COUNTRY UPDATE: SLOVENIA

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS
INTRODUCTION

Civic space violations in Slovenia have increased since Prime Minister Janez Janša’s government came into power in March 2020. In December 2020, Slovenia’s civic space rating was downgraded to ‘narrowed’ on the CIVICUS Monitor, a platform that assesses civic space conditions in a 197 countries and territories. Due to a rapid decline in civic freedoms, in June 2021 Slovenia was placed on the CIVICUS Monitor Watchlist over concerns that civil society organisations (CSOs) and independent journalists are increasingly being targeted by Janša and the ruling Slovenian Democratic (SDS) party.

Over the last two years, the government has consistently obstructed the work of CSOs by cutting state funding to civil society and publicly vilifying them. There has been repeated political interference in the public broadcaster and Slovenian Press Agency (STA) aimed at diminishing media independence, while independent journalists have faced attacks. Participants in anti-government protests, which have been ongoing for over two years, experienced judicial harassment.

This research brief summarises violations on freedoms of association, peaceful assembly and expression between the period March 2020 to March 2022. The bulk of the information for this brief is based upon civic space research updates from our research partner European Civic Forum (ECF).

EXPRESSION

Media pluralism

Over the last few years, media ownership by political parties, high-level public figures and state-controlled companies has become increasingly problematic. While recent years saw some improvements in transparency – with news outlets openly stating their affiliation – there has been growth in politically partisan and commercially influenced newspapers, online news platforms and television stations.

In this context, the SDS party has widened its grip over the Slovenian media landscape with financial support from Hungarian corporations close to Hungarian Prime Minister Viktor Orbán who are financing the party’s media networks, Nova24TV and web portal Nova24. More recently, in October 2020, the third most viewed TV station in Slovenia, Planet TV, was sold to Hungarian media company TV2 Media, which is also owned by a Hungarian business leader linked to Orbán’s Fidesz party.

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor, an online platform that tracks threats to civil society in 197 countries and territories, rates civic space – the space for civil society – in Slovenia as “Narrowed”.

The national civic space rating is based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:
Political interference

Case 1: Funding cuts to STA and independent media

In November 2020, the Government Communication Office (UKOM) suspended funding to the STA, stating that the agency had failed in providing business information that would assist UKOM in assessing its funding for 2021. STA responded that UKOM had no legal reasoning for such a decision, but rather intended to put political and financial pressure on it. The STA went without funding for over 300 days and was on the verge of financial collapse, resulting in it becoming largely dependent on crowdfunding to stay afloat.

In August 2021 an administrative court recognised and acknowledged that the government’s funding blockage would cause significant damage to STA and that UKOM had failed to meaningfully address the issue given that UKOM’s contract with STA remained unsigned. The contract made proposals that would have significantly interfered with STA’s work by adjusting monthly financing in accordance with whether UKOM deemed STA’s content to be of ‘public service’, rather than financing STA with 12 equal payments, thus introducing tighter financial and accounting controls, including on STA executive bodies.

Although an agreement was reached between the government and STA in November 2021, granting STA access to legally mandated state funding, there are several outstanding issues in the contract that need to be resolved. An agreement was also signed for 2022 with the same disputed provisions. Prior to this, STA director Bojan Veselinovic resigned over concerns of independence stating that he would not be involved in ‘trampling on journalistic autonomy’. The funding block has taken a huge toll on the agency, with several journalists resigning and the quality of work being compromised, while concerns over editorial independence remain. These developments come as the government, including Janša, has continuously publicly vilified the STA and its staff, calling it a ‘national disgrace’ on Twitter.

Additionally, there have been concerns about funding cuts to several other independent publications. For example, on 15 May 2021, the Ministry of Culture failed to approve the grant application of several radio stations and national newspapers for the annual state financial support scheme. Among those left out are media considered to be critical of the government, including Delo, Dnevnik and Večer, which are the largest daily newspaper in Slovenia, the weekly paper Mladina and five radio stations. The daily publications reported that their applications had been rejected due to ‘biased’ media coverage and failure to focus on local issues adequately.

