions and ideas must remain outside the scope of the Recommendation. This was reiterated in the 2017 Parliamentary Assembly's resolution aimed at addressing challenges of online media and journalism.²² Yet another Recommendation, on measures concerning media coverage of election campaigns, pays special attention to the right of reply within the canvassing period because of the short timespan in which it lasts.²³

The European Court of Human Rights (ECtHR), established by the European Convention on Human Rights (ECHR), has held that the right of reply is an

²¹ Recommendation Rec(2004)161 of the Committee of Ministers to member states on the right of reply in the new media environment (Adopted by the Committee of Ministers on 15 December 2004 at the 909th meeting of the Ministers' Deputies). <https://tinyurl.com/ycq7jz7a>

²² Parliamentary Assembly of the Council of Europe. Resolution 2143 (2017) Online media and journalism: challenges and accountability. Text adopted on 25 January 2017. Para 12.1.3. <https://tinyurl.com/ydxzsc8k>

²³ Recommendation Rec(2007)15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns (Adopted by the Committee of Ministers on 7 November 2007 at the 1010th meeting of the Ministers' Deputies). <https://bit.ly/2xohuAg> See also: Surčulija Milojević, Jelena. The Right of Reply: A Tool for an Individual to Access the Media. / Godišnjak Fakulteta politickih nauka, god. 9, br.13, str. 233.

important element of freedom of expression.²⁴ The existing limited case law of the ECtHR proves that reply and rectification need to be separated, the right of reply applies not only to private individuals, but also to public authorities, and that the right does not give an unfettered right of access to the media in order to put forward one's opinions.²⁵

The European Union (EU)'s *Directive on Audiovisual Media Services* followed the path set by the CoE by providing a clear-cut right of reply in television broadcasting. Its Chapter IX, Article 28 prescribes in particular that:

“Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.”²⁶

Another EU document, a non-binding recommendation of the European Parliament and of the Council of the EU, finds that “the right of reply is a particularly appropriate remedy in the on-line environment because it allows for

²⁴ *Melnychuk v. Ukraine (dec.)* - 28743/03. Decision 5 July 2005 [Section II].

<http://hudoc.echr.coe.int/eng?i=001-70089>

²⁵ Björgvinsson, David Thór. The right of reply. In: *Freedom of Expression: Essays in honour of Nicolas Bratza*. Casadevall, J. et.al. (Eds.). Strasbourg, France: Council of Europe, 2012, pp.173, 175. Koltay, András. The Right of Reply in a European Comparative Perspective. *Acta Juridica Hungarica* 54, No 1 (2013), pp.75-76.

<https://tinyurl.com/ybbtat54>

²⁶ Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive, the AVMS Directive). <https://tinyurl.com/y8mxcnq8>

an instant response to contested information and it is technically easy to attach the replies from the persons affected”.²⁷

The 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe (CSCE) spoke on the importance of the independent media in the region, and the conditions for a possible restriction of its right to disseminate information, news and opinions:

“The participating States reaffirm the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.”²⁸

Most recently, at the OSCE Ministerial Council in December 2018, the foreign ministers of participating States all agreed that defamation laws should not carry excessive sanctions or penalties that could “effectively censor journalists and interfere with their mission of informing the public.”²⁹

The right to refute false information presents a controversial issue in the field of national media regulation in the OSCE region. While it may be provided in the constitutions of Greece, the Northern Macedonia, Turkey, Slovenia, Portugal and Ukraine (and media laws of many other states), there is no general right of

²⁷ Recommendation of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry (2006/952/EC). <https://bit.ly/2IuahCQ>.

²⁸ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE. Para 26. <https://www.osce.org/representative-on-freedom-of-media/354081?download=true>

²⁹ Decision Nr. 3, Safety of Journalists. <https://www.osce.org/chairmanship/406538>

reply in the UK or US.³⁰ The controversy surrounding the right of reply in relation to freedom of the media is that, on the one hand, it might be limiting free speech by requiring media offices to provide time and space for a statement that is unacceptable to their editorial line. On the other hand, it can be viewed as expanding freedom of expression by fostering a public debate and by providing a greater flow of information.

³⁰ Björgvinsson, David Thór. The right of reply. In: Freedom of Expression: Essays in honour of Nicolas Bratza. Casadevall, J. et.al. (Eds.). Strasbourg, France: Council of Europe, 2012, pp. 166-167. See also Youm, Kyu Ho. *Op. cit.* pp. 1017-1021.

2. Review of the relevant provisions in the Statute on Periodic Press and News Agencies

2.1 Earlier interventions of the Representative on Freedom of the Media on the relevant provisions of the Statute on Periodic Press and News Agencies

In 2008, at the time the Slovak Statute on Periodic Press and News Agencies was discussed as a draft and then adopted, the OSCE Representative on Freedom of the Media (RFOM), Miklos Haraszti, made a number of public statements.

