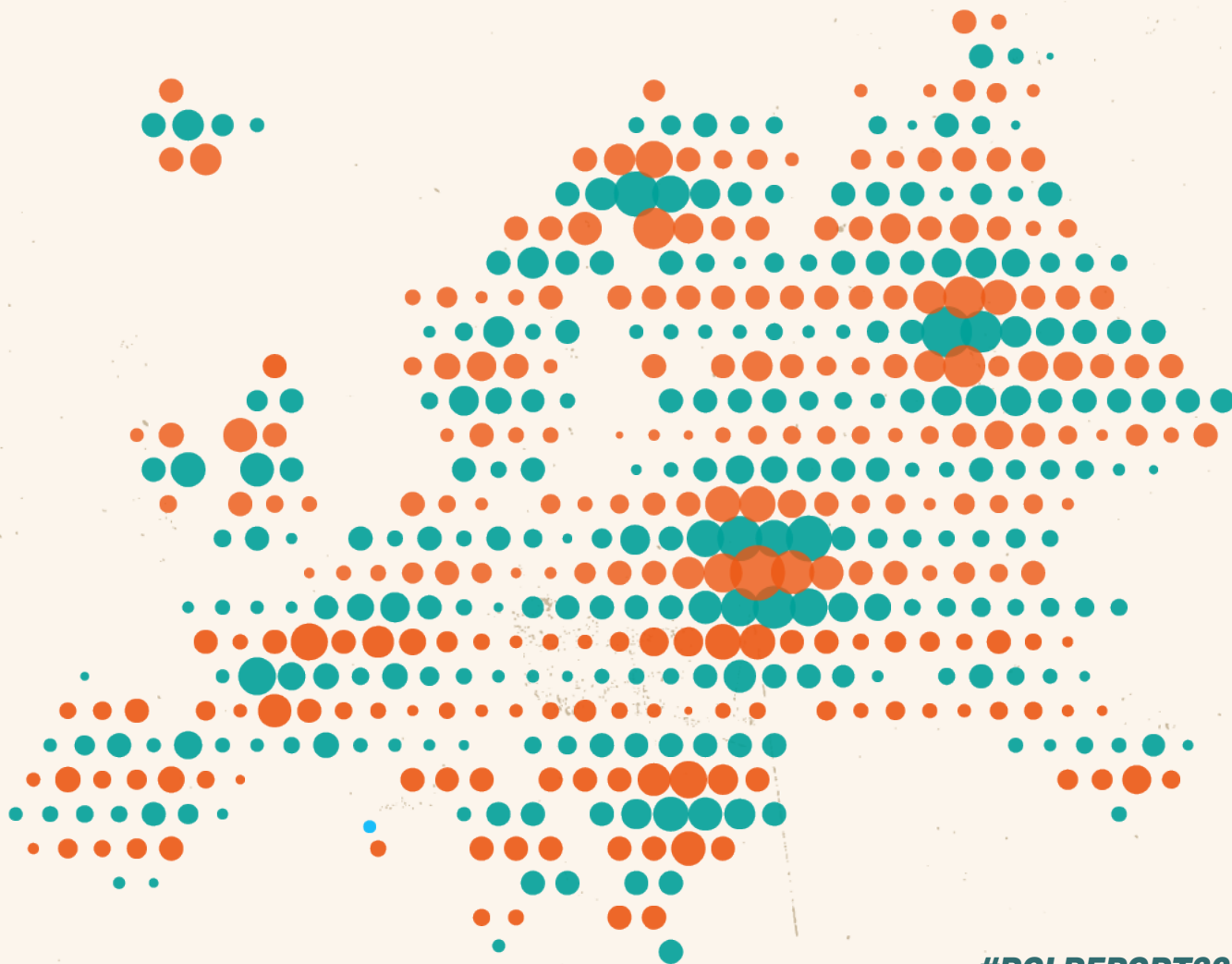


LIBERTIES

RULE OF LAW REPORT

2023

SLOVENIA



#ROLREPORT2023

FOREWORD

This country report is part of the Liberties Rule of Law Report 2023, which is the fourth 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 and partner organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden.