The €2.6 million (approx. US$2.9 million) funding, raised to €3.1 million (approx. US$3.4 million) in 2022, is part of an annual open call by the Ministry of Culture, which uses several criteria to assess how much funding media should receive. One of the criteria ranks media outlets on a scale of one to ten for what the ministry deems to politically balanced news coverage. Delo received two points while Dnevnik received zero. The decision was made by a new five-member commission, of which four members were reported to be linked to SDS.

Media watchdogs believe this is yet another attempt to drain resources away from mainstream and critical media. Results of the 2022 public call are still unknown, even though the call was concluded in 2021. This has resulted in financial uncertainty for media that rely on state funding, especially local and regional radio and TV channels with semi-public status.
Case 2: RTV Slovenia

Media watchdog organisations have raised concerns of political interference in the independence of the oversight board of Slovenia’s public broadcaster, RTV SLO. On 16 April 2020 the government replaced three members of RTV SLO’s Oversight Board even though their terms had not expired. It later attempted to replace two more members but was stopped by a parliamentary committee, which deemed the move illegal. By the end of 2021, members of the RTV SLO Programme Council, which is responsible for editorial strategy and the selection of the director-general, whose mandate had expired, were changed by the parliamentary majority to include new members that are close to right-wing parties, giving the government total control over RTV SLO.

Further concerning developments took place in August 2021, when Natalija Gorščak, Director of Programmes at RTV SLO, was dismissed by newly appointed Director-General Andrej Grah Whatmough. A council meeting convened during the holiday period in August 2021 failed to achieve a quorum or reach a decision within 15 days, and as a result Whatmough unilaterally took the decision to dismiss Gorščak. Whatmough has alleged that the motivation for dismissal is due to Gorščak not taking action to address low viewership of television programmes, violating the rules on jurisdiction over the broadcaster and failing to exercise due diligence in checking the conditions of business cooperation with RTV SLO. However, Gorščak states that the allegations were fabricated and the real reason for her dismissal was her refusal to support Whatmough’s proposed demands on staffing and programming changes.

According to press freedom groups the allegations against Gorščak were unfounded and were directed at her because ‘she protected journalistic autonomy by refusing to back their proposal for the dismissal of Manica Ambrožič Janežič’, editor-in-chief of the news programme of Televizija Slovenija (TVS), a network of RTV SLO. In October 2021, Manica Ambrožič was joined by three other TVS editors, Meta Dragolič, Dejan Ladika and Mitja Prek, who stepped down in protest over proposed modifications to news programming.

Despite concerns being raised in a letter to Whatmough, he stated that changes in programming were necessary due to the current financial situation, the departure of employees and low ratings of news shows. On 29 November 2021, RTV SLO’s programme council approved a programme production plan for 2022 despite widespread criticism from media watchdogs and RTV SLO journalists. Under this plan, news talk shows are cancelled, daily news programmes such as Dnevnik and Slovenska kronika are shortened and others, including election programming, have shifted to the broadcaster’s second channel, which has far lower viewership.

Additionally, in December 2021, Jadranka Rebernik was appointed as editor-in-chief of a TVS news programme despite more than 80 per cent of the newsroom staff rejecting her appointment. According to the Slovenian Journalist Association and Journalist Trade Union, the appointment is not in line with law which gives staff the right to put forward their candidate if the one nominated by the director-general does not enjoy their trust. Once appointed, Rebernik failed to oppose the controversial programming changes.
In 2022, attempts of political interference in RTV SLO continued. As a result, on 7 March 2022, RTV SLO staff staged a protest against the political pressure they are facing. A few days later, on 11 March 2022, a protest was staged in reaction to the appointment of Igor Pirkovič as acting editor of the broadcaster’s web portal, Multi Media Centre. Staff say Pirkovič is biased in favour of SDS. They also raised concerns that the appropriate appointment procedures were not followed and that the current acting editor, Kaja Jakopič, received no news of dismissal. However, RTV SLO’s leadership said there was no specific decision needed for Jakopič’s dismissal.

