The situation of Democracy, the Rule of Law and Fundamental Rights in Slovenia
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1. INTRODUCTION AND BACKGROUND INFORMATION


The President of the Republic is directly elected for a 5 years term. The current President is Borut Pahor (originally from SD), reelected for a second term in November 2017.

The National Assembly (the first chamber) is composed of 90 MPs, elected for 4 years by proportional system (with 2 MPs elected by the Italian and Hungarian minorities) and has legislative powers. The National Council (second chamber) represents social groups with minor role in the legislative process. Legislation can be initiated by the Government, a Member of Parliament or at least 5000 citizens.

Following the last parliamentary elections of 3 June 2018, a center-left coalition government was created, led by Marjan Šarec from the homonymous List. After his resignation in January 2020, a new government was voted in by the National Assembly on 13 March 2020, led by Janez Janša from Slovenian Democratic Party (affiliated to EPP), who became Prime Minister. The new government relied on a parliamentary majority composed by the following parties:

- the Slovenian Democratic Party (affiliated to EPP), leader Janez Janša, Prime Minister
- New Slovenia Si (affiliated to EPP), leader Matej Tonin, Minister of Defence
- the Modern Centre Party (SMC), (affiliated to Renew), whose leader is Zdravko Počivalšek, Economy Minister
- the external support of the right-wing Slovenian National Party, SNS, and of Italian and Hungarian minorities representatives
- the Democratic Party of Pensioners of Slovenia (DeSUS), (affiliated to Renew), whose leader Aleksandra Pivec (former Minister of Agriculture) was replaced in December 2020 by Karl Erjavec, who decided to leave the parliamentary majority.

In the opposition sit the following parties:

- Marjan Šarec List (LMŠ), (affiliated to Renew), leader Marjan Šarec (former Prime Minister Minister)
- Social Democrats (SD), (affiliated to SD), leader Tanja Fajon (MEP Defence)
- Levica (Left), (affiliated to GUE), leader Luka Mesec
- Alenka Bratušek Party (SAB), (affiliated to Renew), leader Alenka Bratušek (former Prime Minister)
- DeSUS, as explained above, joined the opposition in December 2020

The opposition – LMŠ, Levica, SD and SAB – created, following an initiative of Joe P. Damjan, a “Constitutional Arch Coalition” (KUL), with the aim of creating an alternative government. Following

1 see http://www.us-rs.si/legal-basis/constitution/?lang=en.

2 http://www.up-rs.si/up-rs/uprs-eng.nsf/pages/ZivljenjePis?OpenDocument
the departure of DeSUS, the opposition agreed to propose its leader Karl Erjavec as Prime Minister and to table a motion to replace the current government. On 15 February 2021, the National Assembly voted a parliamentary motion of no-confidence against the government tabled by the KUL, which was defeated in a secret vote, with only 40 MPs over 90 voted in favour (six short of the required majority and 3 short of the opposition MPs).

From the 1st of July 2021, Slovenia will hold the rotating Presidency of the Council of the European Union.

The relations between the government and the opposition are very tense. The opposition accuses the government of mismanagement of the Covid 19 crisis, of authoritarianism and “Orbanisation” of the country by weakening of democracy and the independence of institutions, of threatening the media and journalists, of embarrassing Slovenia at the European and international level for siding with Trump⁴ and Orban and for adopting a critical line on the Rule of Law conditionality regulation.

The relations of the government with the media are also very tense, with the Prime Minister directly attacking media and individual journalists, notably by Twitter. These attacks have been criticized by international, European and national journalists and editors associations (see below).

The relations among some of the parties in the coalition are also becoming more strained.⁵

The European Commission (apart from publishing its 2020 Rule of Law report that raises a series of issues, also in relation to media, see below) intervened various times to express its concerns on the attacks to journalists and media in Slovenia.

Also the OSCE and the Council of Europe Commissioner for Human Rights have called Slovenian authorities to refrain from such attacks (see below).

The European Parliament held a discussion on 25 November 2020 in plenary on the Hungarian interference in the media in Slovenia and North Macedonia.⁶ Following reports and events in Slovenia, the Democracy, Rule of Law and Fundamental Rights Monitoring Group of the European Council of the European Union of the European Parliament issued a statement about interference in the media in Slovenia and North Macedonia.
Parliament Committee for Civil Liberties, Justice and Home Affairs decided to discuss the situation in Slovenia and requested a Briefing Note on the situation of Rule of Law in Slovenia.

In the meantime, the Chair of the DRFMG expressed concerns on the media situation in Slovenia and invited the Prime Minister and others to a session on Slovenia, while the Prime Minister invited the Commission to appoint a fact-finding mission to examine the state of democracy, rule of law, independence of the judiciary and media plurality, to which it also invited the Chair of the DRFMG. 

The Prime Minister subsequently accepted to take part in a DRFMG meeting upon condition of holding a public meeting and that he could take part in person, with the Minister of Culture. The DRFMG and the EP took the necessary measures to satisfy these requests, but the Prime Minister and the Culture Minister finally excused themselves and did not take part to the meeting of 5 March on Slovenia, which took place with the invited speakers who intervened remotely and in an open session. In the meantime, the EP organised on 10th of March a debate on “Government attempts to silence free media in Poland, Hungary and Slovenia”. The PM proposed to hold the meeting with DRFMG on 26 March in the margins of EUCO meeting, and the DRFMG and the EP organised the event. On 22 March it was communicated that the PM would not come to Brussels anymore, due to the modification of an EUCO physical meeting into a remote meeting. On 25 March, it was confirmed the PM and the Minister of Culture will take part in the planned 26 March DRFMG meeting remotely.

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7 https://www.total-slovenia-news.com/politics/7808-head-of-ep-democracy-group-expresses-concerns-over-slovenia
2. FREEDOM OF EXPRESSION AND INFORMATION, MEDIA FREEDOM AND PLURALISM (ART 11 CFR, ROL COM REPORT)

Freedom of expression and information are guaranteed in the Constitution and media pluralism is protected by sectorial legislation, as well as in the Access to Public Information Act.

Slovenia ranks 32nd in the 2020 World Press Freedom Index by RSF.

The media landscape of Slovenia is described in section 2.1.

The Media Pluralism Monitor report of 2020 assessing the situation of media pluralism in Slovenia for the years 2018-2019, found that the country is at medium risk for “Basic protection” (41% - medium risk) and “Social inclusiveness” (65% - medium risk) and at high risk for “Market plurality” (67% - high risk) and “Political independence” (69% - high risk). Section 2.2 presents the findings of the MPM.

According to a recent study commissioned by the European Commission, the Slovenian media market is defined as medium-regulated, with a medium level of concentration.

2.1. The media landscape in Slovenia

As of 20 May 2020, more than 2000 media outlets are active in Slovenia, of which 98 are radio and 94 are television channels.

In a nutshell, the main media are:

- print media: Delo (and the tabloid Slovenske Novice with the same owners), then Dnevnik and Večer
- broadcast media: Radiotelevizija Slovenija (public broadcaster) and POP TV and Kanal A, with more and more cable and satellite (international) channels
- radio: 7 public nationwide radio stations; a high number of local and web-based radios.

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10 Article 39 of the Slovenian Constitution. Still, “Slovenia is the only country whose constitution simply treats freedom of expression and freedom of the press as an individual freedom and does not require the state to create or protect media diversity”, referring to the countries examined in the study by Sandra Bašić Hrvatin, University of Primorska, Faculty of Humanities and Lentar J. Kučič, Investigative Journalist, Pod Crto, in the chapter on Slovenia of the IRIS Special 2020-1, Media pluralism and competition issues, published by the European Audiovisual Observatory of Strasbourg in 2020, Council of Europe, available at: https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455

11 The Media Pluralism Monitor (MPM) is a tool designed to identify potential risks to media pluralism, based on a set of indicators. The Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute implements it to EU MS and published annual reports, see https://cmpf.eui.eu/media-pluralism-monitor/#/text=The%20Media%20Pluralism%20Monitor%20(MPM)%20is%20a%20tool%20that%20has%20been%20revised%20and%20improved%20since%202015

12 see Bašić Hrvatin and Kučič, https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455 referring to the Ministry of Culture register of media (which, according to the authors of the study, “does not appear to be very reliable as it also contains erroneous or incomplete information”, including on ownership).

13 see Bašić Hrvatin and Kučič, https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455, referring to data of the Agency for Communication Networks and Services of Slovenia (as of May 2020).

14 whose publisher is Pro Plus, owned by Central European Media Enterprises (CME), owned by PPF Group N.V., a private international financial and investment group: foreign owners are important in the TV market.

15 The mainstream media are perceived by right-wing politicians as “leftist”, as well as Mladina, while smaller outlets like weekly Reporter and Demokracija, TV station Nova24, websites Domovina and Casnik.si are considered “rightist” by the left-wing politicians.
The Mass Media Act\textsuperscript{17} on the protection of media pluralism and diversity includes a series of restrictions on ownership:

- **Ownership restrictions for TV broadcasting:** If a person wishes to acquire an ownership or management stake or a share in the voting rights of a TV broadcaster of 20\% or more, the competent ministry can refuse if this leads to a situation where the person or its associates gain control of over 30\% of the national coverage by all television programme services.

- **Cross-media ownership restrictions:** Owners of radio stations may not own television stations, and vice versa. The owner of a radio or a television channel may not control more than 20\% of the shares or voting rights at a daily newspaper and vice versa. There are no limits regarding cross-media ownership of magazines and radio or television channels.

- **Specific restrictions on ownership for advertising agencies,** that may not own or control more than 20\% of the shares or voting rights of a radio or TV channel.

