

LIBERTIES

RULE OF LAW REPORT

2024

SLOVENIA

#ROLREPORT2024



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FOREWORD

This country report is part of the Liberties Rule of Law Report 2024, which is the fifth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2024 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2023. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2024 report includes 19 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Thirty-seven member and partner organisations and one independent human rights expert contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2024 here](#)

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SLOVENIA

About the authors

Peace Institute – Institute for Contemporary Social and Political Studies



The Peace Institute – Institute for Contemporary Social and Political Studies is an independent, non-profit research institution founded in 1991 in Ljubljana, Slovenia, by individuals who believed in peaceful conflict resolution, equality and respect for human rights standards.

The Peace Institute (PI) uses scientific research and activism aimed at creating and preserving a society capable of critical thought and based on the principles of equality, responsibility, solidarity, human rights and the rule of law.

The Institute develops interdisciplinary research, educational, advocacy and awareness-raising activities in four thematic fields: human rights and minorities, politics, media, and gender. Acting as a research and civil society organisation, it focuses mainly on Slovenia, but it is also participating in numerous cross-border collaborative actions and comparative research on EU level and in the region of South East Europe. The PI acts against discrimination, as an ally of vulnerable groups and in partnership with them. It has carried out projects in support and advancement of the rights of children, women, victims of crimes, defendants in criminal proceedings, Roma communities, “erased people”, refugees and migrants, stateless people, LGBT communities, journalists and others.

Key concerns

Media Environment and Media Freedom

Regarding the media environment and media freedom, in 2023, the government adopted no measures against media concentration nor any measures for the protection of professional journalism, autonomy and the safety of journalists. The ‘depoliticised’ model of governing at RTV Slovenia was implemented, but no decision on the ‘depoliticisation’ of the financing model was taken, causing a sustainability crisis at the public broadcaster. In December 2023, the proposal of the new media law was submitted for public consultation, introducing the mechanisms of state aid to the media, but no clear specification and commitment regarding the source and size of the state aid was provided.

Comparing developments concerning the media environment and media freedom with the EU Commission’s recommendations, the government has not adopted non-legislative safeguards to protect the journalists. The small steps concerning exchange of knowledge and information between the Slovenian Association of Journalists and the Police continue to be made upon the initiative of the journalists’ association. The association is developing various mechanisms and actions to increase the safety of journalists, but the financial support is only provided by foreign donors. The proposal of the new media regulation contains no specific measures for the protection of journalists’ safety, apart from the prohibition of installing intrusive surveillance software on any device used by journalists.

Checks and Balances

Related to checks and balances, as in the past, the government often failed to respect the relevant national provisions concerning the duration of public consultations in the process of adopting laws and regulations.

Civic Space

As it concerns civic space, in October 2023 the National Assembly passed the law aimed at revoking fines targeting alleged organisers of public gatherings protesting democratic backsliding that were imposed on the basis of unlawful regulations during the COVID-19 pandemic, amongst others. Regarding negative developments, the year saw both Pride Parades organised in Slovenia marred by violence. A major public call for funding the NGO sector was also marred by controversy and subsequently annulled.

Disregard of human rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

Regarding the disregard of human rights obligations and other systemic issues affecting the rule of law environment, the discrepancy in the number of irregular crossings and the number of people that apply for international protection and the number of people receiving international protection (7,261 asylum applications were lodged, and only 130 people were granted international protection) indicate the need for thorough research and monitoring of the situation. The year 2023 was also marked by significant difficulties in accommodating people

on the move due to insufficient facilities. State migration policies are also reflected in a large percentage of foreigners in Slovenian prisons, which are consequently overcrowded.




It is still the case that more than half of the erased persons from the register of permanent residents did not receive any form of redress (there are still some erased persons who live in Slovenia without regulated status since the erasure in 1992). Remedies available to them are inadequate, as the path to obtain a permanent residence permit takes at least seven years and is, in parts, subject to the discretion of the competent authority.

Slovenia still did not ratify the 1961 Convention on the Reduction of Statelessness.

State of play (versus 2023)

- N/A Justice system
- N/A Anti-corruption framework
- Media environment and freedom of expression and of information
- Checks and balances
- Enabling framework for civil society
- Systemic human rights issues

Legend

- | | | |
|---|---|---|
| Regression | No progress | Progress |
|  |  |  |

Media environment and media freedom —

Key recommendations

- *Further strengthen RTV Slovenia's institutional autonomy, particularly through depoliticisation of the financing model (where the amount of the licence fee is not dependent on the decision of the government or the parliament, but automatically follows the inflation or other economic indicators).*
- *Comprehensively reform media legislation to protect public interest in the media, particularly focusing on safety of journalists, financial support to quality journalism, protection of media pluralism, transparency of media ownership and finances, strengthening independence and capacities of media regulatory authorities etc.*
- *Substantially reform the regulatory framework for media and digital services to establish a separate national regulatory authority for media and digital services that is independent and has sufficient resources to play a more active role, and is distinct from the converged regulator of telecommunications, postal services and railway traffic and AKOS.*

Media and telecommunications authorities and bodies

Independence, enforcement powers and adequacy of resources of media and telecommunication authorities and bodies

The Agency for Communication Networks and Services (AKOS) serves as an independent regulatory authority for several sectors, including telecommunications, postal services, railway traffic as well as radio and television. It is a body functionally separate from the government.

The main concerns related to the independence and resources of the regulatory authority to actively and efficiently enforce media regulation remain.

The appointment of the agency's director as the highest (single-member) decision-making body remains under direct control of the government. Such powers given to the government remain one of the main threats to the independence of the media and telecommunication authority. The agency's council is also appointed by the government as a body supervising the work of the agency. It considers the agency's annual plans and reports and can propose dismissal of the director.

In 2023, the new director of the agency was appointed by the government for a 5-year term after a controversial procedure, with the notice of vacancy initially annulled and then repeated twice without any specific explanation from the Ministry for Digital Transformation.¹

The AKOS's human resources (11 employees) in the department overseeing electronic media and devoted to the enforcement of media regulation remains insufficient. The resources are highly disproportionate compared to the resources of similar media authorities in the EU.

As highlighted in the previous reports, such limited resources, and the prevailing passive and invisible role of AKOS in enforcement of media regulation, mostly reflects the internal policy of its leadership (appointed by the government) to keep a low profile in the politically sensitive field of media regulation. Limited resources and lack of ambition to strengthen the capacities and profile of the authority tend to be a problem in the context of growing expectations placed on national regulatory authorities required by new media regulation on the EU level.

According to the January 2024 government's proposal of the Act on the Implementation of the Digital Services Act, AKOS will also serve as a digital services regulator (Digital Services Coordinator). The law² anticipates an allocation

1 <https://n1info.si/novice/slovenija/akos-znova-isce-direktorja/>; <https://siol.net/novice/slovenija/vlada-za-v-d-direktorja-akosa-imenovala-poharja-605720>; <https://www.sta.si/3180029/na-celo-akosa-marko-mismas>.

2 Text of the proposed act is available at: [https://gradiva.vlada.si/mandat22/VLADNAGRADIVA.NSF/18a6b9887c33a0bdc12570e50034eb54/e5128acc69d515bfc1258a8d003e969e/\\$FILE/VG_22_12.pdf](https://gradiva.vlada.si/mandat22/VLADNAGRADIVA.NSF/18a6b9887c33a0bdc12570e50034eb54/e5128acc69d515bfc1258a8d003e969e/$FILE/VG_22_12.pdf).

of funds for 5 new job positions in the agency to perform the newly assigned tasks.³

The new Mass Media Act, drafted by the Ministry of Culture and open for public consultations between 12 December 2023 and 31 January 2024, also assigns new tasks to AKOS. In the assessment procedures related to the implementation of the anti-concentration measures, the agency is required to provide a “preliminary opinion”,⁴ but the proposed act does not specify allocation of new resources to the agency to perform the newly assigned tasks.

In addition, there is a functional self-regulatory framework for journalists in Slovenia, with Journalists’ Court of Honour⁵ playing a major role. It is a self-regulatory body on a national level operating within the Slovenian Association of Journalists and includes representatives of journalists and the public. Enjoying a positive reputation, it continues a long tradition of setting ethical standards and handling complaints. The self-regulatory body is co-founded by the association and the Union of Journalists, and its members are appointed by the founding organisations’ representative bodies. It handles complaints based on the Code of Ethics and publicly announces decisions on a regular basis. In 2023, it published decisions in response to

24 complaints (an increase in comparison to 16 complaints in 2022). It is entirely financed by the journalists’ association.

The Ombudsman of public media RTV Slovenia handles complaints on the basis of Professional Standards and other self-regulatory documents of RTV Slovenia.⁶ The Ombudsman is appointed by the governing body of RTV Slovenia for a mandate of five years, and its independence is guaranteed by internal acts.

Pluralism and concentration

Levels of market concentration

The Media Pluralism Monitor 2023 findings point to a high risk for media pluralism in Slovenia. The highest risk was found in the area of ‘market plurality’ (76%), where the indicator “editorial independence from commercial and proprietary influences” scored the highest at 90%. According to the research, “‘market plurality’ involves the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and

3 In order to enable the implementation of the Digital Services Act across the EU, it is expected that Digital Services Coordinators in the Member States will start operations on 17 February 2024, but in Slovenia there is expected to be a delay.