Additionally, Prime Minister Janša has continuously targeted RTV SLO and its staff. For example, in a tweet he recently criticised its political debate channel Tarča for its coverage of Russia’s war against Ukraine as being ‘Pro-Russia’ and playing ‘Putin’s Agenda’. Following this, RTV SLO’s programme council criticised its reporting, stating that journalists had failed to respect the professional standards and instructions of the editors-in-chief. As a result, it decided to broadcast BBC World News on the war in Ukraine, with a Slovenian translation. UKOM has also published its own bi-weekly media analysis critical of RTV SLO.

Online and offline vilification of journalists

The examples of Janša’s criticism of the media mentioned above are far from isolated incidents. Journalists have continuously faced attacks, both in person and online from Janša and the SDS. Some journalists have anonymously reported to the International Press Institute that as a result of such harassment they are beginning to self-censor to avoid being targeted by online smear campaigns.

Within his first few weeks of taking office in March 2020, Janša attacked RTV SLO, claiming it spread lies about the government. He wrote on twitter: ‘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.’ A month later he accused the public broadcaster of attempting to overthrow the government due to its reporting on anti-government protests.

In October 2020, during a European Council meeting in Brussels, Janša again attacked the Slovenian media, this time specifically singling out STA. He wrote on Twitter that STA ‘is a national disgrace, a blatant abuse of the name it bears’ in response to what he considered was a lack of coverage by the agency of his visit to a construction site. In addition, during a press briefing with journalists in Brussels, he accused Slovenian media of contributing to the spread of the COVID-19 pandemic.

On 9 March 2021, Janša, the official Twitter account of the Slovenian government and the director of UKOM attacked STA, accusing Bojan Veselinovič of lying. Janša tweeted on his personal account: ‘Since @STA_novice led by director Veselinovič, they fire sick journalists and often sell lies for the truth. It is time for the director, as a political tool of the far left, to step down and be held accountable for his illegal actions. And enable STA normal work and development.’ The official Twitter account of the Slovenian government website amplified the attack on Veselinovič by posting an image with the caption ‘#StopDisinformation’. The government called for a police investigation into the then STA director.

Additionally, women journalists have faced harassment from Janša. RTV SLO reporter Eugenija Carl has received multiple threats, demonstrating the culture of impunity that exists for harassment against journalists. In June 2020 Carl received a threatening letter containing white powder, which gave her an allergic reaction.
The letter made death threats against her and referenced a defamation case she had filed against Janša in relation to a 2016 tweet in which he referred to her and a colleague as ‘retired prostitutes’. In September 2021, Carl once again received a letter containing threats and insults, accompanied by an irritating white powder. This was the fifth threatening note Carl has received since 2020. Carl has faced repeated online harassment from the SDS as well as media affiliated with the party.

On 16 February 2021, Politico Europe journalist Lili Bayer was criticised on Twitter by Janša and the Slovenian Minister of Culture for producing an article on the state of media freedom in Slovenia. The Minister of Culture accused Politico Europe of ‘political bias’ and alleged that Slovenian ‘private media is predominantly owned by media tycoons close to leftist political parties’. Janša remarked that Bayer ‘was instructed not to tell the truth’. He added ‘That’s @POLITICOEurope, unfortunately. Laying [sic] for living’. According to media commentary, the misspelling in the tweet was intentional and an attempt to attack Bayer as a female journalist.

In the same month, Janša once again attacked the media, when he tweeted an image that read: ‘If you repeat a lie often enough it becomes truth journalism’ in response to a news article about his request to the European Commission to send a fact-finding mission to Slovenia to determine the ‘state of democracy, rule of law, independence of the judiciary and media plurality’.

As of February 2022, 36 attacks on media and journalists have been registered by the Slovenian Association of Journalists since January 2021.

