

OBJECTIVITY AND IMPARTIALITY IN ELECTRONIC MEDIA

L'UBOŠ KUKLIŠ



MEDIA PLURALITY

OBJECTIVITY RULES

APPLICATION (SK)

FUTURE

MEDIA PLURALITY

OBJECTIVITY RULES

(WHAT)

APPLICATION (SK)

(HOW)

FUTURE

(WHY)



MEDIA PLURALITY

OBJECTIVITY RULES

APPLICATION (SK)

FUTURE

MEDIA PLURALITY

EXTERNAL

INTERNAL

MARKET PLURALITY

OWNERSHIP

CONCENTRATION

COMPETITION

MEDIA PLURALITY

EXTERNAL

MARKET PLURALITY

OWNERSHIP

CONCENTRATION

COMPETITION

INTERNAL

PLURALITY WITHIN MEDIA

EDITORIAL FREEDOM

IMPARTIALITY

OBJECTIVITY

MEDIA PLURALITY

EXTERNAL

MARKET PLURALITY

OWNERSHIP

CONCENTRATION

COMPETITION

INTERNAL

PLURALITY WITHIN MEDIA

EDITORIAL FREEDOM

OBJECTIVITY

OBJECTIVITY

MEDIA PLURALITY

OBJECTIVITY RULES

APPLICATION (SK)

FUTURE

OBJECTIVITY RULES

EU

COE

OBJECTIVITY RULES

EU

COE

x

OBJECTIVITY RULES

EU

x

COE

EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION

OBJECTIVITY RULES

EU



COE

EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION

ART. 7/3

THE BROADCASTER SHALL ENSURE THAT **NEWS** FAIRLY PRESENTS FACTS AND EVENTS AND ENCOURAGES THE FREE FORMATION OF OPINIONS