4 Text of the bill is available at <https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=16268>.

5 <https://razsodisce.org>

6 <https://www.rtv slo.si/varuh>.

ownership on editorial content”. The next area most at risk includes ‘political independence’ (65%), where the highest risk to media pluralism was exhibited in the indicator ‘independence of public media’ (96%).⁷

The level of media concentration in Slovenia is therefore high. The media group Pro Plus dominates the television, video-on-demand, and online media market.⁸ There are also dominant media groups in print and radio, in particular media group Media24,⁹ owned by the Odlazek family,¹⁰ which owns more than 60 media outlets in print, radio and television sector, on both national and local level. Even though the Mass Media Act (Article 56) stipulates that the publisher of news printed daily may not be the publisher or co-founder of a radio or television programme,¹¹ these practices are still present, as it is easy to circumvent media law due to inadequate legislation, regulation and oversight. Another problematic practice is visible in the context of media owned by or close to the SDS (Slovenian Democratic Party). Such media outlets operate both on national and local level and serve as a propaganda tool rather than authentic media outlets. For example, they include a seemingly unconnected network

of regional online media.¹² Both practices have a negative impact on media pluralism, as they generate the so-called ‘echo chamber’ effect, in which the exact same content is reproduced across various media outlets.

Direct and indirect state ownership in commercial media remains at risk of government interference – for example, in Tsmmedia through the state-owned Telekom Slovenije. A change occurred in this respect in December 2023, when Slovenian Sovereign Holding sold its 30.6% ownership share in the media firm Salomon to a private enterprise.¹³

Rules governing and safeguarding the pluralistic media market, and their application (including regulating mergers, acquisitions and other ownership changes)

The existing regulation providing safeguards for media pluralism remains outdated and inefficient. The implementation of the provisions on the restriction of media concentration and ownership has been deficient for many years. However, in December 2023, the Ministry of Culture submitted for public consultation a proposal of the new Mass Media Act. Public

7 <https://cmpf.eui.eu/media-pluralism-monitor-2023/>.

8 <https://pro-plus.si/eng.html>.

9 <https://media24.si/>.

10 For more information on ownership structures of Media24 and connected firms see: <https://podcrto.si/mediji-martina-odlazka-1-del-nepregledna-mreza-radiev-tiskovin-televizije/>; <https://podcrto.si/mediji-martina-odlazka-2-del-ni-varovalk-pred-zlorabo-kopicenja-medijev/>.

11 Text is available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1608>.

12 <https://podcrto.si/infografika-internetni-mediji-sds/>.

13 For more information see <https://www.sdh.si/sl-si/novice/4825/sdh-izstopil-iz-lastnistva-druzbe-salomon>.

consultation ended at the end of January 2024. The current media law, adopted in 2001, does not prevent media concentration effectively and does not provide for adequate disclosure of media ownership. The proposed regulation, which claims to follow the principles of the European Media Freedom Act (EMFA), foresees a specific media concentration assessment procedure, in which the competition regulator will also assess the impact of the concentration on media pluralism.¹⁴ The provisions specifying the restrictions for cross-ownership are no longer part of the proposed Mass Media Act.

Rules governing ownership in different segments of the media market, and their application (print, television, radio, online media)

The current Mass Media Act specifies that the publisher of news printed daily may not also be the publisher or co-founder of a radio or television programme. Still, there are cases that circumvent the regulation by establishing new media companies that are linked to each other through ownership structures or have the same beneficial owner. Many media outlets may have the same owner, but this is not readily apparent due to intertwined ownership links. Research on media pluralism has shown that concentrated ownership reduces diversity and creates uniform content - same or very similar policies, interests and ideologies are represented in different media outlets owned by the same

beneficial owner(s). Additionally, it is crucial that these media outlets do not criticise their owners or their business partners, as shown by the research carried out as part of the 'Populist Backlash, Democratic Backsliding, and the Crisis of the Rule of Law in the European Union' project.¹⁵ This tends to be particularly problematic in cases where the media outlets are part of large business conglomerates with interests in several different industries.

Fairness and transparency of licencing procedures (including allocation of licences, fines and penalties)

In 2023, the Ministry of Culture launched the regular annual public call for project proposals for the co-financing of media content production in 2024, with an indicative value of €2.9 million. The purpose of the call is to support the media in the creation and dissemination of programme content which, in accordance with the Mass Media Act (Article 4), is important for the pursuit of public interest in the field of media.¹⁶ In 2023, following the results of the 2022 annual call, notable recipients of the funds, amongst others, included *Pod črto*, an independent online media outlet focusing on investigative reporting, data journalism and in-depth stories, and quality daily *Večer* (each received €40,000). Quality newspapers *Delo*, *Dnevnik*, *Gorenjski glas* and *Mladina* also received between €36,000 - €38,000. It is important to note that none of

14 Text of the bill is available at <https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=16268>.

15 For more information see <https://www.popback.org/>.

16 <https://www.gov.si/zbirke/javne-objave/redni-letni-javni-projektne-razpis-za-sofinanciranje-programskih-vsebin-medijev-v-letu-2024-jpr-mv-2024/>.

them managed to receive a single euro in 2022, which was carried out by the ministry under the previous government led by SDS. The most funds (€98,789) were awarded to *Radio Študent*, a non-profit student radio.¹⁷

Transparency of media ownership

The transparent allocation of state advertising (including any rules regulating the matter)

Currently, there is no specific regulation of state advertising that requires transparency and safeguards against political misuse.

However, the new Mass Media Act proposal follows the principles of EMFA, which calls for greater transparency of state advertising. According to the proposal, state institutions will now have to report regularly on all media expenditure, including advertising, campaigns and other media leases.¹⁸

In 2022, a parliamentary inquiry was initiated to look into alleged illegal financing of “party political propaganda in the media with funds of state-owned companies, state institutions or foreign institutions or entities”, with the inquiry

targeting the media owned by or linked with the former ruling party, SDS.¹⁹ In 2023, MPs were briefed on the public part of the interim report of the inquiry, which concluded that the vast majority of SDS financing activities are conducted through a network of bypass accounts set up at different levels around the political party’s central bank account. Party officials at local and national level, individuals with a financial interest, as well as Hungarian capital, are involved in this financing model. Moreover, the report states that the dispersed network of SDS bypass accounts includes a large number of private business entities which, during the last government (3rd government of SDS President Janez Janša), were awarded deals with the state or were financed from public funds (including state advertising in SDS-affiliated media outlets).²⁰

In December 2023, the Government Communication Office adopted ‘Recommendations for the implementation of advertising campaigns by ministries, bodies within ministries and government departments’. The main purpose of the recommendations is to enforce transparent advertising practices from public funds, as well as the requirement for transparent and non-discriminatory allocation of advertising funds that will be introduced by the EMFA.

17 <https://www.dnevnik.si/1043023838>.

18 <https://n1info.si/novice/slovenija/v-javni-razpravi-tezko-pricakovani-zakon-o-medijih-kaj-predvideva/>.

19 The act on establishing the parliamentary inquiry: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-2175/akt-o-odreditvi-parlamentarne-preiskave-za-oceno-dejanskega-stanja-in-za-ugotovitev-politice-odgovornosti-nosilcev-javnih-funkcij-zaradi-suma-nezakonitega-financiranja-politicianih-str>.

20 <https://www.rtvsl.si/slovenija/porocilo-komisije-o-financiranju-politicianih-strank-se-bere-kot-politiciani-triler/689451>.

The recommendations provide for transparent reporting by the authorities through the publications of annual reports on the advertising campaigns carried out on authorities' websites. In addition, it is proposed that the authorities should obtain the government's approval to carry out advertising campaigns whose value exceeds €50,000 (including VAT).²¹ Importantly, these provisions are also included in the proposal of the new Mass Media Act.

Rules governing transparency of media ownership and public availability of media ownership information, and their application

There are provisions in the current Mass Media Act obliging media outlets to report media ownership above 5% in the Media Register, which is administered by the Ministry of Culture. Media companies must also annually publish data and updates on ownership changes in the Official Gazette. However, the register is not accurate, and it does not provide updated data. The newly proposed regulation therefore foresees a new Media register, which will provide up-to-date information on the formal and actual owners of media outlets, information on state advertising and state aids allocated to concrete media, and other information needed for media market transparency.²²

There is no obligation imposed on AKOS to provide accessible information concerning the ownership structure of audiovisual media

service providers, including the beneficial owners.

Public service media

Independence of public service media from governmental interference

In 2023, the independence of the RTV Slovenia's governing and management has improved, while the financing model continues to threaten the public service broadcaster's independence and capacities to fulfil its role.

A new governing body and management of RTV Slovenia have been appointed according to a 'depoliticised' model, introduced in 2022 by the amendments to the Act on RTV Slovenia, and implemented after, in May 2023, the Constitutional Court lifted the temporary suspension of the amendments. The amendments to the Act on RTV Slovenija were adopted by the new government coalition in 2022, and endorsed during the referendum by majority of voters. Aiming at depoliticizing the public service broadcaster's governing and management, the amendments put various independent institutions and organisations in charge of appointments to the governing body of RTV Slovenia. A single 17-member governing council has been introduced by the amendments to include representatives of civil society and RTV Slovenia employees. It is in charge of appointing the top management and overseeing

21 E-mail communication with Government Communication Office, 8 December 2023: <https://www.gov.si/novice/2023-12-08-vlada-sprejela-priporocila-za-transparentno-financiranje-oglasovanja-z-javnimi-sredstvi/>.

22 <https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=16268>.

the public broadcaster's programming and finances. The new governing body has replaced two previous governing councils, which totalled altogether 40 members, the majority of whom had been appointed by the parliament and the government. Under the reformed system, the management structure includes a four-member management board, headed by a president.