Legal harassment against journalists

Several lawsuits against journalists have been documented. On 7 May 2021, the Slovenian Government Office for Development and Cohesion Policy instituted criminal proceedings against the weekly political magazine Mladina, under article 260 of the Criminal Code, for issuing classified information, following its publication of a leaked government post-COVID-19 recovery plan. The charges came after police asked the magazine to reveal its source of the classified documents. The magazine denounced the charges as an ‘act of intimidation’ and as an attempt to force the outlet to reveal its source. The publication said that it had published the information as it was in the public interest and argued that while other European Union countries had published their draft plans, the Slovenian government was keeping its secret.

During September 2021, member of parliament Zmago Jelinčič Plemeniti filed a lawsuit against Manica J Ambrožič, when she was still editor-in-chief of the RTV SLO news programme, because the Slovenian National Party had not been invited onto the talk show ‘Conversation with the Opposition’ in June 2021.

In November 2021, three journalists running the Slovenian investigative news platform Necenzurirano were reported to the National Investigation Office and the Financial Administration of the Republic of Slovenia on claims of committing several criminal offences and tax irregularities and allegations that the outlet had received illegal financing. The journalists believe the report is an attempt to put pressure on them after they reported on tax advisor Rok Snežič, who is under international investigation on suspicion of money laundering. Snežič, who filed the complaint against the journalists, is a close friend of Janša. As of 2022, Snežič has filed 42 different lawsuits – identified as strategic lawsuits against public participation (SLAPPs) – against the trio of journalists.
In February 2022 a criminal indictment was filed against investigative reporter Blaž Zgaga over his critical tweets about the police force and its chief. In over 35 tweets between November 2021 and February 2022, Zgaga criticised the police force as fascist for its response to the ongoing anti-government protests. He also claimed that the police are working ‘under the command’ of Janša and used the hashtag #diktatura (dictator) in reference to Janša. If found guilty, Zgaga could face imprisonment of up to six months or a fine of €250 (approx. US$278) for each of the 35 alleged offences, reaching up to €8,750 (approx. US$9,700).

Zgaga, who has also investigated alleged corruption cases involving Janša, has been subjected to harassment and death threats on social media and by Demokracija weekly and Nova24 TV, media controlled by the SDS and funded by parties close to Orbán. At the time of attack, the Council of Europe issued a warning alert, categorised as level one, indicating the most serious violations of media freedom, about the ‘defamation and hate campaign’ against Zgaga ‘led by the new government’. However, at the end of March 2020, the Slovenian government dismissed the Council of Europe’s warning and stated that it ‘rejects and condemns the case of alleged harassment’ of the journalist.

**PEACEFUL ASSEMBLY**

Weekly spontaneous anti-government cycling protests have taken place every Friday in Slovenia since Janša took office. However these protests have been subject to intense police scrutiny, with police using excessive force against protesters on some occasions. Protesters chose to cycle through Ljubljana as during the pandemic the government imposed a complete ban on the right to peaceful assembly. Additionally, when COVID-19 measures were eased at the beginning of 2021, while the government allowed gatherings of up to 10 people, it banned ‘all events, rallies, celebrations and weddings’. In April 2021 the Constitutional Court declared that the government’s ban on peaceful assembly was unconstitutional and ordered that it come up with a new decree, which must give due consideration to the right to gatherings as a fundamental human right.

In December 2021 the State Prosecutor’s Office stated that it would begin bringing cases against so-called organisers of unannounced or unregistered protests in order to recover the costs of police intervention during these rallies. As of October 2021 police claimed that civil compensation due from ‘unregistered protests’ amounted to €972,166 (approx. US$1.1 million). The first case was brought against prominent protestor Jaša Jenull, amounting to €2,255 (approx. US$2,500) for a protest held in October 2020. He subsequently received a second claim of €3,778 (approx. US$4,200) in February 2022 for a protest held in September 2020. In March 2022 a third claim amounting to more than €34,000 (approx. US$37,800) was issued for a June 2020 protest, during which protesters, including Jenull, sat on the ground of Republic Square and read out the Constitution. Police responded with violence by dragging away protesters. According to the claim, the costs being recovered are for 247 police officers, 35 police vans, three police intervention vehicles, five police cars, six police motorcycles, six police off-road all-terrain vehicles, four police dogs, four police horses and 230 pieces of fencing. Protesters believe that these claims are an attempt by the government to silence, intimidate and harass them.
The government has enacted or passed restrictive legislation with the aim of targeting CSOs working on environmental rights. The COVID-19 pandemic has been used as a pretext to pass such legislation. In April 2020, the government included an article in its law on the pandemic – the Act Amending the Act on Intervention Measures to Contain the COVID-19 Epidemic and Mitigating its Consequences for Citizens and the Economy – that changed the criteria through which environmental CSOs can challenge construction projects on the basis of environmental impact.