OBJECTIVITY RULES

EU

COE

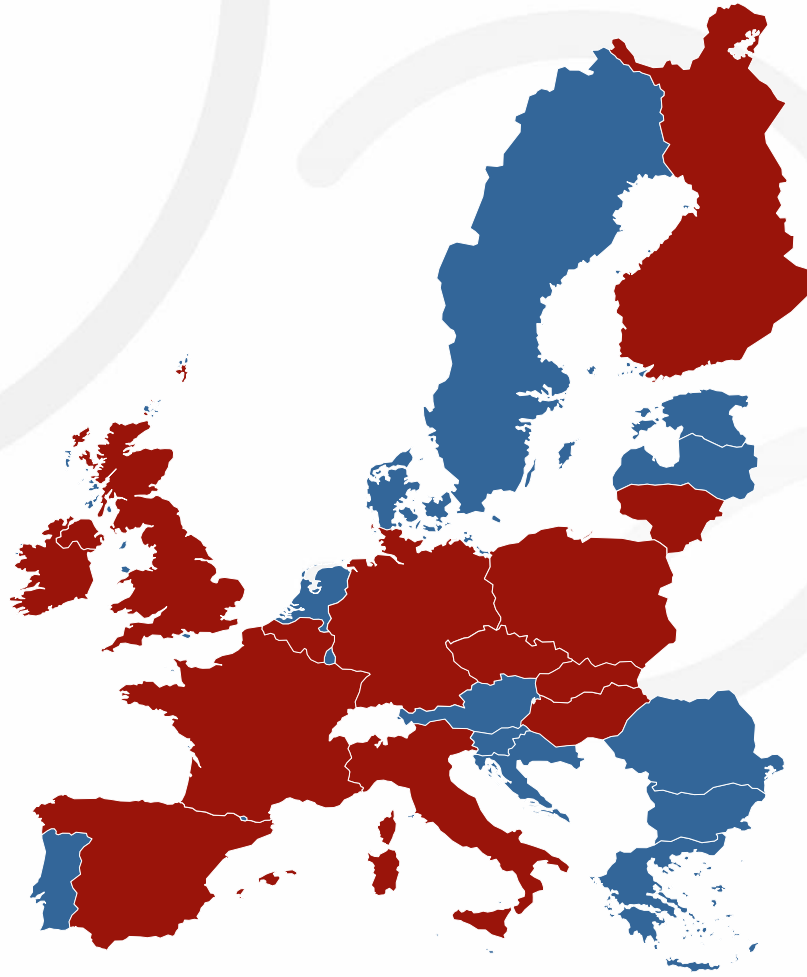
EUROPEAN CONVENTION ON TRANSFRONTIER TELEVISION

ART. 7/3

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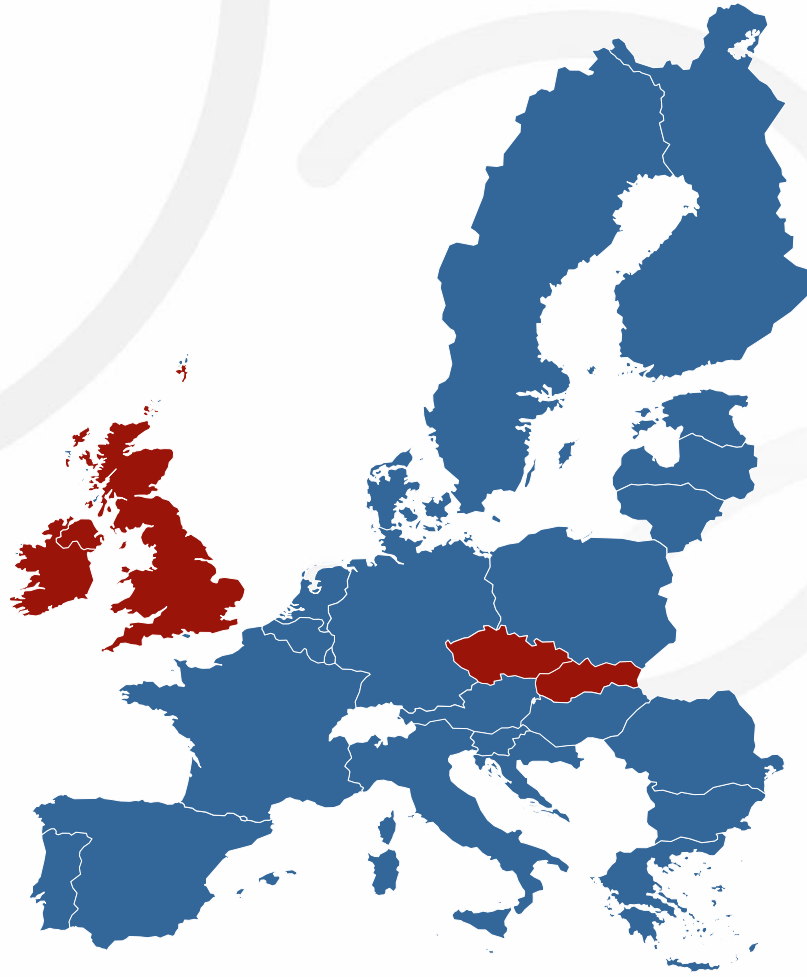
OBJECTIVITY RULES

OBJECTIVITY
IN LEGISLATION
IN THE EU MS



OBJECTIVITY RULES

OBJECTIVITY
IN LEGISLATION
IN THE EU MS



OBJECTIVITY RULES

OBJECTIVITY
IN LEGISLATION
IN THE EU MS



OBJECTIVITY RULES

MATERIAL

UK

IRL



FORMAL

CZ

SK



OBJECTIVITY RULES

MATERIAL

FORMAL

CREATION OF PROGRAMS

AIRED CONTENT ONLY

FACTS

PRESENTATION OF FACTS

MEDIA PLURALITY

OBJECTIVITY RULES

APPLICATION (SK)

FUTURE

APPLICATION (SK)

BROADCASTING LAW

§ 16 / 3 B

BROADCASTER SHALL ENSURE **OBJECTIVITY AND IMPARTIALITY** OF NEWS PROGRAMMES AND POLITICAL AFFAIRS PROGRAMMES; OPINIONS AND EVALUATING COMMENTARIES MUST BE SEPARATED FROM INFORMATION OF A NEWS CHARACTER