The appointment procedures of the new governing body - the Council of RTV Slovenia - led to the composition and operations of the current council, which makes decisions independently and with regard to public interest. However, there have been complications and challenges in the operation of the Council and the newly appointed management, arising from some inconsistencies between the substantive articles of the amended law and its transitional provisions, non-cooperation of the previous management of RTV Slovenia in the transition to a new governing model, and the lack of sufficient and systemic funds for adoption of the sustainable 2024 RTV Slovenia production plan. The inquiry of the council asking the RTV Slovenia management to elaborate on possible cuts of certain programs and units of RTV Slovenia caused a sharp opposition internally and among the associations of writers, musicians and producers.²³ In November and December 2023, the RTV Slovenia Ombudsman received

219 reactions from viewers and listeners to the information on eventual cuts of certain programs and units.²⁴

Editorial standards (including diversity and non-discrimination)

Fifteen journalists and editors who worked for a TV Slovenia 2 daily news programme 'Panorama' introduced during the previous management (in the term of the previous government) and cancelled from the 2024 production plan by the new management with claims of low quality and viewership, were informed that their services were not required any more, and that they should stay at home, on reduced pay, until needed. Later they were offered new employment contracts.²⁵ The situation raised the concerns on the ability of the new management to consolidate the organisation and restore professional standards without major conflicts.

Financing (including transparency of financing)

At the end of 2023, the government provided extraordinary funds for the financing of RTV Slovenia's programs intended for minorities, which only slightly reduced the disparity between the necessary and available financial

23 <https://www.delo.si/novice/slovenija/enkratna-financna-injekcija-rtv-slovenija/>; <https://www.rtvlo.si/kultura/drugo/slovenski-center-pen-poziva-k-ohranitvi-kulturnih-vsebin-na-rtv-slovenija/692292>; <http://www.revijaglasna.si/novice/odzivi-ob-predlogu-ukinitve-glasbene-produkcije-rtv-slovenija/>.

24 https://img.rtvlo.si/_files/2023/12/29/46_493828743429619723_porocilo-o-odzivih-na-namige-o-morebitni-ukinitvi-nekaterih-enot-rtv-slovenija.pdf.

25 <https://www.rtvlo.si/slovenija/novinarji-ukinjene-oddaje-panorama-ostali-pred-vrati-rtv-slovenija/693634>; <https://www.rtvlo.si/slovenija/rtv-slo-vecina-novinarjev-panorame-sprejela-pogodbe/696677>.

resources for the implementation of the 2024 RTV Slovenia production plan.²⁶

On the other hand, the government did not approve an increase in the RTV licence fee, which is the largest and most important systemic source of RTV Slovenia's funding, accounting for more than two-thirds of the total revenue. The licence fee, paid by more than 600,000 households in the amount of €12.75 per month, has remained unchanged for more than a decade even as labour and production costs have increased along with inflation, leading to a financial crisis for RTV Slovenia.

While the 'depoliticised' model of the governance and management has been implemented, the government remained reluctant to introduce the 'depoliticised' model of RTV Slovenia financing and eliminate the role of the government in deciding the amount of the RTV licence fee. This could be done by adopting the amendments to the Act on RTV Slovenia, allowing for the licence fee to be automatically adjusted to inflation or other economic indicators.

Another public service media, the Slovenian Press Agency (STA), has been provided by the government with stable financing, and all unpaid obligations from the period of the previous government were paid off.²⁷ However, the current regulation of financing and management of STA still does not provide systemic solutions that would protect the agency from risks to the independence and financial sustainability of the public service in the long term. The Ministry of Culture is expected to draft the new act on STA aiming to provide such systemic solutions.

Other

In December 2023, the police filed a criminal complaint with the prosecutor's office against the former director of the Government Office for Communications, Uroš Urbanija, on suspicion of abuse of official position or official rights in case of non-payment of the STA public service in 2021.²⁸

The Court of Audit has continued an investigation into the STA public service funding during the period between 2019 and 2022, expecting to produce findings about whether

26 <https://siol.net/novice/slovenija/vlada-bo-dodatno-financirala-rtv-dobili-naj-bi-toliko-kolikor-znasa-letosnja-izguba-621023>.

27 <https://www.sta.si/3250355/direktorica-ukoma-in-direktor-sta-podpisala-pogodbo-o-opravljanju-javne-sluzbe-agencije-v-letu-2024>. See also the transcript of the discussion of Petra Bezjak Cirman, director of the Government Communication Office, at the parliament Committee for Culture's session held on 19 January 2024: <https://parlamer.si/seja/5889/transkript?page=5>. Additional information was provided by Alenka Potočnik, president of the Slovenian Union of Journalists, a journalist of STA, 15 January 2024.

28 <https://www.rtv slo.si/slovenija/policija-zaradi-neplacevanja-sta-ja-podala-kazensko-ovadbo-zoper-urosa-urbanijo/691262>.

the management and financing arrangements of the STA provided the conditions for the efficient performance of the public service.²⁹

Online media

There are challenges and delays with adopting the law implementing the DSA and appointing the Digital Services Coordinator. In January 2024, the government submitted the law to the parliament, but the deadline of 17 February 2024 for DSA implementation will not be met. The DSA sets out the rules for intermediary service providers, such as internet access service providers, online platforms (Facebook, X, Instagram) and online marketplaces. By contrast, the provisions of the Act do not apply to online media that will still be governed by the Mass Media Act.³⁰

The Prime Minister established the Strategic Council for the Prevention of Hate Speech in March 2023.³¹ The council consists of representatives of relevant government departments, independent state bodies, and civil society organisations aiming to coordinate and evaluate

the measures against hate speech. Its key tasks are the following: to monitor hate speech in Slovenia and on EU level and to propose actions to prevent it; to advise on the development of policies, changes to regulations and other measures that will contribute to more effective prevention of hate speech; to participate in the development of proposals for systemic changes and a model for a network of campaigns and training at both regional and national level.³² In July 2023, the council issued 57 recommendations to the government, which cover areas of education, prevention, online environment, media and criminal justice response. The media policy recommendations cover public funding and co-financing of the media, media regulation and the protection of journalists. The council recommends that the government should demonetise hate content in the media and develop criteria through appropriate measures to prevent public funding of hate speech. This particularly applies to the funding of advertisements and advertising campaigns by ministries and government departments. Moreover, the council recommends the introduction of appropriate sanctions in media legislation for the

29 <https://www.rs-rs.si/revizije-in-revidiranje/arhiv-revizij/revizija/zagotavljanje-pogojev-za-ucinkovito-opravljanje-javne-sluzbe-sta/>.

30 <https://www.gov.si/novice/2024-01-11-vlada-potrdila-predlog-zakona-o-izvajanju-uredbe-eu-o-enotnem-trgu-digitalnih-storitev/>; https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran!/ut/p/z1/04_Sj9CPykyssy0xPLMnMz0vMAfIjo8zivSy9Hb283Q0N3E3dLQwCQ7z9g7w8nAwsnMz1w9EUGAWZGgS6GDn5BhsYGwQHG-pHEaPfaAdwNCBOPx4FUfiNL8gNDQ11VFQEAAAXcoa4!/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uid=0F04DF348EFD85EFC1258AA700467165&db=pre_zak&mandat=IX.

31 The act establishing the council is available at: <https://www.gov.si/assets/vladne-sluzbe/KPV/Dokumenti/Delovna-telesa/2023-Strateski-svet-za-preprecevanje-sovraznega-govora/Akt-o-ustanovitvi-in-imenovanju-clanov-Strateskega-sveta-za-preprecevanje-sovraznega-govora-z-dne-17.3.2023.pdf>.

32 <https://www.gov.si/zbirke/delovna-telesa/strateski-svet-za-preprecevanje-sovraznega-govora/>.

dissemination of hate speech, as well as extending the scope of the media regulation so that the legislation adequately covers the prevention of hate speech on websites and social network pages of media outlets. The recommendations also specify that the government should ensure that journalists and other media professionals are swiftly protected. Obstructions to their work should be prevented, including by developing effective legal arrangements to protect journalists and media workers against SLAPPs (strategic lawsuits against public participation) attacks.³³

Competence and powers of bodies or authorities supervising the online ecosystem

The law implementing the DSA, submitted in January 2024 to the parliament for adoption, provides that AKOS is the competent authority for its implementation (the so-called Digital Services Coordinator). The agency will, among other things, monitor compliance with the implementation of the Act by the above-mentioned providers, and will also grant the status of ‘trusted notifier’ to those who raise concerns about illegal practices online. The adoption of the act will make it possible to remove illegal online content. The law provides for jurisdiction to remove illegal content from the web, but as

mentioned before, this does not apply to online media, which is subject to media regulation.³⁴

Public trust in media

The regular public opinion research on trust in institutions and professions, conducted in October 2023 by Valicon,³⁵ revealed positive trends of trust in the public service broadcaster RTV Slovenija. Trust measures show that the public service broadcaster had the highest increase in trust (by 14 points), compared to the opinion poll from October 2022.³⁶ The trust in media in general has not changed (compared to 2022 research). Media remains at the bottom of the list, among the least trusted institutions. On the other hand, trust in media professionals such as journalists and TV presenters has increased (by 7 points for journalists and by 15 points for TV presenters) compared to October 2022.

Safety and protection of journalists and other media actors

Frequency of verbal and physical attacks

In 2023, 15 attacks on journalists were reported to the online platform ‘Report Attack’, which

33 <https://www.rtvsllo.si/slovenija/strateski-svet-za-preprecevanje-sovraznega-govora-izdal-57-priporocil-vladi/675581>.