Previously, CSOs working in the field of environmental protection could, under the Environmental Protection Act, obtain public interest status as parties in procedures and approach the courts to challenge decisions on environmental matters. However, the new criteria, which require CSOs to have at least 50 active members, would result in many organisations being excluded. Additionally, CSOs must meet these requirements retrospectively, for the previous two years. These provisions were later challenged in the Constitutional Court, which suspended their implementation until a decision is reached.

Additionally, on 12 May 2020, the government introduced an amendment to the Environmental Protection Act that extended the above criteria to nature conservation CSOs, arguing that there is a need to speed up the country’s economic development and that small environmental organisations were previously slowing down important construction. According to environmental CSOs, these new amendments would further restrict the participation of CSOs in environmental impact assessments.

In January 2021, the Ministry of Environment proposed new changes to the Environmental Protection and Spatial Planning Acts that would exclude environmental CSOs from key administrative procedures. The draft bill would have allowed only individual citizens demonstrating legal interest – and not environmental and nature conservation CSOs – to initiate an administrative dispute under the Spatial Implementation Act. While the law was passed in March 2022, the concerning articles were changed. However, restrictive criteria for nature conservation CSOs remained in place. Thus many nature conservation CSOs without public benefit status are now unable to participate in environmental impact procedures.

**CSOs evicted amid pandemic**

In what is seen as a politically motivated attempt to silence CSOs, in October 2020, 18 CSOs that have since the 1990s been operating from No. 6 Metelkova Street in the capital, Ljubljana, received an eviction notice from the Ministry of Culture, which owns the building. The Ministry of Culture stated that the eviction was due to its plans to renovate the premises. However, the budget for such a renovation is not allocated until 2023.

The Ministry threatened to enforce the eviction through the courts at the expense of the CSOs if they failed to vacate the building by 31 January 2021. The notification of an eviction was received on the same day as the government imposed a new COVID-19 curfew which made it challenging for CSOs to search for and move to alternative premises. The CSOs, through a petition, informed the Ministry of Culture and the Slovenian government that they would not leave No. 6 Metelkova. In December 2020 the Ombudsperson called on the Ministry to engage in an open dialogue with CSOs in relation to these developments.
Whilst the CSOs have managed to litigate to preserve their rights via a legal complaint, the government has continued to publicly vilify them. A final decision regarding the eviction is expected for some of the organisations in the coming months. However, the dispute has resulted in significant legal costs for CSOs.

### Funding cuts during COVID-19

The government has used COVID-19 pandemic to justify cutting funding to civil society. For example, during the pandemic, 15 CSOs were notified by the Government Communication Office that the contracts for public grants for 2020 projects, which had been signed during the previous government’s tenure, had been terminated. The government stated that this money would be redirected towards tackle the pandemic. CSOs facing funding cuts work on civic education, media literacy, tackling disinformation and provide support for excluded groups.

In December 2020 the government attempted to introduce an amendment abolishing the state’s fund for CSOs in its seventh anti-corona stimulus package. The fund, which was introduced in 2018, has contributed to the professionalisation and development of CSOs. Following a great mobilisation from civil society, the amendment abolishing the fund was removed from the package approved by parliament on 29 December 2020 after the Modern Centre (SMC) party, a member of the coalition government and the party that proposed the law setting up the fund in 2018, joined opposition parties in voting against the amendment.