- **Telecom companies may not own radio or television stations.**\textsuperscript{18}

The implementation of the rules on publishers and operators falls under competition protection by the Ministry for Culture, those referring to the publishers of radio and television programs involve the Agency for Communication Networks and Services (AKOS), while the Slovenian Competition Protection Agency, decides on media mergers.\textsuperscript{19} 20

**Funding** is provided by the State to ensure media diversity and pluralism, notably through the Ministry for Culture supported by an expert committee appointed by the minister. Between 2006 and 2015, projects related to the media have received almost EUR 22 million.\textsuperscript{21} Other types of funds are also provided, including to provide information at local level.\textsuperscript{22}

The EU Audiovisual Media Services Directive 2018/1808 (which improves transparency of media ownership) has not yet been implemented in the national legislation, but in July 2020 the Ministry for Culture proposed changes to all the media laws: the Mass Media Act, the Slovenian Press Agency Act and the Radio and Television of Slovenia Act. The procedure and the contents have been, and still are, controversial, raising strong criticism by the opposition and journalist associations at national,
European and international level (see table below). The Ministry for Culture also proposed to cut the media pluralism fund by 60 percent.\(^{23}\)

Various sources point at the fact that media are at risk of political influence: for instance, a report on Slovenia by the Council of Europe European Audiovisual Observatory notes that “Media pluralism, variety and diversity (the terms being used synonymously) have too often been decreased by Slovenian politicians to increase the influence of political parties over the media. This influence is either direct - when political parties are also (co-)founders or (co)owners of certain media, or indirect. When forming a government, political parties have the possibility to affect staffing in media companies (appointing of the board of editors and editor-in-chief etc.) or to influence the allocation of advertising funds in state or state-linked companies. This is of even greater significance in light of the COVID-19 pandemic, which has caused a drastic decline in advertising income, and a significant drop in print media circulation”.\(^{24,25}\)

The report authored by the Peace Institute - Institute for Contemporary Social and Political Studies for Civil Liberties Union for Europe, highlights the risk of political dependence from the government of the main regulatory authority on the media, the Agency for Communication Networks and Services (AKOS), “the appointment of the Director as the highest (individual) decision-making body in the Agency, being directly under control of the government. The collective body introduced in the form of the Agency’s Council is also appointed by the government as a body supervising the work of the Agency in terms of annual plans and reports, and it can propose dismissal of the Director.” Furthermore the report recalls that “additional risks for independence of the media regulatory authority arose in 2020, from the initiative of the Government to merge eight regulatory agencies in two super-agencies”, which was criticised by the AKOS Director, stating that “The proposal is incompatible with multiple EU directives, in particular in the sense of ensuring the independence of the regulatory authority, a demand of directives in all areas covered by the agency”. The report also states that “the enforcement powers of the agency include warnings and fines, but the AKOS role as regulatory authority in the field of radio and television remains highly invisible and passive in terms of using the existing regulation and powers to challenge the controversial practices not only related to the market, but also in terms of content regulation such as hate speech, or to play more active role in the field of promotion of media literacy. This can be partly assigned to lack of sufficient capacities in terms of staff in the departments related to implementation of media regulation. But, even more, lack of ambition to build strong capacities, take stronger position, challenge the controversial practices and...

\(^{23}\) Many Slovenian independent, student, and non-profit media institutions.

\(^{24}\) see https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455, also confirmed by Marko Milosavljević and Igor Vobič: “the ruling political parties ...have control over almost all managerial bodies at RTV Slovenia, and also over the appointment of all key editors...the newly created Programming Council... and in the Supervisory Board...the Director General, who would in future be appointed by the Programming Council...(leading) ...the programming work, appoint and manage the directors of radio and television, as well as editors-in-chief and all other senior management. This threatens to diminish the independence of RTV Slovenia and could endanger its credibility, level of trust and respect with the public. Indeed the period after the adoption of the new law provided a number of examples and cases of interference in editorial and journalistic work. As a consequence, the credibility of public broadcaster, particularly television, fell as well as its popularity and ratings”. Furthermore “...state-owned trusts and companies still own important part of the shares and thus also exert managerial and editorial influences” on the main newspapers, according to https://web.archive.org/web/20170502135144/http://ejc.net/media_landscapes/slovenia

\(^{25}\) see also https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455 “one problem that has emerged in Slovenia, for example, is a tendency to limit the requirements on, and reduce the budgets of, public service broadcasters, which can be seen as a politically motivated measure aimed at pressuring media providers into offering particular types of content”. Furthermore “...state-owned trusts and companies still own important part of the shares and thus also exert managerial and editorial influences” on the main newspapers, according to https://web.archive.org/web/20170502135144/http://ejc.net/media_landscapes/slovenia
gain public reputation in this field seems to be connected with the internal policy of the Agency leadership to keep low profile in the politically sensitive field of media regulation."

“For a long period, there have been indications that various governments in Slovenia have influenced distribution of advertisements from state bodies and public companies to the media engaging as an intermediary particular advertising agencies owned by businessmen close to the political grouping in power in order to channel the funds for advertisements in the media close to that political grouping”, affirms the report, which continues by stating that “the recent circumstances in Slovenia are particularly raising the issue of potential political instrumentalisation of the state advertising, since the ruling party, SDS, co-owns a number of media, where advertisements of the government bodies and publicly owned companies are disseminated. The observers raise the issue particularly because the same media affiliated to the ruling party and carrying the advertisements of the state bodies and public companies, are accused for spreading hate speech and smear campaigns against individuals and organisations critical to the government or the ruling party.”

Further to these structural problems, according to the same study there is also the “problematic of financing of certain foreign media. In 2015, the political party SDS announced the creation of a new party television, radio and online media outlet, Nova24TV. Initially, it was financed by members and supporters of the party only to be subsequently recapitalised with several million Euros in 2016 and 2017 by Hungarian companies affiliated with the governing Hungarian political party Fidesz and Prime Minister Viktor Orban, a noted political ally of the SDS party. Funds received from Hungary allegedly financed the establishment of a network of 17 regional Internet media strengthening the reach of the party’s media system on social media platforms. Prior to the influx of Hungarian originating funds, Nova24TV generated a loss of over a million Euros in its first two years of activity, suggesting that Hungarian media businessmen enabled the continued existence or the channel.”

Defamation (SLAPP) is a criminal offense possibly leading to prison terms, and cases of prosecution of journalists who disclose documents or data that is in the public interest are reported, notwithstanding the 2015 introduction of a public interest protection clause.

A “right to correction” is foreseen by Mass Media Act, by which “anyone who feels offended or insulted by a newspaper article can demand the publication issue a correction in the same position in the newspaper”. Instances of misuse are reported by critics.

2.2. The Media Pluralism Monitor for 2018-2019

As already recalled, the Media Pluralism Monitor for the years of 2018-2019 assessed that Slovenia was at medium risk for “Basic protection” (41% - medium risk) and “Social inclusiveness” (65% - medium risk) and at high risk for “Market plurality” (67% - high risk) and “Political independence” (69% - high risk). The table below and the footnotes (also citing the MPM evaluation) summarize the MPM assessment of Slovenia for the years 2018-2019.

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26 See Report_Liberties_EU2020.pdf (dq4n3btxm8c9.cloudfront.net)
27 https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455; as recalled above, this was also debated in the EP.
28 See Slovenian legal texts at http://legaldb.freemedia.at/legal-database/slovenia/?target=criminal-defamation; see also the MPM Slovenia reporting that “In May 2019 a prosecution of 4 journalists and the newspaper Dnevnik began for publishing wiretaps of a political scandal.”
29 See MPM Slovenia 2020, Centre for Media Pluralism and Media Freedom, Robert Schuman Centre for Advanced Studies, experts Marko Milosavljevic, University of Ljubljana and Romana Biljak Gerjevic, University of Ljubljana, at https://cadmus.eui.eu/bitstream/handle/1814/67818/slovenia_results_mpm_2020_cmfp.pdf?sequence=3
Table 1: Areas and Indicators of the Media Pluralism Monitor for 2018-2019

<table>
<thead>
<tr>
<th>Basic Protection</th>
<th>Market Plurality</th>
<th>Political Independence</th>
<th>Social Inclusiveness</th>
<th>Access to media for minorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>41% - medium risk</td>
<td>67% - high risk</td>
<td>69% - high risk</td>
<td>65% - medium risk</td>
<td>Access to media for minorities</td>
</tr>
<tr>
<td>Protection of freedom of expression</td>
<td>Transparency of media ownership</td>
<td>Political independence of media</td>
<td>Access to media for minorities</td>
<td></td>
</tr>
<tr>
<td>46%</td>
<td>58%</td>
<td>91% - high risk</td>
<td>63%</td>
<td></td>
</tr>
<tr>
<td>Protection of right to information</td>
<td>News media concentration</td>
<td>Editorial autonomy</td>
<td>Access to media for local/regional communities and for community media</td>
<td></td>
</tr>
<tr>
<td>23%</td>
<td>75% - High risk</td>
<td>79% - High risk</td>
<td>69% - High risk</td>
<td></td>
</tr>
<tr>
<td>Journalistic profession, standards and protection</td>
<td>Online platforms concentration and competition enforcement</td>
<td>Audiovisual media, online platforms and elections</td>
<td>Access to media for people with disabilities</td>
<td></td>
</tr>
<tr>
<td>42%</td>
<td>73% - High risk</td>
<td>55%</td>
<td>63%</td>
<td></td>
</tr>
<tr>
<td>Independence and effectiveness of the media authority</td>
<td>Media viability</td>
<td>State regulation of resources and support to media sector</td>
<td>Access to media for women</td>
<td></td>
</tr>
<tr>
<td>48%</td>
<td>56%</td>
<td>71% - High risk</td>
<td>High risk</td>
<td></td>
</tr>
</tbody>
</table>

30 “the registry does not show the complete ownership structure, for example, if a media company has multiple owners (or so-called paper companies are involved), the highest owners can remain unknown to the public”

31 “This is due to a number of media outlets being publicly owned by political parties or (former) members and visible supporters. It is also due to the fact the conflict of interest between media and politics is especially alive in the local and regional areas”... "The Mass Media Act or other laws do not regulate the conflict of interests between owners of media and the ruling parties, partisan groups or politicians, there is only a general Integrity and Prevention of Corruption Act, which does not mention media companies or media in specific terms". MPM on Slovenia also describes the ownership or connections of the SDS party with various media, including through Hungarian SDS supporters, pg 12 and see also the journalist inquiry https://podcrto.si/mediji-sds-3-del-madzarski-prevzem-desneqa-medijskega-stebra/32 “Shows a need for more decisive control of relevant authorities to prevent controversial takeovers and/or mergers”... "violations still happen as the ownership is easily hidden using paper companies. The radio sector has seen an intense process of concentration and takeovers in the past years, there have also been a number of controversial takeovers in the print sector. There is a need for more decisive control of relevant authorities, as the top four owners almost completely control the audiovisual and print market in Slovenia.”

33 “The general Code of Journalism Ethics functions as a self-regulatory mechanism, however it is non-obligatory and there are no effective regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief.”

34 “due to a further development of cross-media concentration”. There is a “lack of official data on the advertising market share in the online environment” and “inefficiencies or passive (on purpose?) behaviour of regulatory bodies”

35 Non-parliamentary or new parties have no access to media; “There is also no regulation ensuring transparency of online political advertising”.

36 “The general media law is not precise enough and not up-to-date with changes in the media landscape, so especially private media channels are not committed to assuring access to their content for audiences with disabilities”, “subtitles, signing and sound descriptions are available only on irregular basis or in the least popular scheduling windows for people with hearing impairments”

37 “The highest function of the authority is named by the government, which may result in a strong political bias at the head of the organisation... there are also frequent complaints about the slowness and ineffectiveness of regulatory bodies... many examples in the past where the decisions of the agency were arbitrary”.

38 “There is a regular annual public call for co-financing media content, however the amount is very small compared to the number of (digital, print, radio and audiovisual) outlets, which apply.” “The legislation does not ensure transparent spectrum allocation and the allocation in practice is not transparent.” “There is also no clear set of rules regarding the distribution of state advertising and there is no official data on media, which received state advertising”

39 “There is no gender equality mentioned in the PSM regulatory framework, the general media law only imposes a general prohibition of incitement to inequality and intolerance, which also includes gender inequality”, “women are underrepresented in the media or depicted in a stereotyped way”
Universal reach of traditional media and access to the Internet 47%

<table>
<thead>
<tr>
<th>Commercial &amp; owner influence over editorial content</th>
<th>Independence of PSM governance and funding (^\text{40}) 50%</th>
<th>Media literacy (^\text{42}) 53%</th>
</tr>
</thead>
</table>

### 2.3. The Commission evaluation in the 2020 Rule of Law report (September 2020) \(^\text{43}\)

The 2020 Commission Rule of Law report raised the following concerns in relation to media (which reflect the evaluations by experts and the MPM):

- while the **independence of the media regulator**, the Agency for Communication Networks and Services, is stipulated by law (Electronic communications act, Mass Media Act and Audiovisual Media Services Act, under revision), its effectiveness is hampered by insufficient human resources

- the **absence of protection against political interference** could also hamper the effectiveness of the Agency: the Commission notably points at the lack of provisions to block party political conflict of interests for the Director. \(^\text{44}\) The 2020 Media Pluralism Monitor assessed the independence of the Authority at medium risk, mainly due to the absence of safeguards against political interference.