APPLICATION (SK)

BROADCASTING LAW

§ 16 / 3 B

BROADCASTER SHALL ENSURE OBJECTIVITY AND IMPARTIALITY OF **NEWS** PROGRAMMES AND **POLITICAL AFFAIRS PROGRAMMES**; OPINIONS AND EVALUATING COMMENTARIES MUST BE SEPARATED FROM INFORMATION OF A NEWS CHARACTER

APPLICATION (SK)

BROADCASTING LAW

§ 16 / 3 B

BROADCASTER SHALL ENSURE OBJECTIVITY AND IMPARTIALITY OF NEWS PROGRAMMES AND POLITICAL AFFAIRS PROGRAMMES; OPINIONS AND EVALUATING **COMMENTARIES MUST BE SEPARATED** FROM INFORMATION OF A NEWS CHARACTER

APPLICATION (SK)

FORMAL PRINCIPLES

ONLY THE AIRED CONTENT IS EXAMINED

TRUTHFULNESS IS NOT SCRUTINISED

NO QUALITY EVALUATION

PROGRAM AS A WHOLE, NOT IT'S PARTS

NO FINANCIAL SANCTION

APPLICATION (SK)

CONTENT PRINCIPLES

- RELEVANCE
- TRANSPARENCY
- ACCURACY
- PRAGMATISM
- BALANCE
- DIVERSITY
- ACTUALITY
- INTELLIGIBILITY
- POSITION OF DISTANCE AND NEUTRALITY
- IMPARTIALITY

APPLICATION (SK)

METHOD

PROPORTIONALITY TEST

PROPORTIONALITY TEST

THE GREATER THE DEGREE OF DETRIMENT TO ONE PRINCIPLE,
THE GREATER MUST BE THE SATISFACTION OF THE OTHER

PROPORTIONALITY TEST

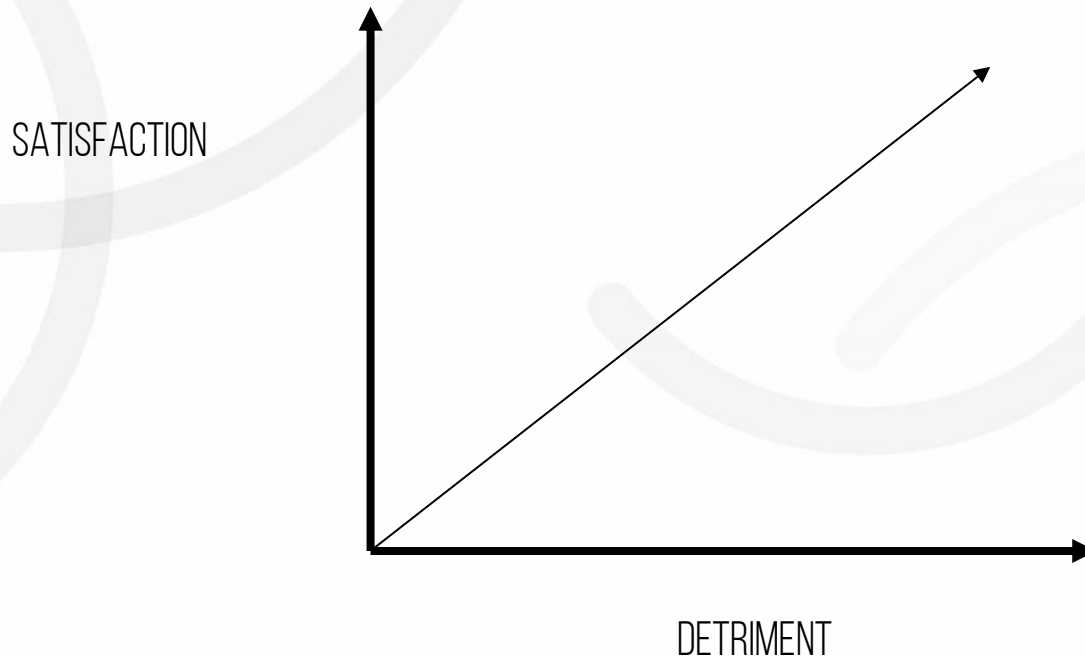
THE GREATER THE DEGREE OF DETRIMENT TO ONE PRINCIPLE,
THE GREATER MUST BE THE SATISFACTION OF THE OTHER