34 <https://www.gov.si/novice/2024-01-11-vlada-potrdila-predlog-zakona-o-izvajanju-uredbe-eu-o-enotnem-trgu-digitalnih-storitev/>.

35 <https://www.valicon.net/sl/2023/11/valicon-ogledalo-slovenije-jesen-2023/>.

36 <https://www.valicon.net/sl/2022/11/valicon-ogledalo-slovenije-oktober-2022/>.

is coordinated by the Slovenian Association of Journalists. The number is declining in comparison with the previous years: in 2022, there were 20 attacks reported, while 33 attacks were reported in 2021.³⁷

In 2023, verbal attacks and online harassment were most common. As in the past, journalists and editors at public broadcaster RTV Slovenija were most often targeted, but newspaper and local journalists were also among targets. The editor of the investigative portal Necenzurirano was repeatedly attacked. Nine out of fifteen attacks targeted female journalists and editors. The police intimidated journalists and photo-journalists who were reporting on an environmental protest (when the protesters had entered the closed area of the abandoned Bežigrad Stadium) were also among the alleged perpetrators.³⁸

Rules and practices guaranteeing journalist's independence and safety

The new Mass Media Act drafted by the Ministry of Culture and submitted for public consultations in December 2023, apart from prohibiting the installation of intrusive surveillance software on any device used by journalists, introduces no specific measures supporting or promoting safety of journalists.³⁹

The police and the Slovenian Association of Journalists have continued cooperation in terms of mutual learning and understanding about duties and safety procedures. In 2023, the police invited the Slovenian Association of Journalists to present the role and perspective of journalists and photojournalists at the training programme for the police inspectors specialised for public gatherings. Previously, in 2022, the association invited the police to the training programme for journalists.

There are numerous other initiatives of the journalists' association to increase safety of journalists. The mentioned online platform 'Report Attack' has been further developed and maintained. In cooperation with a law firm, the journalists are provided with free first legal advice, and in some cases (e.g. SLAPPs) with financial support for legal defence. The association has also organised workshops, translated and disseminated guidelines of international organisations on safety of journalists and created a newsroom protocol in cases of online attacks. Visible signs for journalists were also produced by the association to make their identification during field work easier.⁴⁰

Apart from the mentioned cooperation between the journalists' association and the police, none of these or similar measures aimed at increasing

37 <https://novinar.com/prijavi-napad/>.

38 <https://novinar.com/prijavi-napad/>.

39 The proposed law is available at: <https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=16268>.

40 The information on activities of the Slovenian Association of Journalists on safety of journalists were provided by Špela Stare, Secretary General of the Association, 26 January 2024.

the safety of journalists have been introduced or supported by government bodies. The donor program Civitates of the Network of European Foundations has provided financial sources for safety activities of the journalists' association.⁴¹

Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse

The legal procedures involving SLAPPs, initiated by Rok Snežič and amounting to over 50 lawsuits, have continued in 2023. The latter, a tax expert close to the former Prime Minister, targeted journalists of investigative portal *Necenzurirano*. The lawsuits have been severely affecting human and financial resources of the investigative media outlet. They report tens of thousands of euro spent for legal costs. As the *Necenzurirano* editor explained in the commentary published after the court session in October 2023, the lawsuits are “all almost exactly the same, practically typical”, adding: “Snežič’s goal is not to seek justice in court, but to financially exhaust our media, which will spend years and tens of thousands of euro defending against groundless lawsuits. [...] After three years, when we have already spent thousands of euro just for answers to lawsuits and other procedural steps, we have only now reached the courtroom”.⁴² However, the plaintiff did not appear in the courtroom.

The Slovenian Association of Journalists and the Legal Network for the Protection of Democracy sent a public letter to the Ministry of Justice in July 2023, requesting a more active approach on a national level against SLAPPs, but also calling on the Slovenian government support to be more ambitious than the solutions in the Anti-SLAPP Directive on the EU level.⁴³

41 The information is provided by Špela Stare, 26 January 2024.

42 <https://necenzurirano.si/clanek/mnenja/snezic-na-darsu-novinar-na-sodiscu-kolumna-1090434>.

43 <https://www.rtvsl.si/slovenija/ministrstvo-za-pravosodje-naj-koncno-uredi-podrocje-t-i-slapp-tozb/674400>.

Checks and balances –

Key recommendations

- *The authorities should respect national provisions related to public consultations in the process of adopting laws and regulations.*

Process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

In 2009 the National Assembly of the Republic of Slovenia adopted a Resolution on Legislative Regulation.⁴⁴ The resolution was aimed at improving standards for drafting laws and regulations. Among other things, the resolution in question provides for minimum standards as regards public consultations, with a minimum period of 30 to 60 days budgeted for consultation with the public. The Rules of Procedure of the Government of the Republic of Slovenia were later also amended to include the provision related to the minimum period for public consultations.⁴⁵

The Centre for Information Service, Co-operation and Development of NGOs established a violation meter, a mechanism to

monitor the frequency of violations of provisions related to public consultations. This mechanism captures regulations for which the resolution stipulates a minimum time for public consultations. It also captures other acts for which such consultations are provided for in the government rules of procedure. After taking office on 1 June 2022 until 8 January 2024, data gathered through this monitoring mechanism reveal that the current government did not respect provisions concerning public consultations in 64% of the cases. The former government, in office from 13 March 2020 until 1 June 2022, did not respect the relevant provisions in 70% of the cases.⁴⁶

44 <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5516>.

45 <http://www.pisrs.si/Pis.web/pregledPredpisa?id=POSL32>.

46 <https://www.cnvos.si/stevec-krsitev/>.

Civic space

Key recommendations

- *The authorities should provide for transparent procedures for awarding funds to the NGO sector.*
- *The authorities should provide for the unhindered right to public gatherings (right to assembly) and for safety at public gatherings. Attention should be given to public gatherings involving historically vulnerable groups of the population. Violent acts against such gatherings should be resolutely prosecuted.*

Freedom of association

Financing framework for CSOs, including availability of and access to public funding, rules on fundraising, rules on foreign funding, tax regulations (e.g. tax advantages for organisations with charitable or public benefit status, eligibility to receive donations via citizens' allocation of income tax to charitable causes, eligibility to use public amenities at low or no cost, etc)

In early spring 2023, the Ministry of Public Administration issued a major public call for funding for the NGO sector, which was subsequently marred by controversy. The public call was aimed at co-financing projects and programmes of non-governmental organisations that would encourage public participation in consultation and co-decision processes,

strengthen the competences of employees and volunteers in non-governmental organisations in the field of advocacy, and would strengthen the social contribution of non-governmental organisations in the areas of democratic functioning, good governance, transparency and oversight over authorities, and active citizenship.⁴⁷ Under public pressure, the minister eventually resigned in autumn.⁴⁸ A group of NGOs, including the national umbrella NGO, also called the minister to resign. In their call for resignation, they highlighted the existence of numerous reports on the suspicious adjustment of the tender conditions after the end of the evaluation procedure, the minister's family and friendship ties with the recipients of the funds and unusual replacement of the head of the tender commission in the middle of the procedure. As a result, according to the NGOs, confidence in public calls have been

47 <https://www.gov.si/zbirke/javne-objave/javni-razpis-za-sofinanciranje-projektov-za-krepitev-aktivnih-drzavl-janskih-pravic-in-opolnomocenje-nvo-na-tem-podrocju/>.

48 <https://www.gov.si/novice/2023-10-06-ministrice-ajanovic-hovnik-se-je-v-odstopni-izjavi-zahvalila-tudi-zaposlenim-za-korektno-sodelovanje/>.

undermined. Furthermore, public trust in the NGO sector has been undermined, and numerous NGOs which worked selflessly now face consequences that are difficult to repair. They became scapegoats, despite the fact that they did not issue the public call, make the decision or distribute funds, among other things. For many years to come, the NGO sector will have to repair the damage caused.⁴⁹ Finally, under the guise of the ongoing internal and external oversight procedures, which are not expected to be completed in the immediate future, the new minister decided to fully annul the public call in January 2024.⁵⁰ As a result, successful applicants have been left without awarded funds. In an open letter, a number of NGOs expressed disappointment over the minister's decision. According to the NGOs, it is extremely harmful to the sector and means that the functioning of organisations in the field of democracy and civil rights is hampered. Such an action sets an extremely dangerous precedent, as it opens the way for the authorities to simply cancel tenders whose results are not to their liking. Successful applicants are currently considering legal means to challenge the minister's decision.⁵¹

Freedom of peaceful assembly

Imposition of fines and other administrative sanctions

In October 2023, the National Assembly passed the Act on the regulation of certain issues related to certain minor offences committed during the period of validity of the measures to prevent the spread of the infectious disease COVID-19. The adoption of the law was preceded by an analysis of the legal bases that were applied in misdemeanour proceedings against individuals for violations of measures against the spread of COVID-19 virus.

The analysis was initiated by the new government in 2022 and covered proceedings initiated in the period between 12 March 2020 and 30 May 2022. The aim of the analysis was the revocation of fines imposed on the basis of unconstitutional, unlawful or disproportional measures. The analysis was limited to misdemeanour proceedings under the Communicable Disease Act and misdemeanours proceedings relating to alleged organisers of public gatherings under the Public Assembly Act, respectively. The findings of the analysis presented in September show that 533 decrees were issued to prevent the spread of the coronavirus and that slightly more than 62,000 misdemeanour proceedings were initiated on the basis of inadequate legal grounds. In 93% of the cases, the proceedings

49 <https://www.cnvos.si/novice/3416/poziv-k-odstopu-ministrice-za-javno-upravo-sanje-ajanovic-hovnik/>.