- **transparency of media ownership** was evaluated in the 2020 Media Pluralism Monitor as at medium risk due to lack of transparency for multiple cascading owners, but a new draft law amending the Mass Media Act would significantly enlarge the transparency of media ownership, if approved

- **Allocation of State advertising** is not specifically regulated, and only Public Service Media are required during elections to grant airtime for fair political representation and presentation of programmes

- there is a lack of **conflict of interest** rules between political parties and media owners, with a negative impact on media pluralism.

- The MPM 2020 assessed the political independence of the media as at high risk; the Commission reports also a **high level of political influence** exercised over media companies at all levels (press, TV, online; national, regional and local), with media in the country being often regarded as politically biased. Concerns were reported in relation to the financing of the **national public broadcaster** and the **national press agency**.

- concerning the **right to information**, which is enshrined in the Constitution, regulated by the Access to Public Information Act and protected by the Information Commissioner, lengthy procedures are reported but few violations are recorded; the MPM 2020 assesses the protection of right of information a low risk.

\(^{40}\) “lack of regulatory safeguards, which would ensure editorial content is not influenced by owners or commercial interests”: “there are no regulatory safeguards, which seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests.”

\(^{41}\) “The rules for appointments and dismissals of PSM management and board functions are relatively fair and transparent, however they also leave a gap for occasional political influences, as a big number of board members are appointed by the National Assembly”

\(^{42}\) “there is a lack of consistent policy and programmes, covering all aspects… There is a (self)regulatory framework to counter hate speech, however it is not effective, especially online and on social media”

\(^{43}\) see https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0323

\(^{44}\) European Commission, 2020 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia p. 11
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- **protection of journalists** is not specifically regulated. Even though the physical attacks against journalists rarely occur, they often face online harassment and threats, with **insufficient response** from the criminal system. An increase in the number of **SLAPPs** against journalists is noted. Furthermore, the “right to correction” enshrined in Art. 26 of the Mass Media Act and imprisonment for defamation creates a risk of self-censorship. Reporters Without Borders World Press Freedom Index places Slovenia at the 32nd position worldwide, while the MPM 2020 reports medium risk for the previous years, but the situation has worsened as detected by the Council of Europe (see further on).

- the Commission underlines that one of the main reasons for **inadequate response from the justice system in protecting journalists** is the legal interpretation by the State Prosecution of public incitement to hatred, which must be ‘concrete’ (in the sense of constituting a ‘concrete danger for public order and peace’) in order to be prosecutable. The length of judicial procedures also discourages potential victims from reporting acts of harassment and has a chilling effect on freedom of expression.

2.4. **Evaluations by NGOs and journalists’ associations of the situation of media in Slovenia**

**Reporters Without Frontiers** annual report on the 2020 World Press Freedom Index ranking Slovenia as nr 32 is entitled “Threats, systematic smear campaigns and media concentration” and it states: **The problems for press freedom continue despite pressure from international NGOs for improvements. Defamation is still criminalized and well-known politicians continue to subject media outlets to intimidatory lawsuits and often slanderous verbal attacks.** Despite repeated requests from the media, there has been no modification of the “right to correction” in the 2006 Mass Media Act, under which anyone who feels offended or insulted by a newspaper article can insist on the newspaper publishing a correction in the same position as the original article. There were no physical attacks against journalists in 2019 but a car driver who was convicted of deliberately attacking a public TV reporter and cameraman in 2018 was given no more than a suspended six-month prison sentence, triggering protests by Slovenian journalists’ organizations. The SDS, a far-right nationalist party funded by oligarchs allied with Hungarian Prime Minister Viktor Orbán, has stepped up its campaigns of smears and threats against journalists, both on social media and in the SDS’s own media outlets, some of which are now owned by KESMA, the foundation in charge of a network of pro-government media outlets in Hungary. The high level of media ownership concentration in Slovenia is weakening pluralism and encouraging self-censorship.

2.5. **Threats to journalists and media in 2020-2021**

The MPM 2000 reports that “There are also many incidents where specifically politicians express negative and hate comments about journalists and specific media. They are condemned by journalists and the Slovene Association of Journalists, but many times repercussions do not follow.”

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45 ECRI – Fifth Report, Legal opinion of the Supreme State Prosecutor’s Office regarding the prosecution of Art. 297 of the Criminal Code. However, the Supreme Court in 2019 made clear that if the threatening behaviour is carried out with threats, insults or verbal abuse, the potential endangerment or disturbance of public order does not have to be present.

In the last year, both at national and at European level a long list of concerns have been reported in relation to media freedom and protection of journalists in Slovenia. These include attacks and threats against journalists and media, prosecutions of journalists and media for publication of classified information, political and business pressures including by blocking public funds, civil defamation lawsuits (SLAPP), smear campaigns, leading to self-censorship.

As shown by the below table, the Prime Minister, as well as other government representatives, routinely and directly attack with hateful language, offences and threats, notably via Twitter, journalists and media that criticize the government or engage in investigative journalism, who become targets of further attacks and threats by followers.

This behaviour is uncommon for leaders of European democratic states based on the rule of law and fundamental rights and respectful of the European values enshrined in Article 2 TEU and in the Charter of Fundamental Rights, as persons reaching such important governmental roles and representing a whole community and country are expected to strive to unite them by fostering dialogue and consensus, at all levels. The opposition, institutions, media, civil society organizations, academia, all play a fundamental role in democratic regimes of ensuring checks and balances in the exercise of power, ensuring scrutiny and criticism to avoid abuse of power by one of them. Media and journalists play an important monitoring role in this democratic framework, as they keep power under scrutiny and ensure that citizens’ right to know is fulfilled. Direct and personal attacks against them by those in power, including by inciting others to do the same, as well as blocking or threatening to block funds for media, can be interpreted an abuse of a position of power aimed at intimidating and silencing them by exerting a chilling effect based on fear. But it is only in totalitarian and authoritarian regimes that fear reigns and media and journalists are reduced to being the megaphone of the propaganda by the government. As academics have illustrated when discussing the blueprint of democratic backsliding and EU Member States, one of the steps is to “disable or take over the key offices that might resist their consolidation of power, which includes the independent judiciary, the media and the repressive institutions (security services, police, public prosecutor’s office)”.

The EP has adopted many resolutions in defence of rule of law, democracy and fundamental rights and of journalists and media in the EU and in its Member States, and it will discuss once more in plenary (March) “governments’ attempts to silence free media” in EU Member States. The link between media and democracy is also underlined by the Commission in its “European democracy action plan”, comprising actions to strengthen media freedom and media pluralism.

Concerns have been expressed at national level by the Slovene Association of Journalists (DNS), STA, RTVS, as well as individual journalists and media, and at European and international level by the European Federation of Journalists, the International Press Institute (IPI), the Broadcasting Union (EBU), the South East Europe Media Organisation (SEEMO), the Media Freedom Rapid Response, the Committee Protection of Journalists, Article 19, the European Civil Liberties Union, the Osservatorio Balcani e Caucaso Transeuropa (OBCT). At European level, the Council of Europe’s

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47 see Scheppele, Kim Lane; Pech, Laurent: What is Rule of Law Backsliding?, VerfBlog, 2018/3/02, DOI: 10.17176/20180302-181145, https://verfassungsblog.de/what-is-rule-of-law-backsliding/. The rhetoric of the “deep state” is also troubling, as it aims at creating a theory of conspiracy to scapegoat a non-identified group of people - ultimately those not agreeing with the person proposing it. See “Trump railed against the ‘deep state,’ but he also built his own. Biden is trying to dismantle it.” https://www.nbcnews.com/politics/politics-news/trump-railed-against-deep-state-he-also-built-his-own-n1258385
Platform to promote the protection of journalism and safety of journalists has registered a series of alerts: as of 28 February 2021, there are 13 active alerts, most of them introduced in 2020-2021.\textsuperscript{49}

The CoE Human Rights Commissioner, the OSCE Media Freedom Representative, the EU Commission (including Gentiloni, Jourova and Timmermans) have also intervened requesting information, expressing concerns and calling the Slovenian authorities to refrain from attacking journalists and the media.