He objected to the provision under which publishers would be obliged to carry a response from any person or legal entity if they were to find that a published ‘fact statement’ impacted on their honour or dignity, regardless of whether the ‘fact statement’ was true or not.

“As all opinions have a factual component, this provision in reality introduces an obligation to publish responses to opinions. That would grant politicians limitless and arbitrary access to publicity over the heads of editors,” said Haraszti. “In a pluralistic democracy, laws cannot be used to boost ‘objectivity’ in private media outlets. The Government must not aim to homogenize opinion content or enforce editorial impartiality.”³¹

Later, he commissioned a legal review from ARTICLE 19, a leading civil society organization that defends freedom of expression and freedom of information worldwide (see below).³² Based on its conclusions, the RFOM urged the Government, in particular, to cut the new mandatory remedial duties that the draft imposed on editors: a ‘right of correction’ for inaccuracies and a ‘right of reply’ for critical opinions.

³¹ “OSCE media freedom representative says Slovakian draft Press Act curbs editorial autonomy, asks authorities to withdraw it”, 22 January 2008, <https://www.osce.org/fom/49397>.

³² See <https://www.article19.org/>

“A right of reply can be justified, but this flood of measures would destroy editorial autonomy. A right of reply should apply only where the claimant has a justified interest in correcting untrue or misleading information,” said Haraszti. “We also strongly urge extending the conditions under which a reply can be refused by the editors, and ensure that editors are free to take into account the public's right to information.”³³

Another statement came after the first reading of the new Statute in the Parliament. It expressed disappointment that recommendations regarding the right of reply were not implemented. “As it stands now, the law would still fail to comply with Slovakia’s OSCE commitments to protect media freedom,” Haraszti noted. He was particularly worried that the excessive remedial obligations would grant politicians limitless access to publicity over the heads of editors and thus seriously restrict editorial autonomy.

The RFOM noted that the “standards are clear: a right to either a correction or a reply should qualify only where the claimant has a justified interest in correcting untrue or misleading information.”³⁴

Some days later, Slovakia’s six major daily newspapers published blank front pages in protest of the draft Statute on Periodic Press and News Agencies. Their covers each featured just a short, identical notice to readers listing their most serious objections to the proposed Press Statute. They included a right of reply even in cases where the information printed was correct, and the right to correction even if the published information has not maligned anyone, thereby

³³ “OSCE media freedom representative reviews Slovakia's draft Press Act, urges Government to implement recommendations”. 14 February 2008. <http://www.osce.org/fom/49454>

³⁴ “Latest amendments to Slovakia's draft Press Act an improvement but still fall short, says OSCE media freedom representative”. 25 March 2008, <http://www.osce.org/fom/49573>.

crudely intervening in the autonomy of editors' work and violating the democratic principles of the press, the rights of citizens and press freedom.³⁵

2.2 2008 legal review by ARTICLE 19

The 2008 Statute on Periodic Press and News Agencies superseded the [Czechoslovak] Statute on Periodic Press and other Mass Media (*o periodickej tlači a o ostatných hromadných informačných prostriedkoch*) adopted on 25 October 1966 (No. 81/1966).

In 2008, commissioned by the OSCE Representative on Freedom of the Media, ARTICLE 19 provided a “Statement on the Draft Slovak Act on Periodic Press and News Agencies” which was submitted to the authorities and released on 14 February.³⁶

The legal review noted that “the right of reply and related rights are a highly contentious area of media law.” ARTICLE 19, for example, suggested that this right should ideally be voluntary. It noted then that the objections to overbroad rights of reply are not academic:

“Requiring the correction of false statements of fact is one thing, going beyond this to allow a reply in response to critical reporting, or reporting which is not deemed to be sufficiently in-depth on an issue is quite another. This will create a chilling effect inasmuch as editors will not wish to publish material which might lead to them being required to publish a correction/reply and thus undermine the free flow of information, contrary to commitments in this area by the Council of Europe and the OSCE.

³⁵ Beata Balogová, Ľuba Lesná. “Seven sins of the Press Code”. The Slovak Spectator. 31 March 2008. <https://spectator.sme.sk/c/20028818/seven-sins-of-the-press-code.html>

³⁶ Review of the Slovak Draft Press Act. Review by Article 19, commissioned by the OSCE Representative on Freedom of the Media. 14 February 2008. Available in Slovak: <https://www.osce.org/sk/fom/30755?download=true> and in English: <https://www.osce.org/fom/30754?download=true>

The right to freedom of expression requires that the least intrusive remedy which will address a problem be applied. It may be noted that requiring a periodical to carry a statement by someone else is a far more intrusive remedy than simply requiring a periodical to insert its own statement. ARTICLE 19 thus notes that where the provision by a periodical of its own correction to a false statement of fact will effectively undo the harm, this should be the preferred solution. As a result, where a periodical has published a correction which has undone the harm, this should be a grounds for rejecting a claim for a reply.”