50 <https://www.gov.si/novice/2024-01-16-obvestilo-v-zvezi-z-javnim-razpisom-za-krepitev-aktivnih-drzavl-janskih-pravic-in-opolnomocenje-nvo/>.

51 <https://pravna-mreza.si/novice/izjava-za-javnost-v-zvezi-z-razveljavitvijo-razpisa-za-krepitev-aktivnih-drzavl-janskih-pravic-in-opolnomocenje-nevladnih-organizacij-na-tem-podrocju/>.

targeted natural persons, while 7% of the cases involved legal persons. In total, fines totalling the amount of €5,754,540.63 have been imposed, of which approximately 30% have been paid voluntarily, while the rest of the fines imposed have been subject to enforcement proceedings.

According to the draft law submitted to the parliament, amongst others, the period under review, namely the period between March 2020 and May 2022, was characterised by numerous public gatherings and protests. The then government (almost exclusively via the police) restricted them and tried to stop them by punishing protest organisers in misdemeanour proceedings. The expert analysis of the legal bases was limited to the offences committed by the organisers of public gatherings relating to the failure to register public gatherings or obtain a permit from the administrative unit. These minor offences were included in the analysis for the sake of protection of the constitutional right to assembly and association, which, identical to the right to health and life, enjoys high constitutional protection.

In 2022, the Constitutional Court of the Republic of Slovenia ruled that the restriction of the right to assembly in the period from 27 February to 17 March, from 1 to 18 April 2021 (when public gatherings were fully prohibited), from 18 to 31 March and from 23 April to 14 May 2021 (when gatherings were limited to

including ten participants) was not necessary. In the relevant decision, the Constitutional Court established that the ban on the gathering of people to prevent SARS-CoV-2 infections was not based on an assessment of whether there existed alternative measures that could facilitate the exercise of the constitutional right to peaceful assembly at least to a certain extent even during the COVID-19 epidemic. This means that the positive duties of the state to reasonably ensure the exercise of the right to peaceful assembly, including the duty to cooperate with the organisers, were not observed.

One of the main objectives of the bill was to restore and strengthen the trust in the principle of the rule of law.⁵² Amongst others, the adopted law thus provides the legal basis to allow for the reimbursement of fines paid, costs of misdemeanour proceedings and the related enforcement proceedings initiated on the basis of unlawful or unconstitutional legal provisions, as well as halting ongoing misdemeanour proceedings, proceedings related to community service, imprisonment for a failure to pay a fine or to fine enforcement proceedings. The reimbursement of fines paid and the costs relating to the relevant procedures shall be automatic, that is – it shall be carried out *ex officio*. The funds for this undertaking shall be available in the state budget.⁵³

52 <https://imss.dz-rs.si/IMiS/ImisAdmin.nsf/ImisnetAgent?OpenAgent&2&DZ-MSS-01/c3ab3a7ab00fef-1518964512f6883420abebfaf738452722d26ee488e9ef3a45>.

53 <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8756>.

Other

In 2023, two Pride Parades were held in Ljubljana and Maribor, respectively. Both were marred by violence. The day before the June Pride in Ljubljana, unknown perpetrators smashed the window of an LGBTIQ-friendly bar displaying a rainbow flag. Both during and after the parade, participants were subject to threats, insults (e.g. youth on motorcycles shouting “fuck you, faggots”), violence (e.g. a youth wrapped in rainbow flag was physically attacked). Certain teenagers also pelted the participants with eggs and cans. Flag burnings were also common, were recorded and posted on the internet. So-called Yellow Vests, a far-right group, boasted on the internet that they had organised and were patrolling the city capturing rainbow flags. The youth branch of the Slovenian Democratic Party, the largest opposition party and the second-largest party in the current parliament, were also present at the Pride location, attempting to provoke participants by stressing the existence of two genders only, both as God-given and scientific fact, and by denouncing other gender identities as propaganda.⁵⁴

Several representatives of LGBTIQ+ organisations and activists reported that such levels of violence have not been seen in decades, if ever since the inception of Pride in 2001.⁵⁵ Representatives of the organiser stated that LGBTIQ+ and supporting organisations received numerous testimonies of violence before, during and after the Pride parade. They reported that the police failed to do anything to protect participants at risk and to prosecute the perpetrators.⁵⁶

In September, before the commencement of the Maribor Pride Parade, a few dozen opponents of the parade came to the scene and unfurled the Slovenian flag as a sign of protest. A banner was also placed on a city overpass stating that Maribor was home of violet and yellow colours (i.e. colours of local football club) and is not rainbow-coloured or green (i.e. colour of the major rival football club from Ljubljana). Instances of violence were also reported, the most prominent being the physical attack of a prominent LGBTIQ+ activists by a group of teenagers.⁵⁷ Incidents of hate speech were also recorded.

54 <https://www.mladina.si/225499/samo-dva-spola-nasilje-in-nestrpnost-na-paradi-ponosa/>; <https://www.mladina.si/225531/izjava-za-javnost-nasilje-na-letosnji-paradi-ponosa/>; <https://radiostudent.si/kultura/dlako-z-jezika/nasilje-na-paradi>.

55 <https://www.rtvsllo.si/crna-kronika/na-sobotni-paradi-ponosa-zalitse-napadi-in-zazigi-mavricnih-zastav/672310>; <https://vezjak.com/2023/06/19/samo-dva-spola-nasilje-in-nestrpnost-na-paradi-ponosa/>.

56 <https://www.mladina.si/225531/izjava-za-javnost-nasilje-na-letosnji-paradi-ponosa/>.

57 <https://www.mladina.si/227475/nasilje-na-mariborski-paradi-ponosa-neprimerne-so-tudi-reakcije-nasprotnikov/>; <https://mkc.si/aktualno/2023/9/17/obsojamo-nasilje-na-3-paradi-ponosa-maribor>.

Attacks and harassment

Intimidation / negative narratives / smear campaigns / disinformation campaigns

For years, the Slovenian Democratic Party and its leader have been involved in spreading negative stereotypes and in smearing civil society organisations. This pattern continued in 2023. For example, civil society organisations were portrayed as being without value for society or were blamed for societal problems. Via X (formerly Twitter), a platform which frequently serves such purposes, the party leader often led by example. In a statement, subsequently debunked,⁵⁸ he claimed, for instance, that alleged channelling of funding to non-governmental organisation at Metelkova instead of being used for infrastructure purposes were to be blamed for traffic jams in late spring and summer.⁵⁹ The party and its leader have a considerable history of targeting organisations at Metelkova Street in Ljubljana. In yet another post, the party leader paraphrased a banner from an environmental protest stating that those (with top hats) should be burnt, and not the Earth. In their version, those to be burnt were cycling NGO activists from the parasitic Ljubljana nest at Metelkova, who take money

from the pockets of workers and pensioners so that they can fool around.⁶⁰

His party colleague and an MEP proposed that a big EU problem was illegal migration, which included NGOs that assist in people smuggling. According to him, some NGOs are even funded by certain member states and European institutions, so he proposed that those non-governmental organisations that help with people smuggling were not entitled to European funds. Such crimes could not be supported from public funds, claimed the MEP.⁶¹

Media outlets close to the party, of which many operate online, are yet another channel portraying civil society organisations in a negative light. For instance, the most important online outlet in the party's orbit published an article about alleged criminal complaints lodged with OLAF against four Slovenian NGOs for the misuse of EU funds and referred to an anonymous Twitter account as the source of information.⁶²

When considerable parts of Slovenia had been hit by major floods, the same outlet implied that individuals who, in the 2020-2022 period protested against democratic backsliding in Slovenia under the then government led by

58 <https://www.ostro.si/si/razkrinkavanje/objave/za-zastoje-na-cestah-ni-krivo-sofinanciranje-nevladnih-organizacij>.

59 <https://twitter.com/JJansaSDS/status/1667580277286109186>; <https://twitter.com/JJansaSDS/status/1676175752075661312>.

60 <https://twitter.com/JJansaSDS/status/1632452111492325377>.

61 <https://twitter.com/MilanZver/status/1738139918679892180>.

62 <https://nova24tv.si/slovenija/proti-stirim-nevladnim-organizacijam-spisana-kazenska-ovadba-zaradi-domnevne-zlorabe-eu-sredstev/>.

SDS, as well as civil society organisations, failed to show solidarity with and help people affected by floods. The article also proposed that funds obtained by these organisations should be channelled to worthy humanitarian organisations.⁶³ This outlet also targets NGOs supporting LGBTIQ+ persons on a regular basis. It depicts their work in a manipulative manner, using highly charged language. An example includes educational activities provided by these organisations, which are referred to as LGBT propaganda, unconstitutional activities, and activities aimed at brainwashing youth or destroying the child's given biological identity.⁶⁴

Apart from smear and disinformation campaigns, the Slovenian Democratic Party submitted in December 2023 a bill to the parliament that would effectively abolish the fund for the development of non-governmental organisations. From 2007 until late 2020,

personal income taxpayers could give 0.5 % of their personal income tax for publicly beneficial purposes, including to non-governmental organisations recognised as being in the public interest in a specific field of life. From 31 December 2020, they could give 1% of their income tax for these purposes. By 2018, however, if taxpayers failed to make donations, the relevant percentage of their taxes was not allocated for publicly beneficial purposes⁶⁵ and remained in the state budget. To counter this, the Act on Non-governmental Organisations was passed in 2018.⁶⁶ The law provides a legal basis for setting up the fund for the development of non-governmental organisations.⁶⁷

Since its establishment, a variety of initiatives and projects by NGOs have been financed through this fund. In its submission to the parliament, the party, amongst others, referred to the above-mentioned controversial 2023 major public call for funding of NGOs, and further

63 <https://nova24tv.si/slovenija/toliko-rok-a-njih-nikjer-pozivi-tudi-k-preusmeritvi-njihovih-sredstev-pomoci-potrebnim/>

64 <https://nova24tv.si/slovenija/lgbt/l-lgbt-propaganda-zazrta-v-izobrazevalni-sistem-med-placniki-legebitre-tudi-vertci-in-sole/>; <https://nova24tv.si/slovenija/lgbt/to-kar-zelijo-storiti-otrokom-v-slovenskih-solah-je-nedopustno-in-v-nasprotju-z-ustavo-rs/>.