Additionally, in July 2021, the minister responsible for cohesion, Zvone Černač, attempted to introduce discriminatory criteria that would be difficult to meet for CSOs and would result in them being excluded in the calls for grants funded by European Economic Area members and the government of Norway. The criteria were discriminatory as no additional criteria were included for other bodies applying for the grants. This move would have resulted in blocking CSOs from accessing €34 million (approx. US$37.8 million) in grants. However, after civil society raised concerns, the minister responsible announced that the additional criteria had been removed.

CSOs working in culture and environmental rights have also faced significant funding challenges from the government. On 8 December 2021, parliament approved the state budget for 2022, with projections for 2023 and 2024. However, the budget hampers funding available to CSOs working on culture and environmental rights, which civil society believe is a continuation of the government’s attempts to ‘destabilising the sector’. The biggest cut was made in the funding stream of promoting cultural creativity, which was decreased from €6.4 million (approx. US$7.1 million) to €3.6 million (approx. US$4 million), while no funds were allocated for environmental projects for 2022 or 2023. In addition, the climate fund for which environmental CSOs are eligible has been reduced by 70 per cent.

Additionally, a new de-bureaucratisation law submitted to parliament in September 2021, without an open and transparent consultation process, further threatens funding for cultural CSOs. The purpose of the bill is to ‘improve the competitive business environment’ and ‘simplify the lives of citizens’ by ‘removing administrative barriers’ and their related costs. However civil society states that the bill will result in ‘increasing political interference’ as it leaves the final decision on project funding to the minister of culture instead of an independent expert commission.
RECOMMENDATIONS

To the Government of Slovenia

• Respect the right of all Slovenians to protest freely in line with provisions in the Slovenian Constitution and Slovenia’s international human rights obligations and desist from attacking and threatening peaceful protesters.

• Drop all cases against protesters participating in anti-government protests

• Stop the public vilification and harassment of CSOs and media outlets and create an enabling environment that allows civil society and the media to participate fully in decision-making and policy-making processes without fear of intimidation and in an open and transparent manner.

• Lift all fiscal and legal restrictions that prevent the STA, media outlets and CSOs from accessing the funding needed to implement their activities on time.

• Drop all cases against journalists and media outlets and stop the judicial persecution, harassment and vilification of and attacks on journalists. Hold accountable all perpetrators of these actions and bring them to justice.

• Respect the right of CSOs to associate and organise freely by lifting all restrictions that prevent environmental rights CSOs and CSOs working in culture from accessing funding and carrying out their activities without fear or intimidation.

• Protect public service media from government pressure and interference, including by changing media legislation to introduce better safeguards, particularly in relation to the appointment and composition of the governing bodies of RTV SLO.

• Provide CSOs based at No. 6 Metelkova with contracts to continue using the premises for longer, and until the national government and local administrations make available more such subsidised spaces to enabled the autonomous work of CSOs.

• Refrain from targeting environmental rights CSOs through restrictive legislation and ensure that any amendments to laws are in line with the Aarhus Convention, which governs the basic democratic principles and civil society rights in the field of environmental protection.

To the European Commission

• Establish a clearer link between the respect of the rule of law and civic space in member states and recognise civic space as a crucial pillar of the rule of law. As part of the annual European monitoring of the rule of law, develop strong and practical recommendations to redress restrictions regarding civic space and media pluralism in Slovenia.

• Engage with the Slovenian authorities, including through infringement procedures, to ensure that repressive measures against journalists and civil society are redressed.

• Set up an early warning mechanism to regularly monitor and respond to restrictive legislation and attacks against CSOs, human rights defenders and journalists.

• Establish funding mechanisms to provide increased funding and support to CSOs and grassroot activists advocating for fundamental rights.

• Develop a strategy to support the development of vibrant civic space in Europe, including the establishment of adequate protection mechanisms to prevent reprisals or censorship, including self-censorship, against civil society that is working to defend fundamental rights and values.

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