Following these arguments and recommendations of Resolution (74)26 of the Council of Europe *on the Right of Reply–Position of the Individual in Relation to the Press* (further on – 1974 CoE Resolution) ARTICLE 19 found then, in particular, the following problems with the draft law:

1. A reply may be demanded only where a statement of fact impinges on the honour, dignity or privacy of a person. **However, there is no requirement that the statement be false.** This could lead to situations where periodicals were required to provide replies to individuals simply for having published true, if uncomplimentary, statements about them. It is quite clear from 1974 CoE Resolution that the right should arise only in the context of inaccurate, or at least misleading, statements of fact. The onus should be on the person claiming a reply to prove that the original statement was false and that it breached his or her rights.
2. Replies have to be published **within three days**, which does not leave editors sufficient time to consider whether or not they are justified. The 1974 CoE Resolution calls for the publication of replies “without undue delay”; the period of eight days the draft Statute allocates for corrections and supplementary information clearly satisfies this standard and should be considered for replies as well.

3. It sets out only **very limited circumstances in which a reply may be refused**. The 1974 CoE Resolution additionally allows a reply to be refused where its length exceeds what is necessary to correct the inaccurate statements, where it goes beyond addressing the contested statements, for example by introducing new issues or by commenting on other statements, and where it contains illegal material or breaches the legitimate interests of third parties. It should also be possible to refuse a claim for a reply where a periodical itself publishes a correction which effectively redresses the harm done.
4. There are **no restrictions on the ‘entities’ which may claim a reply**. The 1974 CoE Resolution discourages “state and other public authorities” from claiming this right, due to the obvious possibilities of abuse that this may entail, and the fact that taxpayer supported public authorities do not have personality rights, since their “good fame and reputation” belongs to the public.
5. The **overriding importance of open debate** on matters of public interest is not taken into account. The 1974 CoE Resolution specifically recognises that certain legitimate public interests may override both the right to privacy and the right to reputation. A reply should not be available where the publication of the statement was justified by an overriding legitimate public interest.
6. It prohibits periodicals from publishing any **accompanying material** to either a correction or a reply. That is not justifiable; accompanying material might, for example, be required to avoid confusing readers and to provide them with background information.³⁷

³⁷ Review of the Slovak Draft Press Act. Review by Article 19, commissioned by the OSCE Representative on Freedom of the Media. 14 February 2008. – P. 6-7.

The legal review by ARTICLE 19 then suggested that the controversial norms on the right of reply be brought in accordance with the regional standards of the 1974 CoE Resolution.

2.3 Amendments to the Statute in 2011

The Statute on Periodic Press and News Agencies was finally passed on 9 April and came into effect on 1 June 2008. The right of reply and the right of rectification occupy a central position in the text of the Statute, the former is mentioned in 5 out of 18 articles of the Statute, although the crucial provisions are laid down in Article 8 (“Right of reply”).³⁸

This article was amended only once since adoption of the Statute. On 29 June 2011 several amendments were made in Article 8. Many of them addressed then the earlier concerns of the RFOM and the 2008 legal review, as presented above.

In particular, a qualifier was added to parts 1 and 4 of Article 8, which limited the right of reply only to the cases of providing “false, incomplete or truth-distorting” information.

In particular part 2 was added to Article 8 which limited the possibilities of its application in relation to the public life of leaders of political parties and public functionaries. Part 2 says:

“The right to request the publication of a reply shall not have a public official who, for the purposes of this Statute, is a person designated by a special regulation; the chair of a political party or political movement and the vice-chair of a political party or political movement in the case of factual claims related to the performance of their duties. The right to request the publication of a reply shall not have a legal person in the case of a factual claim related to the performance of the duties of a public official, the chair of a political party or political movement and the vice-chair

³⁸ <http://www.zakonypreludi.sk/zz/2008-167#f3516914>

of a political party or political movement functioning in the legal person concerned.”

Another significant addition introduced a new part 7, which says:

“The publishers of the periodical publication and the news agency are not obliged to post the reply if:

- (a) the request for the publication of a reply does not contain the particulars referred to in part 4,
- (b) the reply is to a factual statement that was made by the author who now requests publication of the reply, unless the original statement was altered or distorted during pre-publication editing,
- c) have already published a response to the request of one of the persons mentioned in § 10 par. 4³⁹ and have complied therein with the conditions laid down by this Statute for the publication of a reply,
- d) publishing the reply would present a crime, offense, other tort, or its publication would be contrary to good morals,
- e) publishing the reply would be contrary to the rights and legitimate interests of a third party.”