\textsuperscript{49} Council of Europe, Platform to promote the protection of journalism and safety of journalists: Slovenia, https://www.coe.int/en/web/media-freedom/slovenia
These concerns are illustrated in the below chronological table:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>11 February, media</td>
<td>The National Bureau of Investigation (NBI) is investigating the funding of some media outlets close to the Slovenian Democratic Party (SDS) (<a href="https://www.total-slovenia-news.com/politics/5608-nbi-examines-hungarian-funding-of-sds-friendly-media">https://www.total-slovenia-news.com/politics/5608-nbi-examines-hungarian-funding-of-sds-friendly-media</a>) : “The news comes after web portal necenzurirano.si reported on Monday that EUR 4 million were transferred since August 2018 from accounts in the UK and Hungary to accounts in Slovenia. EUR 1.5 million allegedly ended up on the accounts of media companies NovaTV24.si and Nova Hiša, the broadcaster of the TV programme and publisher of Nova24TV.”</td>
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<td>2 March, EFJ</td>
<td>European Federation of Journalists: New threats and attacks prompt a toxic environment for journalists in Slovenia: “A number of journalists reporting about alleged funding from Hungary of media close to the right-wing Slovenian Democratic Party (SDS) has been facing attacks and threats to their life. The European Federation of Journalists (EFJ) joined the Slovene Association of Journalists (DNS) in condemning in the strongest terms the “intensive attacks” and calling on the authorities to guarantee a safe environment for journalists. The association has informed about repetitive attempts of discrediting journalists, smear campaigns, death threats, offensive messages on social media, on and offline harassment. The journalists’ association was itself targeted and claimed this wave of attacks is aimed to prevent journalists from running stories critical to media owners and political allies under Hungarian influence...”</td>
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<td>19 March, CoE Platform</td>
<td>Alert “Slovenian Journalist Blaž Zgaga Targeted by a Defamation and Hate Campaign Led by the New Government”: “Slovenian investigative journalist Blaž Zgaga has been the target of a smear and hate campaign since 15 March 2020. The journalist has received several death threats from far-right groups. The harassment originates from a retweet by the government of a claim that the journalist is a &quot;psychiatric patient who escaped quarantine&quot; via the @KrizniStabRS account. The retweet also mentioned that three other “psychiatric patients”, including intellectual and poet Slavoj Zizek, were wanted as well. The retweet was deleted from the @KrizniStabRS account a few hours later. However, Nova24TV, a Hungarian government-funded media outlet whose editor-in-chief, Aleš Hojs, was recently appointed Slovenia's Interior Minister, relayed its content. Nova24TV accused Blaž Zgaga, among others things, of questioning the measures taken by the government to respond to the health emergency and to inform the population about news related to COVID-19. These measures include the creation of a “crisis cell of the Republic of Slovenia” and the Twitter account @KrizniStabRS, where the retweet in question was posted. Previously, Blaž Zgaga had approached the authorities to ask for more information about the management of this “crisis cell”. An investigative journalist, Zgaga initiated many investigations which revealed corruption cases in the Balkans in the 2000s. His investigation into the Slovenian defence ministry's purchase of arms from a Finnish company led to the resignation of many public figures in Slovenia, including former prime minister and current head of government Janez Janša. Janša was convicted of corruption in 2014 and sentenced to two years in prison.” State reply: <a href="https://rm.coe.int/slovenia-reply2-en-slovenian-journalist-blaz-zgaga-targeted-by-a-defam/16809e0706">https://rm.coe.int/slovenia-reply2-en-slovenian-journalist-blaz-zgaga-targeted-by-a-defam/16809e0706</a></td>
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<tr>
<td>March, NGOs, CoE HRs Commissioner, EU Commissioner Jourova</td>
<td>Concerning the case of Blaž Zaga, which received international attention and support by several organisations, see also: - <a href="https://rsf.org/en/news/seven-organisations-call-slovenian-government-stop-harassing-investigative-journalist">RSF:</a> - 27 March, IPI reported that: “Slovenian investigative journalist Blaž Zgaga has been targeted by a hate campaign fuelled by the government and a pro-government TV station for submitting an official Freedom of Information Request to the authorities in Ljubljana about the government’s handling of the COVID-19 crisis.” - On 3 of April, the <a href="https://www.coe.int/en/web/moscow/-/statement-by-the-council-of-europe-commissioner-for-human-rights-dunja-mijatovic">Council of Europe Commissioner for Human Rights</a> stated: “In Slovenia, a journalist who filed an information request about the measures adopted by the government to face the pandemic has been the target of a smear campaign by media close to the political party leading the government coalition”, see <a href="https://www.coe.int/en/web/moscow/-/statement-by-the-council-of-europe-commissioner-for-human-rights-dunja-mijatovic">https://www.coe.int/en/web/moscow/-/statement-by-the-council-of-europe-commissioner-for-human-rights-dunja-mijatovic</a></td>
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The situation of Democracy, the Rule of Law and Fundamental Rights in Slovenia

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<th>Date</th>
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<td>26 March, CoE Platform (event of 20 March)</td>
<td>Alert <strong>Slovenian Prime Minister Attacks Radiotelevizija Slovenija (RTVS) on Social Media</strong>: “On 20 March 2020, the Prime Minister of Slovenia Janez Janša used social media to accuse Slovenian public broadcaster Radiotelevizija Slovenija (RTVS) of spreading lies about the government and issue a veiled threat over its funding. &quot;Do not spread lies. We pay you to inform, but not to mislead the public during these times. Obviously, you are overpaid and well paid,&quot; Janša said on Twitter, responding to a video clip posted by the TV Slovenia Information Program. Janša was reacting to a segment aired on RTVS in which a commentator discussed criticism of the government's decision to raise salaries for ministers and secretaries. The PM followed up with another tweet the next morning which again criticised the broadcaster's coverage and questioned why it needed so many staff. According to reports, the PM's public reproach was followed by a barrage of criticism of RTVS online from government supporters. In response, the Association of Slovenian Journalists (DNS) said: &quot;The Prime Minister's statements… are understood as a threat to RTV Slovenia employees against possible loss of employment or other repressive measures that may come if they do not report in accordance with the current authorities.&quot; RTVS Director General Igor Kadunc also responded, saying the &quot;grossly unjustified attacks&quot; on RTVS coverage had damaging consequences for media freedom and were aimed at the &quot;subordination of the central media to one political option&quot;. He added that the comments &quot;indicate a serious threat to free and independent journalism.&quot; This is the latest in a wave of incidents involving threats and insults from authorities against Slovenian journalists and media over the last few months.” State reply <a href="https://rm.coe.int/slovenia-reply-en-slovenian-prime-minister-attacks-radiotelevizija-slo/16809e1dd2">https://rm.coe.int/slovenia-reply-en-slovenian-prime-minister-attacks-radiotelevizija-slo/16809e1dd2</a></td>
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<tr>
<td>26 March, IPI</td>
<td>Slovenian journalists operate in increasingly toxic atmosphere: IPI calls on new government to ensure journalists right to work without fear in this time of crisis</td>
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<td>27 March, OSCE</td>
<td>&quot;OSCE Media Freedom Representative urges public officials in Slovenia to refrain from pressure on independence of public broadcaster: the OSCE Representative on Freedom of the Media, Harlem Désir, expressed his concern today regarding the accusations against, and pressure on, the public service broadcaster Radiotelevizija Slovenija (RTV SLO), by the Prime Minister of Slovenia, Janez Janša...&quot;</td>
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<td>9 April, OCCRP</td>
<td>&quot;Hungary Wants Slovenia to Discipline its Media&quot; article by the Organised Crime and Corruption Reporting Project</td>
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<td>17 April, European Civil Liberties Union</td>
<td>&quot;Hungary and Croatia Try to Silence Slovenian Media&quot;</td>
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<td>19 April</td>
<td>Three of four government-appointed representatives on the public broadcaster’s supervisory board were replaced with candidates perceived as aligned to SDS. <a href="https://www.euractiv.com/section/digital/news/slovenian-media-fear-fallout-from-government-virus-campaign/">https://www.euractiv.com/section/digital/news/slovenian-media-fear-fallout-from-government-virus-campaign/</a></td>
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<td>20 April, MFRR</td>
<td>Media freedom violations in the EU under COVID-19</td>
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<td>21 April, IPI</td>
<td>IPI joins call to guarantee safety of Slovenian investigative journalist. Threats against him must treated with the utmost seriousness by Slovenian authorities</td>
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<td>27 April, IPI and MFRR</td>
<td>Briefing of 18 May on “Latest Media Freedom Violations in Europe during COVID-19”: “On April 27, Slovene Interior Minister Aleš Hojs called for journalists and media professionals who reported from the scene of anti-lockdown protests to face criminal prosecution. Hojs said on Twitter that police should identify anyone who attended, took photographs or reported from the scene and charge them violating lockdown measures. In an April 28 tweet, Hojs then singled out Grega Repovž, editor-in-chief of the left-leaning weekly Mladina, as having attended. The Slovene Association of Journalists (DNS) urged the minister to refrain from calling for prosecutions of journalists and emphasized that media were at the event to inform the public.”</td>
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On 11 May, Prime Minister Janša published on the government website a text entitled "War with the media". The alert inserted on 18 May at the CoE website with the title "Prime Minister Janez Janša denigrates journalists" states: "On 11 May 2020, the Prime Minister of Slovenia, Janez Janša, published a statement on the government's official website, in which he **blames the journalists in general**: "The professional group in western civilization that first declared itself the seventh power, then the fourth (unelected) branch of power and finally the moral judge of political correctness, is increasingly difficult to recognise today as a force for good, for they are neither." Turning specifically to Slovenian media, Janša singles out the public broadcaster RTV Slovenija, referred to as a "media killer". He accuses the country's two main television channels to feed "an atmosphere of intolerance and hatred (...) created by a narrow circle of female editors with familial and capital ties to the pillars of the deep state". The **Slovenian Association of Journalists (DNS)** issued a statement condemning such "an upgrade of systematic and increasingly deliberate attacks on the media and journalists".


See also EFJ **condemns discrediting of journalists by Slovenian PM**

In the text, Janša wrote there were “capable, professional and ethical journalists” at major publicly funded media outlets who were being silenced by senior female editors: “An atmosphere of intolerance and hatred is being created by a small circle of female editors, having both family and capital connections with the pillars of the deep state”.

**June, Friedrich Ebert Stiftung**

**Report:** A LOCKDOWN FOR INDEPENDENT MEDIA? Effects of the COVID-19 pandemic on the media landscape and press freedom in Central and Southeast Europe

**3 June, IPI**

Growing hostility leads to attacks on RTV journalists in Slovenia. IPI calls on government of Janez Janša to lead the way in reducing insults and threats

**22 June, CoE Platform**

Alert "**Reporter Eugenija Carl Receives Threatening Letter with White Powder**” stating: "On 1 June 2020, journalist Eugenija Carl, a reporter for public broadcaster RTV Slovenia, received an envelope mailed to her work address in the city of Koper, which contained a threatening letter and white powder, she wrote in a Facebook post and told CPJ. The anonymous letter called Carl insulting names and said that it hoped for her death, she told CPJ. She said that the powder gave her an allergic reaction, irritating her eyes and making her cough. Police and firefighters quarantined the TV station for several hours before determining that the substance was an irritant but was not life-threatening, her employer reported. Carl said the letter referenced a defamation suit she and a colleague had filed against Prime Minister Janez Janša, who had referred to them as “retired prostitutes” in a 2016 tweet, according to news reports. On 21 May, Carl and her colleague won the lawsuit, and Janša was required to pay compensation of €6,000, according to those reports. Carl told CPJ that she has previously received threats, insults, and harassment on social media by Janša’s supporters. She said that she and her colleague had received two similar letters with white powder in 2018. On 3 March, Janša was reelected to his third term as Prime Minister. CPJ emailed questions to the Prime Minister’s office and the press department of the Ministry of the Interior, which oversees the police, and but did not receive any replies.” See **State reply** at [https://rm.coe.int/slovenia-reply-en-reporter-eugenija-carl-receives-threatening-letter-wi/16809ef2ac](https://rm.coe.int/slovenia-reply-en-reporter-eugenija-carl-receives-threatening-letter-wi/16809ef2ac)

**30 June, article**

“**Slovenia’s Planet TV Sold to Hungarian Owner Linked with Orban**”