65 Text of the Personal Income Tax Act available at <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4697>.

66 ext available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7129>.

67 According to the law, the fund shall provide resources for projects and programmes of horizontal networks and regional hubs providing the support environment and promoting the development of non-governmental organisations, as well as projects and programmes of non-governmental organisations and other persons implementing measures aimed at the development of individual fields and promoting the development of non-governmental organisations and the development of the support environment for non-governmental organisations. The sources of financing for the fund shall include personal income tax assets not earmarked for publicly beneficial purposes by individual personal income taxpayers, that is - if taxpayers failed to make donations, the relevant percentage of their taxes shall now go to the fund.

cited its concern for the rational use of financial resources for non-governmental organisations that receive significant funds for projects that have no added value. According to the party, the current government coalition deliberately considers as part of the NGO sector both organisations that have added value for people (e.g. Red Cross, Caritas, Scouts and Slovenian Association of Friends of Youth) as well as those with no such value and which represent pro-government leftist civil society. An example of the latter is People's Voice, a coalition of more than one hundred NGOs.⁶⁸

In its proposal, the Slovenian Democratic Party also stated its concern for the reconstruction of the country after it was hit by devastating floods

and landslides and the substantial financial resources needed for such an effort. Under this pretence, the main aim of the proposed amendments was to shift financial resources from the fund for the development of non-governmental organisations to the recently established fund for the reconstruction of Slovenia in the period until 2028, and to the state budget after the period in question. The parliament considered the proposed amendments and rejected them.⁶⁹ This was a repetition of a similar December 2020 attempt by the Slovenian Democratic Party to abolish the fund for the development of non-governmental organisations. Back then the party was in power but also failed to secure a parliamentary majority following significant mobilisation efforts by civil society.

Disregard of human rights obligations and other systemic issues affecting the rule of law environment

Key recommendations

- *The state should consider re-opening and reviewing special legislation on access to permanent residence so that all those who were erased can regularise their status, regardless of where they currently reside. Such a law should not impose any restrictive conditions and must have an open deadline for applications. The country should also adopt*

68 The coalition came into existence in the context of the 2022 super election year, with parliamentary, presidential and local elections all taking place in Slovenia. Its aim was to put a substantive discussion on a democratic, green and fair society at the centre of the pre-election period and to achieve a record voter turnout.

69 https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zivSy9Hb283Q0N3E3dLQwCQ7z9g7w8nAwsnMz1w9EUGAWZGgS6GDn5BhsYGwQHG-pHEaPfAAAdwNCBOPx4FUfiNL8gNDQ11VFQEAAXcoa4!/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uid=C1257A70003EE6A1C1258A7D0051C392&db=kon_zak&mandat=IX.

additional measures of fair redress for all erased people that include compensations and appropriate healthcare, social welfare and pension measures.

- *The state should establish by law a dedicated statelessness determination procedure (SDP) and protection status in line with norms and good practice, to give full effect to the rights under the 1954 Convention for stateless persons in Slovenia. There should be equal access to SDPs regardless of residence or documentation status, language, gender, ability, age, or any other aspect of identity or circumstances. Also, Slovenia should assume its responsibility and immediately ratify the 1961 Convention on the Reduction of Statelessness.*
- *The state should establish a special legal pathway for regularising the status of long-term irregularly staying migrants, respecting the right to private and family life enshrined in Article 8 of the Convention for the Protection of Human Rights. Such a remedy should provide for an effective pathway to a permanent regularisation of their status, allowing free access to the labour market, health and social care, etc. Connected to that, it should consider changing the responsible ministry for migration, as the Ministry of the Interior, which is currently responsible for the area, treats migration primarily as a security issue, rather than from the perspective of human rights, solidarity and inclusion.*

Systemic human rights violations

Widespread human rights violations and/or persistent protection failures

Access to the asylum procedure and reception conditions

In 2023, the police processed 60,587 irregular border crossings. The number is 89% higher

compared to 2022, when 32,042 unauthorised crossings were dealt with. Most often, citizens of Afghanistan, Morocco and Pakistan were processed. In 2023, 58,757 intentions to apply for international protection were recorded, 86.8% more compared to 2022 when 31,447 intentions to apply for international protection were expressed.⁷⁰ Eventually, 7,261 asylum applications were lodged,⁷¹ and only 130 people were granted international protection in 2023.⁷²

70 <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2023/December2023.pdf>.

71 <https://www.gov.si/assets/vladne-sluzbe/UOIM/STATISTIKA/Mesecne-letne-statistike/2024/Novo-nastanjeni-prosilci-po-mesecih-2023-12.pdf-correctedByPAVE.pdf>.

72 https://www.gov.si/assets/vladne-sluzbe/UOIM/STATISTIKA/Mesecne-letne-statistike/2024/Osebe-s-priznано-mednarodno-za_ito-po-mesecih-12-2023.pdf-correctedByPAVE.pdf.

In 2023, 257 foreigners were handed over to foreign security authorities on the basis of international agreements. The number is much lower compared to 2022, when 2,361 non-nationals were handed over to overseas police. Most foreigners were handed over to the Croatian security authorities.⁷³ In 2023, 377 persons were accepted from foreign security authorities to Slovenia on the basis of international readmission agreements. The number is lower compared to 2022, when 427 foreigners were accepted by Slovenia.⁷⁴

The discrepancy in the number of irregular border crossings and the number of people that apply for international protection and the number of people receiving international protection indicate the need for a thorough investigation into the situation. This particularly applies to persons returned to Croatia, where they are at risk of violence and inhumane treatment,

and a further chain of return to Bosnia and Herzegovina or Serbia.

The year 2023 was marked not only by a significant increase in the number of irregular border crossings compared to previous years, as well as an increase in the number of migrants who expressed their intention to apply for international protection, but also with significant difficulties in accommodating people on the move, as the existing accommodation facilities are ill-suited to accommodate larger groups of people. Situations seriously undermining respect for the human rights of migrants have already been detected in the police proceedings at borders.⁷⁵

Once the asylum seekers were transferred to the Asylum Home the issues only multiplied, as the Asylum Home in Ljubljana, with an additional branch in Logatec, is the only facility for the accommodation of applicants for international

73 <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2023/December2023.pdf>.

74 <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2023/December2023.pdf>.

75 For example, the National Prevention Mechanism (NPM) at the Human Rights Ombudsman visited one of the police facilities at the national border and found that the facility/hall for processing and accommodating migrants, before their transfer to the Asylum Home in Ljubljana, is non-functional and completely inadequate. This is particularly problematic since, given the high number of migrants treated on a daily basis, they remain in the facility/hall for extended periods of time (5 to 6 hours). Namely, the police for this purpose used a facility that was previously used for customs procedures that was subsequently equipped with several metal enclosures to accommodate groups of migrants. The NPM noted that the current accommodation arrangements do not guarantee respect for personal security and human dignity of the migrants, in particular of vulnerable persons such as families with young children and unaccompanied minors. The facilities are also not adapted to the needs of persons with disabilities. For more information see https://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/2023_-_TABELE_priporocila/DPM_PP_-_Preglednica_priporocil_2023_-_osvezeno_12._1._2024.xlsx.

protection in the country. During a visit in the spring of 2023, the Human Rights Ombudsman found that the Asylum Home's maximum spatial capacity, estimated at 350 places, had been far exceeded.⁷⁶

In the Ombudsman's assessment, the conditions in the Asylum Home did not meet the minimum standards as defined, for example, in the European Asylum Support Office Guidelines on reception conditions. They also represented a violation of the right of the detained persons to personal dignity under Article 34 and the right to privacy under Article 35 of the Constitution of the Republic of Slovenia. In specific cases, they may also lead to a threat to their right to security (Article 34 of the Constitution). The Human Rights Ombudsman also noted that the conditions which do not meet the minimum standards of accommodation may discourage individuals from waiting for a decision on international protection, which, in the opinion of the Ombudsman, also constitutes an interference with the right to asylum under Article 18 of the Charter of Fundamental Rights of the European Union.

The situation at the borders additionally underlines the need for additional complementary legal pathways that will provide for a safe arrival and access to the international protection procedure. This would save people in need of protection from irregular dangerous routes, often on foot, exploitation and risks of trafficking in human beings.

The length of the procedures is another issue of concern. According to Article 47 of the International Protection Act, the decision should be made at the latest within six months from the lodging of the application or in two months in accelerated procedures. However, in practice, these deadlines are mostly not respected, and duration of the procedure is seen as one of the biggest shortcomings of the Slovenian asylum system.⁷⁷

Additionally, in 2023 there was a worrying trend of numerous unaccompanied minors wrongly claiming to be adults in the frames of the procedures for international protection. Currently, the legislation allows official persons to order an age assessment only in cases where there is a doubt that a person obviously of adult age is falsely claiming to be a minor.⁷⁸

76 Overcrowding of the asylum home meant that the facility is filled with beds (bunk beds), leaving applicants without personal space and places to socialise and spend leisure time. At the time of the visit, there were containers the size of 14m² in the yard of the Asylum Home and in each up to six persons were accommodated. During periods of peak overcrowding, people were also reportedly accommodated on folding beds in the corridors of the asylum home. The Human Rights Ombudsman reported that this situation has a negative impact on the safety of the residents and staff, not to mention on their dignity. For more information see: <https://www.amnesty.si/nevzdrzne-razmere-v-azilnem-domu-vic>.