As a result, the text of Article 8 was modified as presented in Appendix 1 to this review (see below).

2.4. Review of the current amendments

On 11 January 2019, a group of deputies of the National Council (Parliament) of the Slovak Republic submitted to the Parliament a draft Statute amending and supplementing the Statute on Periodic Press and News Agencies. Their draft was presented by MPs Dušan Jarjabek and Miroslav Číž.⁴⁰

The explanatory memorandum, while not providing particular reasons for reintroduction of the provisions, emphasized that “the subject of the right of reply is only a factual claim. Therefore, it excludes from answering value

³⁹ “The right to rectification, the right of reply or the right to an additional notice belongs to close persons after the death of a natural person.”

⁴⁰ <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=7132>

judgments.” The aim of the draft is to extend the possibilities of exercising the right of reply as was the case in its original 2008 version.⁴¹

In particular, the proposed amendments suggest removing part 2 of Article 8, which limits the possibilities of its application in relation to the public life of leaders of political parties and certain public functionaries. The list of such political and public figures is provided for in Article 2 of the Constitutional Statute on the protection of public interest in the performance of duties of public officials.⁴²

Indeed the Council of Europe instruments recommend that the right of reply is provided to “any natural person”. Although the 1974 CoE Resolution, as was said in the ARTICLE 19 review, indeed discourages “state and other public authorities” from claiming the right of reply, it does not refer to state and other public figures.

At the same time, it is evident that politicians and public figures can easily communicate to the public with their replies to incorrect statements on their public life, without bending editorial independence or forcing media entities to publish their prepared statements.

There is widespread agreement among courts, international standard-setting bodies, and civil society organizations that defamation laws, including right-of-reply provisions, should reflect the concept that public officials must be more, not less, tolerant of criticism than private persons. Most famously, the European Court of Human Rights (ECtHR) in its milestone judgment *Lingens v. Austria* stated that

“The limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter,

⁴¹ Dôvodová správa. 11 January 2019.

<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=461645>

⁴² <https://www.noveaspi.sk/products/lawText/1/58268/1/2>

the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance. No doubt article 10(2) enables the reputation of others--that is to say, of all individuals--to be protected, and this protection extends to politicians too, even when they are not acting in their private capacity; but in such cases the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues.”⁴³

In the view of the UN Human Rights Committee:

“[I]n circumstances of public debate concerning public figures in the political domain and public institutions, the value placed by the Covenant upon uninhibited expression is particularly high.”⁴⁴

The OSCE Representative on Freedom of the Media, together with other rapporteurs on freedom of expression, has opined that “defamation laws should reflect the importance of open debate about matters of public concern and the principle that public figures are required to accept a greater degree of criticism than private citizens.”⁴⁵

Therefore, to reflect the concept that public officials must be more tolerant of criticism than private persons, it is recommended to keep provisions of Article 8 that restrict the right of reply of political leaders and public figures.

Recommendations

- 1) Keep provisions of Article 8 that restrict the right of reply of political leaders and public figures.*

⁴³ *Lingens v. Austria* (application No. 9815/82), judgement of 8 July 1986, para. 42.

⁴⁴ General Comment No 34. Para 38. <https://www.refworld.org/docid/4ed34b562.html>

⁴⁵ Current Challenges to Media Freedom./ Joint Declarations of the representatives of intergovernmental bodies to protect free media and expression; Ed. by Adeline Hulin. - Vienna: OSCE Representative on Freedom of the Media, 2013. - P.23. <https://www.osce.org/fom/99558?download=true>

2) *Introduce additional restrictions for the right of reply to the legal entities which these political leaders and public figures represent.*

In Article 8 references were removed related to “false, incomplete or truth-distorting” character of information to be replied to. This would apparently pave way to replies to truthful factual information.

At the same time, both CoE instruments, Resolution (74) 26 on the Right of Reply–Position of the Individual in Relation to the Press (in rule 1) and Recommendation Rec(2004)161 on the right of reply in the new media environment (in principle 1, see above), are clear that the scope of the right to reply should be limited to statements of *inaccurate* facts only.

Such a position is also in conformity with the case law of the ECtHR, which is against this right being used for an unfettered right of access to the media in order to put forward one’s opinions (see above).

Therefore, it is recommended to withdraw relevant amendments and keep references to “false, incomplete or truth distortive” factual statements as it is today.

Recommendation

Keep the right of reply only in response to “false, incomplete or truth distortive” factual statements.

Parts 1 and 7 b) (or new part 6b) were also slightly modified. While there are no explanations why the modifications were made, they will apparently allow requesting both the right of correction and the right of reply in relation to the same statement in the media. This will potentially place an unnecessary and

disproportionate burden on the media. As was noted in the 2008 review of ARTICLE 19, wherever a media has published a correction which has undone the harm, this should be sufficient grounds for rejecting a claim for a reply (see above).