**MAPPING MEDIA FREEDOM A FOUR-MONTH SNAPSHOT: monitoring report, March 2020 - June 2020**: pg 18: “During the last four months, MFRR partners observed a clear deterioration in press and media freedom under the new coalition government led by the Slovenian Democratic Party (SDS) under Prime Minister, Janez Janša. The central element here has been a **concerted attempt by members of the new administration**, which entered office in March 2020, to undermine and discredit the work of the public broadcaster, Radiotelevizija Slovenija (RTVS)… In late June, the Slovenian Ministry of Culture prepared to publish proposed changes to the RTVS Act, the Audiovisual Media Services Act, and the Slovenian Press Agency Act. If approved, the amendments would financially weaken the public broadcaster and allow for greater government control over the management of public service media.”
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<tr>
<td>10 July</td>
<td>The Culture Ministry issued proposals for extensive changes to the Media Act, the act on public broadcaster RTV Slovenija (RTVS) and the act on the Slovenian Press Agency (STA), with considerable cuts to the public TV. Only 5 days for public debate were initially foreseen (and following criticism, it was extended until 5 September). See among others  <a href="https://www.total-slovenia-news.com/politics/6579-culture-ministry-releases-proposals-for-media-reform-major-funding-cut-for-rtv-slovenija">https://www.total-slovenia-news.com/politics/6579-culture-ministry-releases-proposals-for-media-reform-major-funding-cut-for-rtv-slovenija</a></td>
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| 14 July, EFJ, EBU, SEEMO | **“EFJ and partners concerned over future of public service media in Slovenia”**  
“EFJ and partners concern over the future of public service media in Slovenia as proposed amendments would threaten finances and independence of the public broadcaster.”  
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“EFJ and partners concern over the future of public service media in Slovenia as proposed amendments would threaten finances and independence of the public broadcaster.” | “The European Federation of Journalists (EFJ), the Broadcasting Union (EBU) and the South East Europe Media Organisation (SEEMO) are concerned by the proposed changes to the funding of public service media in Slovenia and the extremely short period of five days envisaged for public discussions.”  
“Uroš Urbanija, the Acting Director of the Government Communication Office Calls for Citizens to Publicly Denounce Media Manipulators” | |
| 15 July, IPI and others as MFRR | **Letter to the Slovenian government expressing concern over proposed changes to public service media, as proposed amendments would threaten finances and independence of the public broadcaster.** | Letter to the Slovenian government expressing concern over proposed changes to public service media, as proposed amendments would threaten finances and independence of the public broadcaster. | |
| July 27, IPI | Article on “Slovenia’s government targets public media in midst of pandemic. New bill plans massive funding cuts that would jeopardize public service mission” | Article on “Slovenia’s government targets public media in midst of pandemic. New bill plans massive funding cuts that would jeopardize public service mission” | |
| 20 August, CoE Platform | **Alert on “Director of the Government Communication Office Calls for Citizens to Publicly Denounce Media ‘Manipulators’”** stating: “On 2 August 2020, Uroš Urbanija, the Acting Director of the Government Communication Office (UKOM) in Slovenia tweeted urging citizens to report and denounce any media or journalists in Slovenia who “obviously and shamelessly use manipulations” in their work to purposefully mislead people. The social media post suggested Twitter users should report such content by using the hashtag #stopmanipulations. Urbanija also urged the same action against judges in the country. He tweeted: “The Slovenian public must demand the same criteria for all media and the judiciary. And at the same time to reveal and publicly publish every media, every journalist, every judge who obviously and shamelessly uses manipulations. #stopmanipulations Only then will we get good media”. Several media have criticised the post as an attempt to attack government critics and undermine public trust in the media. The comment also sparked concerns about an increase in pressure and online harassment against Slovenian journalists. It is the latest in a number of tweets by officials in the new SDS-led government over the last six months which have raised concerns over press freedom in the country. Urbanija later said he only meant that such reporting or comments by journalists should only be publicly addressed, analysed and discussed. In the days after his tweet, Urbanija used the hashtag on a number of occasions to denounce critical media and also retweeted articles or tweets from commentators and media outlets which accused the public broadcaster RTVS and other media of being “manipulators”. Similar language was also used by other high-ranking Slovenian officials such as Božo Predalič, Secretary General of the Government, who claimed on Twitter that POP TV were “manipulators”.** | Alert on “Director of the Government Communication Office Calls for Citizens to Publicly Denounce Media ‘Manipulators’” stating: “On 2 August 2020, Uroš Urbanija, the Acting Director of the Government Communication Office (UKOM) in Slovenia tweeted urging citizens to report and denounce any media or journalists in Slovenia who “obviously and shamelessly use manipulations” in their work to purposefully mislead people. The social media post suggested Twitter users should report such content by using the hashtag #stopmanipulations. Urbanija also urged the same action against judges in the country. He tweeted: “The Slovenian public must demand the same criteria for all media and the judiciary. And at the same time to reveal and publicly publish every media, every journalist, every judge who obviously and shamelessly uses manipulations. #stopmanipulations Only then will we get good media”. Several media have criticised the post as an attempt to attack government critics and undermine public trust in the media. The comment also sparked concerns about an increase in pressure and online harassment against Slovenian journalists. It is the latest in a number of tweets by officials in the new SDS-led government over the last six months which have raised concerns over press freedom in the country. Urbanija later said he only meant that such reporting or comments by journalists should only be publicly addressed, analysed and discussed. In the days after his tweet, Urbanija used the hashtag on a number of occasions to denounce critical media and also retweeted articles or tweets from commentators and media outlets which accused the public broadcaster RTVS and other media of being “manipulators”. Similar language was also used by other high-ranking Slovenian officials such as Božo Predalič, Secretary General of the Government, who claimed on Twitter that POP TV were “manipulators”.** | |
| 1st September, IPI | **In-depth report** “New administration, old agenda: press freedom strained again in Slovenia under veteran pm Jansa”. | In-depth report “New administration, old agenda: press freedom strained again in Slovenia under veteran pm Jansa”. | |
| 23 September, Greenpeace and Civil Liberties Union for Europe | **Report** on “Locking down critical voices” critical of of Slovenia limiting freedoms during pandemic | Report on “Locking down critical voices” critical of of Slovenia limiting freedoms during pandemic | |
| 30 September, CoE Platform | The alert “39 Lawsuits against Journalists from Necenzurirano” states: “Rok Snežič, a friend and tax policy adviser to Prime Minister Janez Janša, has filed 39 lawsuits against three journalists from the online news outlet Necenzurirano.si. Primož Cirman, Vesna Vukovič and Tomaž Modic are facing 13 criminal defamation lawsuits each over a series of articles relating to Snežič’s business dealings and connections to a 2017 Bosnian loan to Janša’s Slovenian Democratic Party (SDS), worth €450,000. Under Slovenian law, criminal defamation is punishable with a fine or up to a year in prison. The articles were initially published on Siol.net, and later on Necenzurirano.si. Since March 2020, when Janša’s government came to power, Snežič repeatedly mentioned his intention to file the lawsuits in various media linked to SDS, Snežič’s family members, and Hungarian companies linked to Viktor Orbán. Cirman and his colleagues said the lawsuits are an effort to intimidate by draining them of time and money, and by attempting to damage their professional reputations.” | The alert “39 Lawsuits against Journalists from Necenzurirano” states: “Rok Snežič, a friend and tax policy adviser to Prime Minister Janez Janša, has filed 39 lawsuits against three journalists from the online news outlet Necenzurirano.si. Primož Cirman, Vesna Vukovič and Tomaž Modic are facing 13 criminal defamation lawsuits each over a series of articles relating to Snežič’s business dealings and connections to a 2017 Bosnian loan to Janša’s Slovenian Democratic Party (SDS), worth €450,000. Under Slovenian law, criminal defamation is punishable with a fine or up to a year in prison. The articles were initially published on Siol.net, and later on Necenzurirano.si. Since March 2020, when Janša’s government came to power, Snežič repeatedly mentioned his intention to file the lawsuits in various media linked to SDS, Snežič’s family members, and Hungarian companies linked to Viktor Orbán. Cirman and his colleagues said the lawsuits are an effort to intimidate by draining them of time and money, and by attempting to damage their professional reputations.” |
The journalists have also been subject to smear campaigns in recent months. In August 2020, Snežič accused them of “cheating the taxpayers” and made sexist remarks about Vesna Vuković, accusing her of being an “intimate friend” of a former president of the Executive Council of the then-Socialist Republic of Slovenia. In a 25 September statement, the Slovene Association of Journalists cautioned that the initiation of civil and criminal proceedings against journalists “may be abused to intimidate and financially and administratively deplete the media.” Prime Minister Janša subsequently retweeted a post from an SDS party member, who had tweeted “Panic!” along with a link to an article that accused the Association of putting “pressure on the court”. In a 26 September tweet, the State Secretary for national security, Žan Mahnič, called for an investigation into Necenzurirano.si.”


Follow up: CoE Commissioner for Human Rights issues a Human Rights Comment on SLAPPs: [Time to take action against SLAPPs](https://europeanjournalists.org/blog/2020/10/slovenian-investigative-news-outlet-necenzurirano-hit-with-39-slapp-lawsuits/)

<table>
<thead>
<tr>
<th>1 October, Article 19</th>
<th>“Slovenia: European journalist and press freedom groups condemn SLAPP lawsuits against investigative news outlet in Slovenia”</th>
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<td>5 October, Committee Protection of Journalists</td>
<td>October 2020: <a href="https://cpj.org/2020/10/police-question-2-slovenian-journalists-at-public-broadcaster-rtv/">police questions two journalists at public broadcaster RTV</a> that participated in July demonstrations against proposed policy changes that according to media would harm independence of RTV (See <a href="https://rm.coe.int/slovenia">https://rm.coe.int/slovenia</a>)</td>
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<tr>
<td>6 October, Article 19</td>
<td>Article on “Slovenian regulator shocked by new law”: Slovenia’s Agency for Communication Networks and Services (AKOS) has expressed serious concerns about a draft law on Publics Agency for Financial Markets, as it will have a significant impact on the powers and functioning of the Agency; it criticised the fact that it had not been made aware of the law being drafted until the last moment. Indeed, it had only one day to submit comments on legislation which it normally would have played a part in drafting.”</td>
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6 October, CoE Platform Alert “Two Journalists from RTV Slovenia Subject to Preliminary Investigation for Violating COVID-19 Restrictions”: “On 15 September 2020, a uniformed police officer informed Mojca Šetinc Pašek, a reporter and editor at the public broadcaster RTV Slovenia, and Miša Molk, a host on the network, that a criminal complaint had been filed against them. The complaint alleged that Pašek and Molk had organised a 15 July 2020 demonstration that violated Slovenia’s COVID-19 restrictions. The officer said a preliminary investigation was underway, and took brief statements from each journalist, Pašek said. The officer did not disclose who had filed the complaint. The protest, held in the Republic Square in Ljubljana, saw several hundred journalists and media workers demonstrate against policy changes proposed by Prime Minister Janez Janša that critics say might harm RTV Slovenia’s budget and editorial independence. Pašek told CPJ that she and Molk participated in the demonstration but did not organise it. The organisers of the rally could face criminal charges under the Public Gatherings Act, a misdemeanor listed under Article 50 of Slovenia’s Minor Offenses Act, according to a police statement. If charged and convicted, the accused could face a maximum fine of €400. “Although the procedure was not illegal and the officer’s behaviour was correct, I find the procedure absurd and an attempt to intimidate journalists,” Pašek told CPJ. She said that RTV Slovenia’s legal department is assessing the situation, and the two journalists will file a criminal complaint for alleged false accusation. CPJ emailed questions to the police in Ljubljana but did not receive any reply.”