IN OTHER WORDS

THERE MUST BE RELEVANT REASONS FOR
DEVIATION FROM OBJECTIVITY PRINCIPLES

PROPORTIONALITY TEST

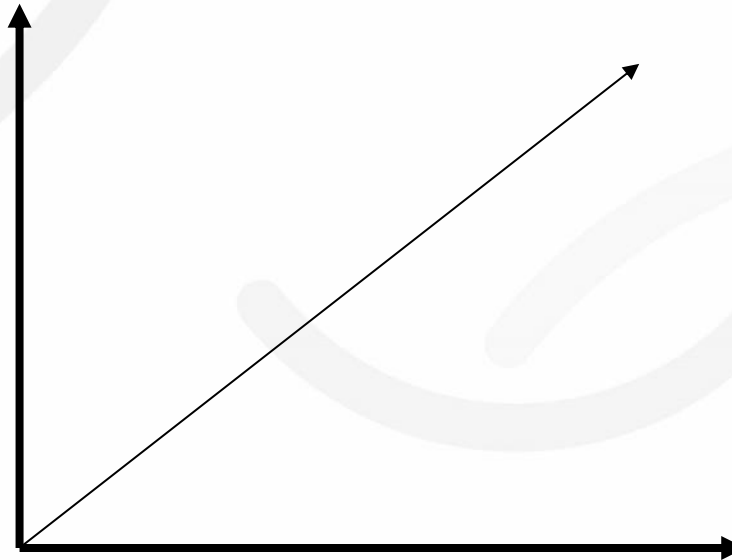
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PROPORTIONALITY TEST

THE GREATER THE DEGREE OF DETRIMENT TO ONE PRINCIPLE,
THE GREATER MUST BE THE SATISFACTION OF THE OTHER

ACTUALITY
(PUBLIC
INTEREST ON
PUBLICATION)



DEVIATION FROM ACCURACY

APPLICATION (SK)

RULES

INFORMATION ON
CONTROVERSIAL
THEMES

GIVE FLOOR TO PARTIES IN DISPUTE

AT LEAST BY PROXY

IF NOT AVAILABLE, EXPLAIN THE REASONS

INCLUDE THE SOURCES TO THE STATEMENTS

WITHOUT EVALUATIVE COMMENTARY

MEDIA PLURALITY

OBJECTIVITY RULES

APPLICATION (SK)

FUTURE

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

**RIGHT TO OBJECTIVE INFORMATION CANNOT BE
DEDUCED FROM RIGHT TO INFORMATION**

CASE
II. ÚS 307/2014

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

RIGHT TO OBJECTIVE INFORMATION CANNOT BE
DEDUCED FROM RIGHT TO INFORMATION

CASE
II. ÚS 307/2014

RIGHT TO INFORMATION COVERS ALSO RIGHT
TO FALSE INFORMATION

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

CASE
II. ÚS 307/2014

FUTURE

**SLOVAK
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COURT**

CASE
II. ÚS 307/2014

OBJECTIVITY RULES ARE NO LONGER NEEDED

BOUNDLESS PLURALITY OF SOURCES OF INFORMATION

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

**RIGHT TO OBJECTIVE INFORMATION CANNOT BE
DEDUCED FROM RIGHT TO INFORMATION**

?

CASE
II. ÚS 307/2014

FUTURE

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**RIGHT TO OBJECTIVE INFORMATION CANNOT BE
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CASE
II. ÚS 307/2014

RIGHT TO INFORMATION \neq RIGHT TO BE LIED TO

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

CASE
II. ÚS 307/2014

RIGHT TO OBJECTIVE INFORMATION CANNOT BE
DEDUCED FROM RIGHT TO INFORMATION

?