Recommendation

Avoid making amendments in the specifics of the right of reply without explanations of their reasons based on the practice (or malpractice) of the existing norms.

Having said that, it is worth noting that, Article 8, in its current state, leaves room for improvement in terms of meeting European standards.

For example, speaking of the exceptions to the right, the documents of the CoE suggest that, for the reply to be granted, the individual concerned should demonstrate the existence of a legitimate interest in his request. The right of reply can be refused if the contested information is part of “a truthful report on public sessions of the public authorities or the courts.” It can also be refused if it is not limited to a correction of the facts challenged.⁴⁶

Recommendation

It is advisable to revise Article 8 in view of its full compliance with Slovakia’s obligations under European international human rights standards.

The current text of Article 8 disregards earlier recommendations of the RFOM and conclusions of the 2008 legal review by ARTICLE 19. In particular, it still

⁴⁶ Recommendation Rec(2004)161 of the Committee of Ministers to member states on the right of reply in the new media environment. <https://tinyurl.com/ycq7jz7a>. Council of Europe Committee of Ministers. Resolution (74) 26 on the Right of Reply–Position of the Individual in Relation to the Press. <https://rm.coe.int/16805048e1>

forbids periodicals publishing any accompanying material to a reply. That is not a justifiable restriction on freedom of the media. Moreover, an accompanying comment might be, for example, required to avoid confusing readers as to the circumstances of the matter. Another issue raised by the RFOM was that of excessive remedies in case of violation of the norms.

Recommendation

It is advisable to revise Article 8 in view of earlier recommendations of the OSCE Representative on Freedom of the Media.

Appendix 1. Current version of Art. 8

2018 version of Art. 8 (in Slovak)	2018 version of Art. 8 (in English)
<p>(1) Ak periodická tlač alebo agentúrne spravodajstvo obsahuje nepravdivé, neúplné alebo pravdu skresľujúce skutkové tvrdenie, ktoré sa dotýka cti, dôstojnosti alebo súkromia fyzickej osoby, alebo názvu alebo dobrej povesti právnickej osoby, na základe ktorého možno osobu presne určiť, má táto osoba právo žiadať uverejnenie odpovede. Vydavateľ periodickej tlače a tlačová agentúra sú povinní odpoveď uverejniť bezodplatne; uverejnením odpovede zaniká vo vzťahu k tomu istému skutkovému tvrdeniu právo na opravu.</p> <p>(2) Právo žiadať o uverejnenie odpovede nemá verejný funkcionár, ktorým je na účely tohto zákona osoba ustanovená v osobitnom predpise, 8a)⁴⁷ predseda politickej strany alebo politického hnutia a podpredsa politickej strany alebo politického hnutia, ak ide o skutkové tvrdenie súvisiace s výkonom ich funkcie. Právo žiadať o uverejnenie odpovede nemá ani právnická osoba, ak ide o skutkové tvrdenie súvisiace s výkonom funkcie verejného funkcionára, predsedu politickej strany alebo politického hnutia a podpredsedu politickej strany alebo politického hnutia pôsobiaceho v dotknutej právnickej osobe.</p> <p>(3) Žiadosť o uverejnenie odpovede sa musí doručiť vydavateľovi periodickej tlače alebo tlačovej agentúre do 30 dní odo dňa vydania periodickej tlače alebo zverejnenia agentúrneho spravodajstva, ktoré obsahuje skutkové tvrdenie podľa odseku 1, inak právo na odpoveď zaniká.</p> <p>(4) Žiadosť o uverejnenie odpovede musí mať písomnú formu a musí byť žiadateľom podpísaná. Žiadosť o uverejnenie odpovede</p>	<p>(1) If a periodical publication or a news agency's feed provides a false, incomplete or truth distorting factual claim that affects the honour, dignity or privacy of the natural person, or the name or good reputation of the legal person, by virtue of which the person can be precisely identified, such a person has the right to request the publication of a reply. The publisher of the periodical press and the press agency must publish the reply free of charge; the publication of the reply shall be void in case of the claim of the right of correction in relation to the same facts.</p> <p>(2) The right to request the publication of a reply shall not have a public official who, for the purposes of this Statute, is a person designated by a special regulation; 8a)⁴⁸ the chair of a political party or political movement and the vice-chair of a political party or political movement in the case of factual claims related to the performance of their duties. The right to request the publication of a reply shall not have a legal person in the case of a factual claim related to the performance of the duties of a public official, the chair of a political party or political movement and the vice-chair of a political party or political movement functioning in the legal person concerned.</p> <p>(3) A request for the publication of a reply shall be delivered to the publisher of the periodical press or to the press agency within 30 days from the date of the publication of the periodical press or publication of the news agency which contains a factual claim under part 1, otherwise the right of reply shall expire.</p> <p>(4) The request for the publication of a reply</p>

⁴⁷ Čl. 2 ústavného zákona č. 357/2004 Z. z. o ochrane verejného záujmu pri výkone funkcií verejných funkcionárov v znení ústavného zákona č. 545/2005 Z. z.