The situation of Democracy, the Rule of Law and Fundamental Rights in Slovenia

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
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<tr>
<td>15 October</td>
<td>Following the issuing by Janša of a Twitter post describing STA as a “national disgrace, an evident abuse of the name it carries”, STA replied rejecting the accusation, receiving the support of the Association of Slovenian Journalists. Jansa had previously called STA “ventilator of fake news” in March.</td>
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<tr>
<td>27 October</td>
<td>CoE Commissioner for Human Rights issues a Human Rights Comment on SLAPPs: Time to take action against SLAPPs</td>
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<td>28-30 October</td>
<td>22 Slovenian editors-in-chief speak out: “we will not succumb to pressure”, signed by editors-in-chief of public broadcaster RTV, the daily newspapers Delo, Dnevnik, Večer, Slovenske Novice and Primorske Novice, Svet24, the STA news agency and weeklies Reporter, Mladina and Nedeljski Dnevnik.</td>
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<td>5-6 November</td>
<td>“Slovenian Interior Minister blames media for violent protests”: “Several journalists were targeted by protestors during a violent protest organised on 5 November by the cyber activist group Anonymous Slovenia, in Ljubljana. Interior Minister Aleš Hojs partly blamed the media for the outbreak of violence. The European Federation of Journalists (EFJ) joined its affiliate in Slovenia (DNS) in condemning in the strongest terms this new verbal attack and the protestors’ violence against journalists reporting on the ground...”</td>
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<td>7-11 November</td>
<td>CoE Commissioner calls on Slovenia’s Prime Minister to ensure that the decision to suspend public funding for the country’s Press Agency be reversed</td>
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<td>30 November</td>
<td>Slovenia, SLAPPs and Silencing of the Media. Latest SLAPP case puts spotlight on Slovenian legal system</td>
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<td>26 November</td>
<td>Alert “Journalists Attacked and Injured while Covering Protests in Slovenia” : “On 5 November 2020, photjgraphist Borut Živulovič was hospitalised after suffering a blow to the head while covering protests in Ljubljana. Živulovič works as a freelancer for Reuters and a photographer for the agency Bobo. The Slovenian Journalists’ Association (DNS) said that the attack had been carried out by an unknown perpetrator and occurred when Živulovič had been ‘physically confronted’ at the rally, which according to media outlets was attended by around 500 protestors from different groups speaking out against the government and its COVID-19 measures. Several other media outlets reported that their news crews had been aggressively pushed and faced obstruction, threats and intimidation from protestors as they reported on clashes. Vladimir Vodušek, a well-known journalist, host and founder of Topnews.si and Top TV was also assaulted by a man who kicked a camera stand out of his hand from behind and then threw him to the ground, causing a minor injury to his leg. Video footage of the incident was later posted on social media. Photojournalist Voranc Vogel was also struck in the shoulder by an object thrown at police, but was not injured.”</td>
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<td>29 December</td>
<td>Parliament approved an amendment to the Stimulus Bill to re-start the funding of the national press agency STA, as the government had not paid the funds for October and November.</td>
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8 January, STA

| 8 January, STA | STA stated that “the government’s failure to transfer overdue public service payments as required by the latest economic stimulus act as a defeat of the rule of law, convinced that the decision to seek European Commission input over state aid rules as a delaying tactic meant to financially exhaust the agency”.
|

11 January 2021

| 11 January 2021 | The European Commission criticised the Slovenian government for pressuring the national press agency STA, according to Agence Europe, as spokesperson, Christian Wigand stated “The media must be able to work freely and independently throughout the EU” and “we call on all Member States to refrain from any attempt at pressuring them”.
|

12 January, EFJ and others

| 12 January, EFJ and others | European Federation of Journalists (EFJ) and affiliates, the Union of Slovenian Journalists and the Slovenian Association of Journalists: “Slovenia: Radio Študent threatened to lose its funding”
|

13 January, STA

| 13 January, STA | “EU commissioners have stressed that the state may support news agencies as entities performing a service of general economic interest under EU state aid rules if they so wish, and without prior notification, as they responded to an STA letter on the suspension of the agency’s financing”.
|

14 January, STA

| 14 January, STA | The government provisionally approved the release of overdue budget payments to the Slovenian Press Agency (STA)
|

14 January, CoE Platform

| 14 January, CoE Platform | Radio Študent Facing Closure: On 6 January 2021, it was announced that Radio Študent (RŠ) in Slovenia is set to lose the entirety of its funding from its founder, the Student Organisation of the University of Ljubljana (ŠOU). The student broadcaster denounced the decision and accused its founder of cutting funding in retaliation for consistent critical coverage of the ŠOU structure, management and cash flow. The decision to cut financing was taken by the newly elected Student Assembly of ŠOU, which was voted in on 30 December. The first reading of its draft budget for 2021 (€3 million) erased RŠ completely. The broadcaster had been given no prior warning. No meetings were suggested with RŠ or any other options expressing openness to dialogue. When a meeting was finally held on 5 January, RŠ reported that ŠOU leaders offered an ultimatum: leave or be sold. RŠ claims it was given a matter of days to decide. RŠ is calling for provision of funding at least until 2022, to give it a two-year transitional period to reorganise its future status and shore up its financial situation. Journalist organisations in Slovenia have supported the call and condemned ŠOU’s withdrawal of funding as an “unacceptable…. unilateral decision”. Established in 1969 by the ŠOU, RŠ is one of Europe’s oldest and strongest non-commercial, alternative radio stations. Its diverse and dedicated programme activities encompass presenting and evaluating popular music, analysing current political and social phenomena. RŠ employs about 200 young part-time co-workers who create 17 hours of daily live programme. Over the past eight years ŠOU has consistently lowered the budget from €230,000 in 2012 to €120,000 in 2020. While support from the ŠOU represents less than a fourth of total funding, its withdrawal would jeopardise the whole funding structure, which rests on the co-funding of national and European projects. The broadcaster had already faced serious financial challenges as a result of the COVID-19 pandemic.
|

8 February, IPI

| 8 February, IPI | IPI: “Slovenia: Government Communication Office must stop controlling COVID-19 news coverage. IPI calls on UKOM to ensure full media participation during press conferences: Slovenia’s Government Communication Office (UKOM) must stop denying public health officials and ministers clearance to give interviews with media and halt wider attempts to control news coverage during the pandemic...”, as Education Minister Simona Kustec, Milan Krek, director of the National Institute of Public Health, Bojana Beović, head of the advisory group at the Ministry of Health, and other health officials, were denied permission to appear in TV by UKOM Director Uroš Urbanija. IPI also reports that Mr Urbanija is “a key ally of prime minister Janez Janša, (who) has come under criticism in recent months for suspending financing for the country’s press agency and urging citizens to take to social media to publicly denounce media “manipulators”.
|

9 February

| 9 February | In a tweet, Jansa defined RTV and Pop TV “irresponsible virus spreader”
|

10 February, STA

| 10 February, STA | “The emerging National Demographic Fund might become the founder and the only shareholder of the Slovenian Press Agency (STA), according to an amendment to the government-sponsored bill on the new fund. The agency’s founder and only shareholder is now the Republic of Slovenia, with the government acting on behalf of the state”.
|

16 February, 2021

| 16 February, 2021 | Politico article by Lili Bayer "Inside Slovenia’s war on the media. Prime Minister Janez Janša’s attacks create climate of fear, journalists and watchdogs say."
## European Commission

**European Commission spokesperson Mamer stated:** "We are not accepting the harmful words directed at journalists, and we do condemn them". He said the European Commission and President Ursula von der Leyen were very clear: "We condemn any insults or attacks on journalists, we would not dream of doing it here in Brussels, and we certainly do not expect others to indulge in those sorts of practices." "We cannot open an infringement procedure based on one personal insult or comment," still the Commission has tools "to ensure that media freedom is guaranteed everywhere in the EU" including through reports monitoring media conditions and EU funding for journalists.

## Finland

**Finnish Minister for European Affairs Tytti Tuppurainen** told POLITICO: "Rule of Law Scrutiny, "disturbing" future president: "What we hear from Slovenia is unfortunate and disturbing," Finnish Minister for European Affairs Tytti Tuppurainen told POLITICO. "We expect the future presidency to uphold our common values, media freedom included," she said, adding that "any erosion of this puts the credibility of the Union as a whole in jeopardy."

## Slovenia

**Slovenia's public news agency STA has suspended the access of the government administration to its content as the agreement for the delivery of services expired at the end of last year, it said:**

- **Commissioner Jourová** stated: "Unfortunately, in recent months, additional worrying developments have happened. Allow me to name some of them, which are just examples of the worrying trends… In Slovenia, continuous attempts to undermine the sustainable funding and the independence of the National Press Agency and frequent verbal attacks against journalists are also a cause of serious concern. For each of these cases, the Commission has been in contact with the national authorities and continues to monitor the situation. Let me assure you that the Commission does not hesitate to act when there are issues of compliance of national laws or decisions with European Union rules. In particular, I would like to highlight that we are analysing closely the transposition of the revised Audiovisual Media Services Directive, which introduced, for the first time, new independence requirements for national media regulators. And we will also watch closely the transposition of the modernised copyright framework and..."
<table>
<thead>
<tr>
<th>Date</th>
<th>Source</th>
<th>Text</th>
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<tbody>
<tr>
<td>10 March</td>
<td>Debates - Wednesday, 10 March 2021 (europa.eu)</td>
<td>Continue striving for a level playing field in the online world.” see Debates - Wednesday, 10 March 2021 (europa.eu)</td>
</tr>
<tr>
<td>12 March</td>
<td>Slovenian PM urges national press agency director to quit – EURACTIV.com</td>
<td>Prime Minister Janez Janša called for Slovenian Press Agency (STA) director Bojan Veselinović to step down.</td>
</tr>
<tr>
<td>12 March</td>
<td>Letter of the Minister of Culture following up the EP debate</td>
<td>Izjava Ministrstva za kulturo po zasedanju skupine za spremljanje spoštovanja demokracije, vladavine prava in temeljnih pravic v okviru Evropskega parlamenta</td>
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<tr>
<td>12 March</td>
<td>Civil Liberties Union for Europe</td>
<td>Publication of the EU2020 Report In the Media :: Civil Liberties Union for Europe: “Authoritarians in Hungary, Poland and Slovenia abused the pandemic to continue eroding democratic standards, but traditionally strong democracies also disappoint.”</td>
</tr>
<tr>
<td>16 March</td>
<td>IPI and others</td>
<td>IPI and other media organisations letter to the President of the European Commission to express shared and growing concerns over the situation for press freedom in Slovenia, notably the block of the financing of STA, Press freedom groups raise increasing concerns over situation in Slovenia - International Press Institute (ipi.media)</td>
</tr>
<tr>
<td>20 March</td>
<td>Slovenian Ass. of Journalists</td>
<td>Trade Union of Journalists and the Association of Journalists stated that the “government has overstepped its powers and abused the police as it tasked the Interior Ministry to examine whether STA director Bojan Veselinović’s alleged violations of the law contained elements of suspected crime prosecutable ex officio and to act accordingly”, see Journalist organisations say govt abusing police for STA attack - Slovenia Times</td>
</tr>
</tbody>
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3. THE JUDICIARY (ART.S 47-50 CFR, JUSTICE)

3.1. The Justice system

The Justice system is organised over four levels of the courts of general jurisdiction:
- 44 local courts (for less serious criminal cases, part of civil cases) and 11 district courts (for other criminal and civil cases)
- 4 higher courts are courts of appellate jurisdiction
- the Supreme Court, as the highest court in the state.
- Labour and social security cases are dealt by 4 specialised courts of first instance, sharing a common court of appeal, with the Administrative Court of the Republic of Slovenia having the status of a higher court.\(^{50}\)

The Supreme Court is the highest appellate court, adjudicating on third instance in criminal and civil cases, commercial lawsuits and in labour and social security disputes, and second instance in administrative disputes.\(^{51}\) The President of the Supreme Court is appointed by the National Assembly on the proposal of the Minister of Justice.