RIGHT TO INFORMATION \neq RIGHT TO BEING LIED TO

OBJECTIVITY INCREASES – NOT DECREASES -
INFORMEDNESS

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

**RIGHT TO OBJECTIVE INFORMATION CANNOT BE
DEDUCED FROM RIGHT TO INFORMATION**

?

CASE
II. ÚS 307/2014

RIGHT TO INFORMATION \neq RIGHT TO BEING LIED TO

RIGHT TO INFORMATION \leftrightarrow MEDIA FREEDOM

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

**RIGHT TO OBJECTIVE INFORMATION CANNOT BE
DEDUCED FROM RIGHT TO INFORMATION**

?

CASE
II. ÚS 307/2014

RIGHT TO INFORMATION ≠ RIGHT TO BE LIED TO

**OBJECTIVITY INCREASES – NOT DECREASES -
INFORMEDNESS**

ECTT + ECHR CASE LAW (SIGMA)

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

IF THE GOAL IS PLURALITY OF SOURCES



FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

IF THE GOAL IS PLURALITY OF SOURCES



IF THE GOAL IS FUNCTIONAL PUBLIC SPHERE



FUTURE

SLOVAK
CONSTITUTIONAL
COURT

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

IF THE GOAL IS PLURALITY OF SOURCES



FUNCTIONAL PUBLIC SPHERE



SCARCITY OF
SOURCES

≈

BOUNDLESSNESS
OF SOURCES

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

**FILTER
BUBBLES**

**FAKE
NEWS**

**OPINION
POLARISATION**

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

EMPIRICAL QUESTIONS

FUTURE

**SLOVAK
CONSTITUTIONAL
COURT**

OBJECTIVITY RULES ARE NO LONGER NEEDED

?

CASE
II. ÚS 307/2014

EMPIRICAL QUESTIONS

VIEWER RATINGS

MEDIA CREDIBILITY

EFFECTIVITY OF THE RULES

FUTURE

**OBJECTIVITY
RULES RISKS**

RISK OF ABUSE

LEGAL UNCERTAINTY

UNDUE LIMITS TO THE SPREADING OF INFORMATION

NEGATIVE ECONOMIC IMPACTS ON MEDIA

FUTURE

SOLUTIONS

REGULATORY INDEPENDENCE

LEGAL UNCERTAINTY

UNDUE LIMITS TO THE SPREADING OF INFORMATION

NEGATIVE ECONOMIC IMPACTS ON MEDIA

FUTURE

SOLUTIONS

REGULATORY INDEPENDENCE

CO/SELF-REG

LEGAL UNCERTAINTY

UNDUE LIMITS TO THE SPREADING OF INFORMATION

NEGATIVE ECONOMIC IMPACTS ON MEDIA

FUTURE

SOLUTIONS

REGULATORY INDEPENDENCE

PROFESSIONALITY AND FORMAL APPROACH

UNDUE LIMITS TO THE SPREADING OF INFORMATION

NEGATIVE ECONOMIC IMPACTS ON MEDIA

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PROFESSIONALITY AND FORMAL APPROACH

ONLY TO A NECESSARY DEGREE

NEGATIVE ECONOMIC IMPACTS ON MEDIA

FUTURE

SOLUTIONS

REGULATORY INDEPENDENCE

PROFESSIONALITY AND FORMAL APPROACH

ONLY TO A NECESSARY DEGREE

SANCTIONS AIMING TO INFORM THE PUBLIC

FUTURE

BEFORE WE DECLARE THE OBJECTIVITY RULES
NO LONGER NECESSARY, ...

FUTURE

BEFORE WE DECLARE THE OBJECTIVITY RULES
NO LONGER NECESSARY, ...

...LETS THINK ABOUT THEM SOME MORE.

FUTURE

BEFORE WE DECLARE THE OBJECTIVITY RULES
NO LONGER NECESSARY, ...

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THANK YOU