⁴⁸ Art. 2 of the Constitutional Statute no. 357/2004 Z.z. on the protection of public interest in the performance of duties of public officials, as amended by Constitutional Statute no. 545/2005 Z.z.

musí obsahovať názov a deň vydania periodickej tlače alebo deň zverejnenia agentúrneho spravodajstva, ktoré obsahovalo skutkové tvrdenie podľa odseku 1, popis tohto skutkového tvrdenia s uvedením, v čom je skutkové tvrdenie nepravdivé, neúplné alebo pravdu skresľujúce a v čom sa dotýka cti, dôstojnosti alebo súkromia fyzickej osoby, alebo názvu alebo dobrej povesti právnickej osoby, a kde sa toto skutkové tvrdenie v periodickej tlači alebo v agentúrnom spravodajstve nachádzalo. Súčasťou žiadosti o uverejnenie odpovede musí byť písomné znenie odpovede. Odpoveď sa obmedzí len na skutkové tvrdenie, ktorým sa skutkové tvrdenie podľa odseku 1 poprie, doplní, spresní alebo vysvetlí. Odpoveď musí byť rozsahom primeraná textu, ktorého obsahom je skutkové tvrdenie podľa odseku 1 a z neho vyplývajúci hodnotiaci úsudok.

(5) Vydavateľ periodickej tlače je povinný odpoveď uverejniť do troch dní odo dňa doručenia žiadosti o uverejnenie odpovede alebo v najbližšom vydaní periodickej tlače pripravovanom po doručení žiadosti o uverejnenie odpovede. Tlačová agentúra je povinná odpoveď uverejniť do troch dní odo dňa doručenia žiadosti o uverejnenie odpovede.

(6) Vydavateľ periodickej tlače a tlačová agentúra sú povinní odpoveď uverejniť tak, ako bola napísaná žiadateľom o uverejnenie odpovede, v rovnakej periodickej tlači alebo agentúrnom spravodajstve, na rovnocennom mieste a rovnakým písmom, akým bolo uverejnené skutkové tvrdenie a s označením „odpoveď“, ku ktorému bude pripojené meno a priezvisko alebo názov žiadateľa o uverejnenie odpovede; označenie „odpoveď“ s menom a priezviskom alebo názvom žiadateľa o uverejnenie odpovede musí byť uverejnené rovnakým písmom, akým bol uverejnený nadpis textu obsahujúceho skutkové tvrdenie. K uverejnenej odpovedi nemožno uverejniť žiadny súvisiaci text obsahujúci hodnotiaci úsudok, a to ani na inom mieste vydania periodickej tlače alebo agentúrneho spravodajstva.

must be in writing and must be signed by the applicant. The request for the publication of the reply shall contain the title and date of the publication of the periodical press or the date of publication of the news agency which contained the factual claim in the sense of part 1, a description of that factual statement, indicating in what way the factual claim is false, incomplete or truth distortive and affecting honour, dignity or privacy of the natural person, or the name or good reputation of a legal person, and wherein this fact is in the periodical press or in the news agency. The request for a reply must contain the written text of the reply. The reply shall be limited to the factual claim by which the factual claim in the sense of part 1 is denied, supplemented, clarified or explained. The answer must be proportionate in size to the text which contains the factual statement in the sense of part 1 and its subsequent assessment.

(5) The publisher of the periodical publication shall be obliged to publish the reply within three days from the date of receipt of the request for publication of the reply or in the next issue of the periodical press prepared after the delivery of the request for publication of the reply. The news agency is required to publish the reply within three days of the date of receipt of the request for a reply.

(6) The publisher of the periodical press and the news agency shall be obliged to publish the reply as it was written by the applicant for the publication of the reply in the same periodical publication or agency's news feed, in an equivalent place and in the same font as was the refuted statement and under title 'Reply' that will be accompanied by the applicant's first and last name or its name if it is a legal entity; the title 'Reply' with the name and surname or the name of the applicant for the posting of the reply must be published in the same font as the title of the refuted text containing the factual statement. No related text containing a comment on the published reply may be published, even in another part of the periodical publication or the agency's news feed.