The State Prosecutor’s Office is an independent state authority but also part of the executive branch of power and the State Prosecutor General is appointed by the National Assembly. The State Prosecutorial Council and the Prosecutor General are tasked with ensuring the effective functioning of the prosecution.

The Constitutional Court is the highest judicial authority for the protection of constitutionality, legality, human rights and fundamental freedoms. Nine constitutional judges are appointed by the National Assembly, following a proposal by the President of the Republic, for a period of nine years, with no possibility of re-election.\(^{52}\)

The Judicial Council is an independent body responsible for ensuring judicial independence and integrity and selection of new judges who are then appointed by the National Assembly.\(^{53}\)

The Slovene Bar Association is an independent body and part of the judicial branch.

3.2. Issues and concerns in relation to the judiciary

The Commission, in its 2020 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, section I. Justice System, and section IV. Other institutions related to checks and balances, expressed a series of concerns in relation to a series of issues related to the Independence, quality and efficiency of the justice system, as follows:

- the creation of a Parliamentary Inquiry Committee “looking into actions of prosecutors and judges in concrete criminal cases” (which was subsequently suspended by the Constitutional Court due to concerns over independence of judges and prosecutors);
- the fact that despite the rise in the level of perceived judicial independence in recent years, it nevertheless “remains low to average”, the main reason being the “perception of interference or


\(^{52}\) \(https://www.us-rs.si/judges/?lang=en\)

\(^{53}\) European Commission, 2020 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia
pressure from the Government and politicians” and “interference or pressure from economic or other specific interests”;  
- the electronic communication between courts and parties “remains less developed” in comparison to the general digitalization for case management that is “well advanced” (however further developments are on their way);  
- both the Judicial Council and the State Prosecutorial Council operate with inadequate human and financial resources, which hinders their efficiency;  
- the legislative draft on the new revised judicial map was not finalised by the government;  
- even though the majority of judgments of the Supreme Court and Higher Courts are published online, publication of judgments of first instance courts remains scarce, notably in civil and commercial cases;  
- “efficiency challenges remain particularly regarding economic and financial crime cases. Court proceedings, particularly in money laundering, and prosecution proceedings are often lengthy";54  
- “the Constitutional Court is not able to cope with the caseload...due to continued increase in constitutional complaints”, with the backlog and average length of proceedings increasing.

The International Association of Judges (IAJ) / European Association of Judges (EAJ) raised concerns in its contribution to the stakeholder consultation for the European Commission Annual Rule of Law Report55 on the following issues:  
- remuneration of judges: lack of implementation of a Constitutional Court decision of 10 years before on the necessity to raise the remuneration of judges; furthermore, due to the crisis caused by the coronavirus pandemic, judges and other state officials are to face a pay cut of 30%. However, judges may be exempted following a protest of the Supreme Court and the Association of Judges. (p. 6)  
- Courts suffer from budget cuts and projects cancellation (p. 8)  
- need to improve the enforcement of judgments (p. 9)  
- the frequent use by Parliament of urgent or summary procedures (65% of cases) hinders the possibility of the judicial bodies to give their views on draft legislation (p. 10).

Following criticism from the government targeting judges56, a meeting was requested by Supreme Court president Damijan Florjančič and hosted by the President of the Republic on 13 October, with the participation of the Prime Minister, the Minister of Justice, Presidents of the Parliament chambers and of the Constitutional Court. The meeting was on the topic of "The principle of the separation of powers: (self)restriction, mutual supervision and mutual cooperation". The Supreme Court President stated, according to media: "Is it really not possible to find other means of communication than public labelling and denigrating of judges and thereby of the judicial branch?" and called for a suitable response to inappropriate commentaries and attacks on the judiciary that had intensified.57

On 5 March 2021, the Slovenian Association of State Prosecutors wrote a letter to the Council of Europe (CoE) division for the independence and efficiency of justice to complain about the “inadmissible pressure” by Prime Minister Janša and pro-government media (Nova24TV.si and Demokracija) exert on prosecutors. According to media, the letter “names as an example Janša’s letter to the Supreme State Prosecutor in July 2020 in which he alleged the prosecutor was “neglecting his

54 Figures 2, 5 – 19, 2020 EU Justice Scoreboard.  
55 European Commission, 2020 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 15  
56 see in the Table above the alert of 20 August on the tweets of 2 August 2020 by Uroš Urbanija, the Acting Director of the Government Communication Office (UKOM) calling citizens to report and denounce judges: “The Slovenian public must demand the same criteria for all media and the judiciary. And at the same time to reveal and publicly publish every media, every journalist, every judge who obviously and shamelessly uses manipulations. #stopmanipulations.”  
57 https://www.total-slovenia-news.com/politics/7128-jansa-defends-political-attacks-on-judiciary
legal role” and said he was responsible for “the escalation of incitement to violence”. Janša has also used Twitter to criticise individual decisions by prosecutors, including a tweet in which he said it was “a disgrace and a crime” that a prosecutor had dropped a lawsuit against bankers...The association implies the government has been holding up the appointment of state prosecutors, including two European delegated prosecutors. It claims the government has rejected the Justice Ministry’s legislative amendment that would regulate the status of delegated prosecutors because the selected candidates had “fallen out of favour with the SDS and its president Janez Janša”. The letter also points out that the prosecution had indicted Janša in 2020 for a criminal act prosecuted ex officio, which means he is currently subject to a criminal procedure. “We are convinced that because of that, the prime minister should refrain from statements and actions that may constitute a form of inadmissible pressure on the state prosecution,” says the letter signed by the prosecutor Mirjam Kline, the chair of the association. The letter comes after the opposition earlier this week urged Justice Minister Lilijana Kozlovič to step down over her handling of the appointment of Slovenia’s two members of the European Public Prosecutor’s Office. Kozlovič said her ministry had asked for the proposal of two prosecutors to be put on the government’s agenda several times, but received no reply. Holdups regarding the appointment of multiple state prosecutors as well as the delegated European prosecutors have been reported by several media.58

On 23 March 2021, PM Janša said that the procedure to select and appoint candidates for delegated EU prosecutors (EPPO) was "unusual" and that it relegated the government to a role of "mail carrier". The government is examining the procedure to explore the possibility of changing the law “since the Constitution determines Slovenia is represented externally by the government, and not by the State Prosecutors’ Council or the Justice Ministry”59.

58 Prosecutors complain to CoE about PM’s "inadmissible pressure" - Slovenia Times
59 see Morning Headlines for Slovenia: Tuesday, 23 March 2021 (total-slovenia-news.com)
4. CHECKS AND BALANCES (ART. 2 TEU)

4.1. Independent bodies

The Ombudsman protects citizens’ fundamental rights from violations by state authorities, local self-governments and persons holding public authority and serves as the advocate for children’s rights. The current head of the institution is Peter Svetina. The body received “B” grade in the assessment of national human rights institutions by Global Alliance of National Human Rights Institutions. The Ombudsman’s powers were extended after that to improve the rank.

ENNHRI reported that in January 2020, the Parliament adopted an Act Amending the Classified Information Act by the Government and its Office for the Protection of Classified Information, which abolished the direct access of Deputy-Ombudsmen to the classified information, without any consultation with the Ombudsman.

Since November 2016, the Advocate of the Principle of Equality is responsible for protection against discrimination and promotion of equality. The institution helps victims of discrimination, including court representation and issues legally binding decisions, but does not issue sanctions.

The Commission noted that the Advocate “operates with relatively few employees”.

The Information Commissioner is an independent body which, since 2005, supervises access to public information and ensures protection of personal data. The Office of the Commissioner is chaired by Mojca Prelesnik.

The opinion of these bodies is not always followed up and the short period of consultation often makes it difficult for them to provide a contribution. Civil Liberties Union for Europe also highlights that “There are negative developments in this field arising from the new practices of the judiciary (prosecutors and courts) to withhold information claiming that they can be accessed based on legal interest only, referring to the decision of the 2020 Supreme Court in a precedential case, and ignoring the provisions of the Access to Public Information Act.”

The Director of the Statistical Office (SURS) Bojan Nastav, who was appointed for a five-year term in August 2019, was suddenly dismissed by the government on May 21 and substituted by Tomaž Smrekar. Media reported that the reason for his replacement “was his refusal to submit confidential information to a non-authorised body of external government advisors in an unorthodox way”. On 10 June 2020, Commissioner Paolo Gentiloni wrote to Prime Minister Janša, asking him to explain the changes at the helm of Slovenia’s Statistics Office. The Prime Minister tweeted @govSlovenia replaced a political appointee as Statistics Office head with an expert with 30 y of experience in this Office. Hope this is the last time you play a political game for Slovenian left. The Commission explained that the letter had been transmitted by email to Slovenia’s Permanent Representation. The Statistics Council asked the Constitutional Court to review the dismissal. The Prime Minister subsequently stated that the
replacement was necessary "due to responsiveness...this is about a body functioning in a professional fashion, being responsive, so that we can rely on getting data tomorrow if we need it." 67

The government replaced also the heads of the police, of the army, Criminal Police, and Office of the Republic of Slovenia for the Prevention of Money Laundering, while the head of the Slovenian Intelligence and Security Agency (SOVA). The Commission noted in its 2020 Rule of Law report: “in May 2020, the Government/general director of the police replaced the heads of several independent bodies: the director of the specialised anti-corruption police department; the director of the Statistical Office (SURS); the Director of the Financial Intelligence Unit. It was the first time that such dismissals happened without stating a cause. To be noted that in June 2020, the Commission sent a letter asking for clarification regarding dismissal of the director of Statistical Office, in view of the EU rules on the independence of national statistical authorities. The director of the specialised anti-corruption police department and the director of the Statistical Office have initiated judicial review of their dismissal.” 68 The dismissal of the director of the National Bureau of Investigation was subsequently annulled by the Administrative Court. 69

4.2. Civil society (Art 12 CFR: Freedom of assembly and of association)

CIVICUS downgraded Slovenia in its civic space Monitor from “open” to “narrowed” and stated on 04 February 2021: “Government continues its attack on CSOS: Following the downgrade of Slovenia by the CIVICUS Monitor, attempts by public authorities to undermine civic space in the country continue. After various restrictive measures and hostile rhetoric targeting NGOs since the new government took power in Slovenia in March 2020, in December 2020 the Janez Janša government unsuccessfully attempted to introduce an amendment abolishing the state’s fund for non-governmental organisations through its 7th anti-corona stimulus package. In January 2021, the Ministry of Environment proposed new changes to the Environmental Protection and Spatial Planning Acts which would exclude environmental NGOs from key relevant procedures. The law is currently under consultation. Anti-government protests have continued to take place since April 2020. The protest wave continues despite being challenged by heavy fines by the police.” 70

The report by Civil Liberties Union for Europe states that “Individuals, NGOs and other informal groups critical of the political situation in the country are often subject to smear campaigns. These target for example NGOs working in the fields of environment protection, culture, human rights and non-discrimination, and LGBTI rights... Such campaigns include depicting NGOs as parasites, spreading misinformation about their operations and financing, including deliberately creating misconceptions about the organisations’ functioning and strength; publishing hostile and insulting articles about organisations, their founders and staff in attempts to compromise their public image and legitimacy. Serial publication of offensive, false, manipulative and hostile content about critics of the government, including among protesters, is also becoming common practice. Such campaigns are often carried out through media and other communication channels close to the major party in the current government coalition.” The report also mentions a questionnaire sent to households (similar to those sent by the

68 see footnote 93 in pg 16 of the RoL report.
70 https://monitor.civicus.org/country/slovenia/ and see also http://civicspacewatch.eu/slovenia-peaceful-assembly-and-media-freedom-strained-under-jansa-governmen
Hungarian government for popular “consultations”) with questions aimed against NGOs and their funding.  