77 https://asylumineurope.org/wp-content/uploads/2023/05/AIDA-SI_2022-Update.pdf.

78 <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7103#17>.

Unfortunately, the legal system does not allow officials to request an age assessment in cases where there is doubt regarding an asylum seekers' claimed age of majority. This tends to be problematic from the perspective of the protection of children's rights and principle of the best interests of the child, because it opens the door for abuse of this vulnerable group, failure to recognise their needs and inappropriate treatment in the asylum procedure. The adulthood of the applicant is recognised only on the basis of a statement of the person applying for asylum and there is no legal mechanism that allows the officials to check if this is true in case of doubt. Consequently, the child is being deprived of the special safeguards intended for children and vulnerable persons in the course of the procedure. There are various reasons why unaccompanied minors declare themselves as adults: due to the fear of being separated from their relatives and friends with whom they are travelling; the unaccompanied minors in Slovenia are placed in a separate town quite distant from the asylum homes; sometimes they only follow instructions received by smugglers to pretend to be adults in order to easily continue their route etc.

Related to the state asylum and migration policies is the increasingly higher percentage of

foreign nationals in Slovenian prisons, resulting in their considerable overcrowding.⁷⁹ Both are the consequence of the 2020 amendment to the Criminal Code, which significantly increased the penalty for the criminal offence of illegally crossing the state border or territory - the smuggling of undocumented migrants (Article 308 of the Criminal Code).⁸⁰ According to the Prison Administration of the Republic of Slovenia, smugglers already account for more than 50% of detainees and around 30% of convicts in Slovenian prisons.⁸¹

In June 2020, an amendment to the Criminal Code was adopted, which increased the penalties for the smuggling of undocumented migrants across the state border from a maximum sentence of five years' imprisonment to a sentence between three and ten years' imprisonment. Those who have obtained a disproportionate financial gain or participated in a criminal association face up to 15 years in prison, which is comparable to the penalties for the most serious crimes such as murder or gang rape.⁸² Among experts and human rights activists there is a concern that the stricter penalties for smugglers (who are dominantly foreigners) imposed by Criminal Code amendments are too high or even draconian, and in combination with the prison overcrowding, lack of prison

79 <https://www.gov.si/assets/organi-v-sestavi/URSIKS/Dokumenti/Zaporska-statistika/2024/Stevelo-zaprtih-oseb-in-zasedenost-zavodov-dne-15.-1.-2024.pdf>.

80 <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050#308>.

81 <https://www.rtvsllo.si/slovenija/slovenski-zapori-so-iz-dneva-v-dan-bolj-prezasedeni-najbolj-jih-polnijo-tihotapci-ljudi/696267>.

82 <https://www.rtvsllo.si/slovenija/slovenski-zapori-so-iz-dneva-v-dan-bolj-prezasedeni-najbolj-jih-polnijo-tihotapci-ljudi/696267>.

staff and language barriers could lead to a situation when the rehabilitative component of imprisonment is not accomplished.

Impunity and/or lack of accountability for human rights violations

The Erased

In February 2023, 31 years passed since the authorities illegally erased 25,671 individuals from the register of permanent residents of the Republic of Slovenia.

The erasure was a systematic, arbitrary and illegal deprivation of permanent residence affecting people seen as an ‘undesirable’ part of the population. The consequences for the victims of the erasure have not disappeared over the years, especially since the national authorities decided to implement only the minimum measures required by the European Court of Human Rights (*Kurić and Others v. Slovenia*). More than half of the erased did not receive any form of redress, neither the restitution of the illegally taken away status nor the financial compensation for the damage suffered. There are still some erased persons who live in Slovenia without regulated status since the erasure. The remedies available to them are ineffective. The special law intended for the regularisation of the permanent residence of the erased people

expired in 2013 and ever since, there has been no remedy that would provide for a permanent residence status. For some time, they were able to use legal remedies that are available for undocumented migrants that cannot be removed from the country, but this pathway was extremely uncertain and lengthy. At best, it would take seven years for one to acquire a permanent residence permit, which is unacceptable for people who once had permanent residency and were deprived of the status via a mass violation of human rights. Currently, due to the 2023 shift in the practice of the responsible administrative and police authorities, even this pathway is ineffective. The distress of the erased people without a status in the country is severe, many of them are elderly and sick people, who, without permanent residence, are ineligible for any form of social protection or benefits.

On the 30th anniversary of the erasure in 2022, then-President of the Republic of Slovenia, Borut Pahor officially apologised for the erasure.⁸³ His office has since offered to help those erased people who are living in the country without status to arrange a permanent residence permit, by issuing an official opinion to some of them that it is in the interest of the Republic of Slovenia to regularise their status,⁸⁴ which should speed up their path to status regularisation. However, a number of administrative hurdles prolonged this process, and some of

83 <https://www.rtvsl.si/slovenija/pahor-izbrisanim-opravcilo-je-potrebno-za-nazaj-in-kot-zaveza-za-na-prej/613688>.

84 <https://www.mirovni-institut.si/porocilo-kampanje-za-ureditev-statusa-izbrisanih-oseb-zastatus/>; <https://www.amnesty.si/zoran-tesanovic>; <https://www.dnevnik.si/1043024178/slovenija/ganljiv-pogreb-izbrisanega-brezdomca>.

them, elderly and sick, did not live long enough to receive the status. This demonstrates that the state needs to urgently adopt a systemic, legislative solution that will provide for a fast and efficient route to permanent residence for the erased. The current President of the Republic of Slovenia, Nataša Pirc Musar, also committed herself to solving the problem of erasure when she took office.⁸⁵ In cooperation with her office, NGOs Peace Institute, Civil initiative of Erased Activists and Amnesty International Slovenia have drafted a legal proposal for status regularisation that is based on the premise that a permanent residence permit should be available to all those who have been erased from the permanent population register, removing the obstacles that have prevented many erased persons from regularising their status in the past.⁸⁶ In October 2023, the President of the State sent the proposal to the Prime Minister, Robert Golob, who has not yet responded to it.

Given that more than half of those who have been erased have not received adequate access to restitution of their permanent resident status and/or compensation, the State should revise past legislation by removing the obstacles that prevented many of the erased to regularise their status in the past and open up the application period so that all those who have been erased have fair access to redress.

Long-term irregularly staying migrants

Another group without an effective pathway to status regularisation are the long-term irregularly staying migrants, who have, due to various circumstances, resided in the country without status for longer periods of time.

Currently, permission to stay under Article 73 of the Foreigners Act is the only legal solution to status regularisation of persons who have resided in the country for years, sometimes decades, and thus created in Slovenia their centre of life interests, social and cultural ties, and possibly (but not necessarily) family ties. Under the cited provision, the police may issue a permission to stay to foreigners, whose removal from the country is currently not possible for limited statutory reasons. Protection of private and family life is not reflected in these statutory grounds. For the majority of long-term irregularly staying migrants, this solution was ineffective in practice. For a while, the erased were effectively the only group that could receive this status. In 2023, this too changed with the shift in the practice of the responsible administrative and police authorities, and currently none of the long-term irregularly staying migrants can receive permission to stay.

The Human Rights Ombudsman has repeatedly addressed the issue of long-term irregularly staying migrants “whose long-term stay is

85 <https://www.24ur.com/novice/slovenija/bobnarjeva-v-pisarno-predsednice-drzave-urejala-bo-vprasanje-izbrisan-ih.html>.

86 <https://www.rtvsllo.si/slovenija/natasa-pirc-musar-dovoljenje-za-prebivanje-vsakemu-izbrisanemu-ki-za-to-za-prosi/686014>.

tolerated by the state”: “The current regime is not sufficient in terms of the possibility for a person who has resided in the Republic of Slovenia for several years and has thus established a circle of life interests, social and cultural ties, and possibly also a family environment (but not necessarily!) to obtain a residence permit in Slovenia - and thus violates Article 8 of the ECHR.”⁸⁷

The state should therefore establish a special legal pathway for regularising the status of long-term irregularly staying migrants, respecting the right to private and family life enshrined in Article 8 of the Convention for the Protection of Human Rights. Such remedy should provide for an effective pathway to a permanent regularisation of their status, allowing free access to the labour market, health and social care etc.

Statelessness

Some of the erased people have also been affected by statelessness: however, it is important to note that the erasure itself did not cause statelessness. But the issue of statelessness has generally been ignored by Slovenian authorities and there is no reliable data about the number of stateless persons residing in the country.

While Slovenia is a party to the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention), Slovenia did not accede

to the 1961 Convention on the Reduction of Statelessness.