<p>(7) Vydavateľ periodickej tlače a tlačová agentúra nie sú povinní uverejniť odpoveď, ak</p> <p>a) žiadosť o uverejnenie odpovede nemá náležitosti podľa odseku 4,</p> <p>b) odpoveď smeruje proti skutkovému tvrdeniu obsiahnutému vo vyjadrení žiadateľa o uverejnenie odpovede, ak sa jeho spracovaním pre uverejnenie nezmenil ani neskreslil jeho pôvodný obsah,</p> <p>c) uverejnili odpoveď na žiadosť niektorej z osôb uvedených v § 10 ods. 4 a dodržali pritom podmienky ustanovené týmto zákonom na uverejnenie odpovede,</p> <p>d) by bol uverejnením odpovede spáchaný trestný čin, priestupok, iný správny delikt alebo by jej uverejnenie bolo v rozpore s dobrými mravmi,</p> <p>e) by uverejnenie odpovede bolo v rozpore s právami a právom chránenými záujmami tretej osoby.</p>	<p>(7) The publishers of the periodical publication and the news agency are not obliged to post the reply if:</p> <p>(a) the request for the publication of a reply does not contain the particulars referred to in part 4,</p> <p>(b) the reply is to a factual statement that was originally made by the person who now requests publication of the reply, unless the original statement was altered or distorted during pre-publication editing,</p> <p>c) they have already published a reply to the request of one of the persons mentioned in § 10 par. 4⁴⁹ and have complied therein with the conditions laid down by this Statute for the publication of a reply,</p> <p>d) publishing the reply would present a crime, offense, other tort, or its publication would be contrary to good morals,</p> <p>e) publishing the reply would be contrary to the rights and legitimate interests of a third party.</p>
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Appendix 2. Proposed text of Art. 8⁵⁰

<p>2019 Proposed version of Art. 8</p> <p>(in Slovak)</p>	<p>2019 Proposed version of Art. 8</p> <p>(in English)</p>
<p>(1) Ak periodická tlač alebo agentúrne spravodajstvo obsahuje <nepravdivé, neúplné alebo pravdu skresľujúce> skutkové tvrdenie, ktoré sa dotýka cti, dôstojnosti alebo súkromia fyzickej osoby, alebo názvu alebo dobrej povesti právnickej osoby, na základe ktorého možno osobu presne určiť, má táto osoba právo žiadať uverejnenie odpovede. Vydavateľ periodickej</p>	<p>(1) If a periodical publication or a news agency feed provides <a false, incomplete or truth-distorting> factual claim that affects the honour, dignity or privacy of the natural person, or the name or good reputation of the legal person, by virtue of which the person can be precisely identified, such a person has the right to request the publication of a reply. The</p>

⁴⁹ “The right to rectification, the right of reply or the right to an additional notice belongs to close persons after the death of a natural person.”

⁵⁰ Suggested parts to delete are in <>, suggested text changes are in bold.

tlače a tlačová agentúra sú povinní odpoveď uverejniť bezodplatne; právo na opravu týmto nie je dotknuté **<uverejnením odpovede zaniká vo vzťahu k tomu istému skutkovému tvrdeniu právo na opravu>**.

(2) Žiadosť o uverejnenie odpovede sa musí doručiť vydavateľovi periodickej tlače alebo tlačovej agentúre do 30 dní odo dňa vydania periodickej tlače alebo zverejnenia agentúrneho spravodajstva, ktoré obsahuje skutkové tvrdenie podľa odseku 1, inak právo na odpoveď zaniká.

(3) Žiadosť o uverejnenie odpovede musí mať písomnú formu a musí byť žiadateľom podpísaná. Žiadosť o uverejnenie odpovede musí obsahovať názov a deň vydania periodickej tlače alebo deň zverejnenia agentúrneho spravodajstva, ktoré obsahovalo skutkové tvrdenie podľa odseku 1, popis tohto skutkového tvrdenia s uvedením, v čom je skutkové tvrdenie **<nepravdivé, neúplné alebo pravdu skresľujúce a v čom>** sa dotýka cti, dôstojnosti alebo súkromia fyzickej osoby, alebo názvu alebo dobrej povesti právnickej osoby, a kde sa toto skutkové tvrdenie v periodickej tlači alebo v agentúrnom spravodajstve nachádzalo. Súčasťou žiadosti o uverejnenie odpovede musí byť písomné znenie odpovede. Odpoveď sa obmedzí len na skutkové tvrdenie, ktorým sa skutkové tvrdenie podľa odseku 1 poprie, doplní, spresní alebo vysvetlí. Odpoveď musí

publisher of the periodical press and the press agency must publish the answer free of charge; the right of correction shall not be affected by this provision **<the publication of the reply shall be void in case of the claim of the right of correction in relation to the same facts>**.

(2) A request for the publication of a reply shall be delivered to the publisher of the periodical press or to the press agency within 30 days from the date of the publication of the periodical press or publication of the news agency which contains a factual claim in the sense of part 1, otherwise the right of reply shall expire.