The shrinking space for the civil society and the hostile attitude of the government is also confirmed by media reports:

- On 25 May, media reported that the environmental law NGO network Justice and Environment (J&E) stated that in the shadow of coronavirus, the new Slovenian government is taking rights away from environmental and nature conservation non-governmental organizations (NGOs).

- Media reports of 21 Oct 2020 also state that “more than a dozen independent producers and non-governmental organisations face the threat of eviction from the state-owned premises in Metelkova Street in Ljubljana...Some of the NGOs that have their premises in the building received an appeal from the Culture Ministry on Monday that they move out by the end of January 2021 or face a court-imposed eviction. The ministry says the building is in a bad state of disrepair and is slated for renovation, but the NGOs say that budget funds for the planned renovation are not planned until 2023 and are refusing to leave... The NGOs say the ministry has not offered them substitute premises or engaged in dialogue with them, which is why they understand the move as an "attack on civil society and independent culture in the desire to prevent the activity of a critical public".  

- According to media reports of 20 December, the Centre for Information, Cooperation and Development of NGOs (CNVOS) warned that the latest Corona Stimulus act terminates the financial support by the government of Slovenia’s NGOs, which foresaw a EUR 5.2 million fund aimed also at financing EU-funded projects: by losing this source, NGOs will not be able to get EU funding.

- On 19 January 2021, Security guards and police ousted squatters from a former bicycle factory in Ljubljana, which they had used as an alternative social and cultural centre for 15 years: police was accused of excessive violence.  

The 2020 Commission Rule of Law report had noted that Slovenia had developed a National Strategy for the Development of the Non-Governmental Sector and Volunteering, which was introduced to enhance support to NGOs. The Strategy sets out certain measures to support the organizations and to promote their transparency and accountability. The projects of NGOs are subsidized by state if they help implement public policies and help citizens. Still, as reported above, the funding of NGOs has been put in question by the current government.

The Commission also underlined that Slovenia has a well-developed online system for consultation on draft laws, which are published on the website “e-Demokracija”. However, ENNHRI notes that despite the fact that the process should last between 30 and 60 days, it is often shortened, which means citizens do not always have a chance to submit their proposals. Not taking public opinion into account...
account has also been reported.\textsuperscript{77} Recent events also confirm these risks (see above the consultation on the the changes to the Media law).

5. FREEDOM OF THE ARTS AND SCIENCES (CFR ARTICLE 13)

Various concerns were raised in respect of arts in Slovenia and notably on the removals by the government of the former Directors and the appointment of new Directors at the Museum of Modern Art, the National Museum, the Museum of Contemporary History, and the Museum for Architecture and Design over the past year.

A protest letter was addressed to the Prime Minister and was signed by 150 international academics, condemning the “attempt to curtail the independence of scholars and to place narratives about the past under government control...We have observed similar—and largely successful—-attempts in some other European countries. The would-be-authoritarian governments in Poland, Hungary, but also in Russia have all used similar tactics as they tried and often succeeded in controlling and disciplining civil society and academia.”

The culture ministry denied the accusations, defended the legality of the procedures, the quality of the appointments - which were described as “inherently political” - and replied “What is described in your petition has no common denominator with real life,” and that the signatories had been “thoroughly misled” by academics from “the Slovene radical left.”

But according to an article, “the law previously required candidates for large public tenures to be selected by a council of experts through a transparent open call. Now, however, the ministry of culture headed by Vasko Simoniti, a close ally to Janša, has all but scrapped this three-decades-old approach. The ministry submits candidates to public directorships based solely on the minister’s recommendation, no longer asking the council of experts to assemble a short list.” This raised criticism of CIMAM (the International Committee for Museums and Collections of Modern Art).

Concerns were also risen in relation to the blocking of funds for the Slovenian Film Centre.

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78 https://publiclettertoslovenia.wordpress.com/
80 see article “Populist Leaders in Central and Eastern Europe Have a New Target in Their Fight Against Liberalism: Art Museum Directors” of 8 February 2021, https://news.artnet.com/art-world/culture-war-central-europe-1941897
81 SD MEPs signed an article on Euractiv stating that “Since March 2020, the government has been blocking the majority of state budget transfers intended for The Slovenian Film Centre, a public agency of Slovenia. The film industry is already under enormous pressure because of the COVID 19 pandemic, but these actions heighten the economic strain on the different organisations involved in film production and dissemination.” https://www.euractiv.com/section/politics/opinion/alarming-backsliding-in-press-and-media-freedom-in-europe/
6. CORRUPTION (COM ROL REPORT 2ND PILLAR)

The Commission 2020 Rule of Law report underlines the following concerns:
- the perception of corruption is high in Slovenia, and Slovenia scored 60/100 in the 2020 Corruption Perception Index of Transparency International, ranking 11th in the European Union and 35th globally.
- The adoption of amendments to the Integrity and Prevention of Corruption Act to address deficiencies of the anti-corruption framework, suggested by GRECO, have been postponed.
- The resources of the Commission for the Prevention of Corruption (CPC) are limited and GRECO noted that this hampers CPC actions.
- the rights of defence of suspects have not been sufficiently guaranteed during the procedure.
- there are shortcomings in the Code of Conduct of the National Council in respect of conflicts of interest, supervision and sanctions.
- top executive functions’ asset declarations are neither published, nor subject to substantial scrutiny and a widening the scope of asset declarations to family members of ministers and state secretaries, without necessarily making these public, has been recommended.
- the implementation of rules on contacts with lobbyists by members of the National Assembly and the National Council be subjected to a thorough assessment.
- the rules on lobbying for top executive functions contain some loopholes and are poorly complied with and not all contacts with third parties who seek to influence government decision-making are duly reported, including those from legal and authorised representatives of companies and interest groups.
- businesses is sceptical about public procurement practices in the country.
- there are challenges in ensuring successful prosecution of criminal offences and corruption.
- whistleblowers are only partly protected by law.

The government underlined that Slovenia has developed further measures to prevent corruption and increase the transparency of public procurement.\(^2\)

According to Transparency International Corruption Perception Index 2020, Slovenia scored 60/100, ranking 35th over 180 States.\(^3\) Since 2012, there was slow progress in anti-corruption reforms and measures to enforce existing rules are weak. Two important documents were adopted: changes to the act on integrity and corruption prevention and the ethics code for MPs. Transparency International Slovenia urged the government in November 2020 to launch a public discussion on the protection of whistle-blowers, as the country must transpose the EU whistle-blower directive by the end of the year.\(^4\)

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There are **inquiries on various alleged corruption cases**, among which:

- the procurement of personal protective equipment involving the Economy Minister Zdravko Počivalšek, under examination by the Commission for the Prevention of Corruption; 85 the whistle-blower in this case has been allegedly threatened of losing his job86
- the same inquiry by the National Bureau of Investigation (NBI) also involved the Minister of Interior Aleš Hojs, who stepped down, but finally stayed on in the government87
- the purchase of Petrol shares ahead of the full liberalisation of fuel prices by Environment Minister Andrej Vizjak: the Commission for the Prevention of Corruption closed its investigation and handed the case over to the Securities Market Agency88
- Prime Minister Janša has been formally indicted of abuse of office over a property sale carried out in 200589 90

**On 19 March 2021, OECD** issued a report and a press release stating “Slovenia’s lack of enforcement of foreign bribery remains a serious concern as **allegations of political interference in criminal investigations and prosecutions escalate.**” It continues by saying “The Group notes that no cases of foreign bribery have been detected by government agencies other than law enforcement authorities, including the FIU, the Financial Administration or the Ministry of Foreign Affairs. Although several investigations have been opened following media reports, there are serious concerns that **media in Slovenia may currently not operate in an environment conducive to the independent reporting of potential foreign bribery allegations.**” 91

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88 see https://www.total-slovenia-news.com/politics/7513-last-week-in-slovenia
89 see also Slovénie: plusieurs cas de corruption - Le Soir Plus
90 Slovenia’s lack of enforcement of foreign bribery remains a serious concern as allegations of political interference in criminal investigations and prosecutions escalate - OECD and the report Slovenia - OECD Anti-Bribery Convention - OECD
7. OTHER ISSUES

The right to demonstrate, which is linked to freedom of expression, the right to assembly and association, was temporarily limited as a decree adopted by the government as anti-Covid19 measure and in force since 20 October prohibited gatherings of less than 10 people, which are normally allowed, if the aim was that of holding a political protest. This issue was raised also at the DRFMG meeting of 5 March 2021. The Interior Minister denied this fact, which was true, and the decree was modified on 18 March to allow demonstrations of up to 10 people.

According to the report by Civil Liberties Union for Europe, “since April 2020, the regular peaceful protests have been organised mostly in the form of cycling protests to request resign of the government for claims of corruption and for curbing democratic standards in the country. The protestors have been on weekly basis exposed to the intimidation and sanctions by the police for expressing views, holding papers with messages against the government, performing street performances etc. The police is justifying the restrictive measures referring to the government orders and laws adopted with purpose to counter the epidemic, but there is disproportion in the way how other kind of gatherings of people are treated favourably in comparison with gatherings or individuals cycling or walking if the person expresses views by holding certain message or sign. The Legal Network for Democracy Protection has been established recently by a group of non-governmental organisations and lawyers to provide legal support to hundreds of protestors experiencing intimidation and sanctions, and to enter into legal cases against police for violating freedom of peaceful assembly and freedom of speech, and for using disproportional measures.”

Other relevant information related to the rules governing the State of emergency and exceptional powers for the government (including the description and duration of the measures and the role of parliaments and of the judiciary); freedom of movement (internal and cross-border and sanctions for violations of the Covid restrictive rules); freedom of assembly (and sanctions); privacy and data protection; asylum and migration; prisons; equality and discrimination, as well as any other issue relevant for Art. 2 TEU, are reported in the bi-monthly Overview prepared and circulated by the Policy Department to the DRFMG. Shall it be necessary, these will be developed in this In Depth Analysis following the DRFMG meeting on Slovenia.

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92 see Democracy advocacy group challenges Hojs's protest ban comment - Slovenia Times
93 Govt allows rallies of up to 10 people - Slovenia Times
94 see Report_Liberties_EU2020.pdf (dq4n3btxmr8c9.cloudfront.net)