Slovenia does not have a dedicated statelessness determination procedure (SDP). There are other administrative procedures through which statelessness can be identified (for example an application for residence, international protection or naturalisation). However, there is no dedicated stateless protection status and no obligation in law to consider a claim of statelessness, nor clear instructions, guidance or training for officials conducting the assessment. Furthermore, in these other procedures, the burden of proof is on the applicant, the standard of proof is very high and legal aid is only available for judicial review. Existing research also shows that people claiming to be stateless will face the presumption of having another citizenship or being able to apply for one in another country and the public official will refer them to embassies of other countries rather than consider their statelessness as a relevant circumstance. Stateless persons face a heightened risk of arbitrary detention, particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.⁸⁸

There are also significant gaps in existing safeguards that should protect children from statelessness. The safeguard in nationality law to prevent statelessness among children born

87 For more information see https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/VARUH_LP2018.pdf.

88 ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_LockeInLimbo_Detention_Agenda_online.pdf.

in Slovenia relies on the status of the parents rather than the child.⁸⁹ The parents of a stateless child born on the territory must also be stateless (or unknown) for the child to acquire Slovenian nationality.

The shortcomings in Slovenia's protection against statelessness and the lack of will to properly identify stateless persons also affect other vulnerable groups. In practice, individuals in the asylum procedure are rarely registered as stateless. Often statelessness is not recognised and people are attributed a citizenship based on personal circumstances (place of birth, nationality). Therefore, accurate statistical data regarding stateless persons in Slovenia is not gathered. The described circumstances prevent stateless persons from being recognised as such in Slovenia, and from the protection and rights this entails, such as the right to a travel document and legal residence.⁹⁰

In 2023, during the periodic reporting process under the Convention against Torture, Slovenia has committed to the ratification of the 1961 Convention on the Reduction of Statelessness.

Slovenia should assume its responsibility and immediately ratify the 1961 Convention on the Reduction of Statelessness. The state should establish by law a dedicated SDP and protection status in line with norms and good practice, to give full effect to the rights under the 1954 Convention for stateless persons in

Slovenia. There should be equal access to SDPs regardless of residence or documentation status, language, gender, ability, age, or any other aspect of identity or circumstances.

Follow-up to recommendations of international and regional human rights monitoring bodies

In 2023, the UN Committee against Torture considered Slovenia's fourth periodic report and then, on 22 November, made concluding recommendations to Slovenia, including as follows:

ERASED: Recalling its previous concluding observations, the Committee recommends that the State party adopt additional measures to ensure that 'erased' persons have the right to restore their permanent resident status, ensure that all individuals who were victims of erasure receive full and effective reparation, including restitution, compensation and satisfaction, and take all steps necessary to identify and protect stateless persons who were subjected to erasure.

STATELESSNESS: Slovenia should establish statelessness determination procedures to prevent and reduce statelessness and follow up on the commitment expressed during the dialogue to ratify the 1961 Convention on the Reduction of Statelessness.

89 Text is available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13>.

90 <https://pic.si/wp-content/uploads/2023/10/PIC-%E2%80%93-Legal-Center-for-the-Protection-of-Human-Rights-the-Peace-Institute.pdf>.

ASYLUM AND NON-REFOULEMENT: Slovenia should refrain from engaging in pushbacks and refoulements that do not comply fully with its obligations under Article 3 of the Convention, and should ensure that all persons seeking protection in the State Party have access to a fair and impartial review by an independent decision-making mechanism on expulsion, return or extradition, including in times of emergency and in exceptional situations. Related to pushbacks, Slovenia should ensure that persons are not refouled in violation of the principle of non-refoulement and should guarantee procedural rights to persons in the process of refoulement.

MIGRANT CHILDREN: Slovenia should review its national legislation to ensure that children and families with children are not deprived of their liberty solely on the basis of their migratory status, and to ensure that unaccompanied children are adequately accommodated and treated.

ASYLUM CENTRES: Slovenia should step up its efforts to reduce overcrowding and improve conditions in asylum centres.

ROMA PEOPLE: Slovenia should continue its efforts to promote access for Roma people to education, employment, health care and adequate living conditions. The State Party should strictly enforce the legislation concerning the prohibition of child and forced marriage and address the harmful consequences of such

practices, investigate cases of child and forced marriage, and prosecute the perpetrators.⁹¹

Fostering a rule of law culture

Efforts by state authorities

In March 2023, as a response to an increase in hate speech and intolerance, the Slovenian Prime Minister set up the Strategic Council for the Prevention of Hate Speech as their consultative body. Amongst others, composed of government officials, representatives of civil society, police and national equality body, the council was tasked with monitoring hate speech at national and EU level, and asked to propose activities and guidelines regarding the prevention of hate speech. The council also evaluates the activities of ministries in the field of hate speech prevention and proposes improvements, as well as provides advice on policies, changes to regulations and other measures contributing to more effective prevention of hate speech. The Strategic Council produced recommendations to the government, including general recommendations, as well as specific recommendations covering e.g. the field of education, media, internet and penal law responses to hate speech.⁹²

91 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en.

92 <https://www.gov.si/zbirke/delovna-telesa/strateski-svet-za-preprevanje-sovraznega-govora/#content>.

Contribution of civil society and other non-governmental actors

In autumn 2021, Slovenian civil organisations and initiatives joined forces and set up an informal coalition called The People's Voice. The coalition, which currently involves 113 civil society organisations and initiatives, materialised in the context of the 2022 super election year, with parliamentary, presidential and local elections all taking place in Slovenia. Its aim was to put a substantive discussion on a democratic, green and fair society at the centre of the pre-election period and to achieve a record voter turnout. In this respect, the coalition, amongst others, drafted 138 demands divided into 11 different sections (e.g. decent work and social rights for all; global justice; just climate transition and nature protection; freedom of media and culture; rule of law and human rights), and submitted them to political parties participating in the parliamentary election.

In 2023, the coalition monitored the implementation of 112 demands the three parties that formed the government after the elections jointly committed to implement. According to the available monitoring data, the government has so far fulfilled 9 demands, while 11 demands have been partially fulfilled and 55 demands are being currently implemented. In addition, the implementation of 7 demands has been stalled, 33 demands have not been tackled at all, and in 7 cases the government parties have

broken promises given before the last parliamentary elections.⁹³ In particular during 2023, the coalition was campaigning for better access to healthcare services and the strengthening of the national public healthcare system which has increasingly become hard-to-access, with long waiting periods and around 150,000 persons without designated personal doctors, the latter serving as entry points to the system. To this end, the coalition organised a variety of public events and recently collected more than 5,000 signatures of voters, allowing it to submit a bill listing urgent measures to ensure the stability of the healthcare system. The bill is currently in the parliamentary procedure.⁹⁴

The Legal Network for the Protection of Democracy, a structure set up by four NGOs (Amnesty International Slovenia, the Legal Centre for the Protection of Human Rights and Environment, Today is a new day and the Institute for Culture of Diversity Open) to provide legal assistance to individuals and organisations involved in legal proceedings due to non-violent public action, continued its activities in 2023. Apart from various public interventions and opinions issued regarding e.g. different draft laws and actions by public authorities, the network set up, amongst others, a project focused on strategic litigation against hate speech targeting erased residents of Slovenia, a group of 25,671 persons who were arbitrarily and unlawfully removed from the register of permanent residents in 1992, losing

93 <https://glas-ljudstva.si/monitoring/>.

94 <https://glas-ljudstva.si/>. The bill is available at <https://imss.dz-rs.si/IMiS/ImisAdmin.nsf/ImisnetAgent?OpenAgent&2&DZ-MSS-01/95d5c2b8c7782fd457a7d4693d55d0d266f0432ba0d5a2298626c4e781e5d9f8>.

many, if not all, economic and social rights, as well as artists and activists who designed a monument dedicated to the memory of the erasure. During the project, the network filed a criminal complaint against an online media outlet, its editor and unknown perpetrators who posted hateful comments under an article critical of the monument.⁹⁵ After their project had been selected, authors of the monument also faced threats, media discreditation and were subject to false and offensive claims, which have serious consequences for them, their families and society as a whole. A particularly harmful article aimed at discrediting an author of the monument was published on another online media outlet. It depicted the artist as a sexual predator involved in a high-profile case. According to the legal network, the method of discreditation was even more worrying because the author of the article referred to 'intelligence tips' from abroad as a source of information. If the court does not establish restrictive case law in this area, this can become a method for the media to destroy political and opinion opponents by publishing information that cannot be checked for accuracy. As such practices are dangerous for the society, they should be challenged by legal means, claimed the network. To this end, the network, on behalf of the artist and activist, filed a private criminal suit for defamation proposing that the journalist in question be found guilty, be penalised and ordered to cover the costs of the criminal proceedings, and that the judgement be published in the media outlet in the same way as the controversial article was

published. In addition, withdrawal of the article was requested in a civil suit, as well as prohibition of further violations, the publication of an apology and the payment of compensation, as the article contained untrue and offensive statements that interfere with the honour and good name of the artist.⁹⁶

Parlometer is an online tool developed to provide for transparency of the work of the Parliament. It collects and analyses voting data, transcripts of sessions, as well as other information regarding activities of MPs and parliamentary groups, such as parliamentary initiatives and questions in the Parliament. The tool is a source of organised data open to the public as well as specific audiences, such as journalists, allowing them to follow activities of MPs and the Parliament in an easy-to-follow manner. Available features include e.g. sharing any content anywhere on the internet, interactive results of voting events, voting comparator, email alerts, as well as AI detection of unexpected voting behaviour. In addition to the national parliament, the tool is also available for monitoring work of some local authorities in Slovenia and foreign parliaments. Today is a New Day, Institute for Other Studies, the NGO which developed the tool, is focused on providing digital support regarding political participation, transparency and public oversight.⁹⁷

95 <https://pravna-mreza.si/novice/s-pravnimi-sredstvi-proti-sovraznemu-govoru/>.

96 <https://pravna-mreza.si/c-s-stratesko-litigacija-proti-govoru-iz-sovrastva/>.

97 <https://parlometer.si/>; <https://danesjenovdan.si/en/about>.

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