(3) The request for the publication of a reply must be in writing and must be signed by the applicant. The request for the publication of the reply shall contain the title and date of the publication of the periodical press or the date of publication of the news agency which contained the factual claim in the sense of part 1, a description of that factual statement, indicating in what way the factual claim is **<false, incomplete or truth distortive and>** affecting honour, dignity or privacy of the natural person, or the name or good reputation of a legal person, and wherein this fact is in the periodical press or in the news agency. The request for a reply must contain the written text of the reply. The

byť rozsahom primeraná textu, ktorého obsahom je skutkové tvrdenie podľa odseku 1 a z neho vyplývajúci hodnotiaci úsudok.

(4) Vydavateľ periodickej tlače je povinný odpoveď uverejniť do troch dní odo dňa doručenia žiadosti o uverejnenie odpovede alebo v najbližšom vydaní periodickej tlače pripravovanom po doručení žiadosti o uverejnenie odpovede. Tlačová agentúra je povinná odpoveď uverejniť do troch dní odo dňa doručenia žiadosti o uverejnenie odpovede.

(5) Vydavateľ periodickej tlače a tlačová agentúra sú povinní odpoveď uverejniť tak, ako bola napísaná žiadateľom o uverejnenie odpovede, v rovnakej periodickej tlači alebo agentúrnom spravodajstve, na rovnocennom mieste a rovnakým písmom, akým bolo uverejnené skutkové tvrdenie a s označením „odpoveď“, ku ktorému bude pripojené meno a priezvisko alebo názov žiadateľa o uverejnenie odpovede; označenie „odpoveď“ s menom a priezviskom alebo názvom žiadateľa o uverejnenie odpovede musí byť uverejnené rovnakým písmom, akým bol uverejnený nadpis textu obsahujúceho skutkové tvrdenie. K uverejnenej odpovedi nemožno uverejniť žiadny súvisiaci text obsahujúci hodnotiaci úsudok, a to ani na inom mieste vydania periodickej tlače alebo agentúrneho spravodajstva.

(6) Vydavateľ periodickej tlače a tlačová

reply shall be limited to the factual claim by which the factual claim in the sense of part 1 is denied, supplemented, clarified or explained. The answer must be proportionate in size to the text which contains the factual statement in the sense of part 1 and its subsequent assessment.

(4) The publisher of the periodical publication shall be obliged to publish the reply within three days from the date of receipt of the request for publication of the reply or in the next issue of the periodical press prepared after the delivery of the request for publication of the reply. The news agency is required to publish the reply within three days of the date of receipt of the request for a reply.

(5) The publisher of the periodical press and the news agency shall be obliged to publish the reply as it was written by the applicant for the publication of the reply in the same periodical publication or agency's news feed, in an equivalent place and in the same font as was the refuted statement and under title 'Reply' that will be accompanied by the applicant's first and last name or its name if it is a legal entity; the title 'Reply' with the name and surname or the name of the applicant for the posting of the reply must be published in the same font as the title of the refuted text containing the factual statement. No

<p>agentúra nie sú povinní uverejniť odpoveď, ak</p> <p>a) žiadosť o uverejnenie odpovede nemá náležitosti podľa odseku 3,</p> <p>b) odpoveď smeruje proti skutkovému tvrdeniu uverejnenému na základe preukázateľného predchádzajúceho súhlasu žiadateľa o uverejnenie odpovede,</p> <p>c) uverejnili odpoveď na žiadosť niektorej z osôb uvedených v § 10 ods. 4 a dodržali pritom podmienky ustanovené týmto zákonom na uverejnenie odpovede,</p> <p>d) by bol uverejnením odpovede spáchaný trestný čin, priestupok, iný správny delikt alebo by jej uverejnenie bolo v rozpore s dobrými mravmi,</p> <p>e) by uverejnenie odpovede bolo v rozpore s právami a právom chránenými záujmami tretej osoby.</p>	<p>related text containing a comment on the published reply may be published, even in another part of the periodical publication or the agency's news feed.</p> <p>(6) The publishers of the periodical publication and the news agency are not obliged to post the reply if</p> <p>(a) the request for the publication of a reply does not contain the particulars referred to in part 3,</p> <p>(b) the reply is to a factual statement made in a piece published with an evident prior approval of the person who requests publication of the reply,</p> <p>c) they have already published a reply to the request of one of the persons mentioned in § 10 par. 4⁵¹ and have complied therein with the conditions laid down by this Statute for the publication of a reply,</p> <p>d) publishing the reply would present a crime, offense, other tort, or its publication would be contrary to good morals,</p> <p>e) publishing the reply would be contrary to the rights and legitimate interests of a third party.</p>
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⁵¹ "The right to rectification, the right of reply or the right to an additional notice belongs to close persons after the death of a natural person."