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 2023 Report was drafted by Liberties and its member and partner organisations, it and covers the situation during 2022. 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 2023 Report includes 18 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. Forty-five member and partner organisations across the EU contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2023 here](#)

TABLE OF CONTENTS

About the authors	4
Media environment and freedom of expression and of information	6
Checks and balances	16
Enabling framework for civil society	17
Disregard of human rights obligations and other systemic issues affecting the rule of law framework	25
Fostering a rule of law culture	28
Contacts	30

SLOVENIA

About the authors



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 also participates in numerous cross-border collaborative actions and comparative research projects on the EU level and in the region of South East Europe. The PI acts as an ally of vulnerable groups and, in partnership with them, counteracts discrimination. 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

The new government, appointed after the April 2022 parliamentary elections, has replaced the hostile measures and toxic environment for media and journalists with supportive measures that promote the independence of public media, and committed itself to broader media reform.

Amendments to the law on the public service broadcaster, RTV Slovenia, were adopted by the new government and endorsed by the majority of voters in a referendum. Focusing on the depoliticisation of the public broadcaster, the amendments put various independent institutions and organisations in charge of appointments to key supervisory and management bodies.

The new government repealed the regulation on funding of the public service of the Slovenian Press Agency (STA), which was adopted by the previous government and allowed the Government Communication Office (UKOM) to take arbitrary decisions on the public funding of the agency. Financial pressure of UKOM culminated, in 2021, when the government office withheld monthly payments of STA’s public service for almost the

entire year. The regular monthly financing was re-established in late 2021, after the new STA director was appointed and a new agreement between UKOM and STA was signed, which included provisions on “per-item” financing. In late 2022, the new government repealed the regulation which introduced this model of financing STA’s public service. The new regulation has re-established bulk financing.

The pre-election promise of financial support to professional journalism has not been realized yet. The funds in the existing annual scheme for project funding of media content production have even decreased. Responding to new lay-off measures affecting journalists in daily newspapers, the Association of Journalists has urged publishers and the government against the undermining of professional journalism.

Checks and balances saw little to no progress this year. In spite of small improvements from June 2022, when the new government took office, both the former and the current government often did not respect the relevant national provisions concerning the duration of public consultations in the process of adopting laws and regulations.

In June 2022, the change of government brought about a more favourable and improved climate for Slovenian civil society. The new government, for example, revoked the orders adopted by the former government regarding the preparation and filing of lawsuits for the reimbursement of police costs at unregistered public gatherings. The related proceedings, which, for example, targeted one of the most visible individuals attending the Friday cycling

protests, have been halted. The new government also adopted a position paper regarding misdemeanour proceedings initiated unlawfully, including under the Public Assembly Act.

In 2022, the Slovenian police dealt with 32,042 irregular border crossings. 6,787 asylum applications were lodged, and 200 people were granted international protection. The discrepancy in the number of irregular crossings, the number of people that actually apply for international protection, and the number of people receiving international protection indicates the need for thorough research and monitoring of the situation.

30 years after the authorities illegally erased 25,671 individuals from the register of permanent residents, the president of the Republic of Slovenia formally apologized in the name of the state for the erasure. However, still, more than half of those erased did not receive any form of redress. There are still some erased persons who live in Slovenia without regulated status since the erasure. The remedies available to them are inadequate, as the path to a permanent residence permit takes at least seven years and the success of parts of the process is at the discretion of the competent authority.

State of play

- 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 (versus 2022)

- ⬇️ Regression
- ⬇️ No progress
- ⬆️ Progress

in the media shall be introduced by the government, particularly focusing on the 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.

- New regulation introduced by the government shall particularly provide stronger safeguards against political misuse of public funds distributed to media through state subsidies, state advertising, and other financial mechanisms.

Media environment and freedom of expression and of information ⬆️

Key recommendations

- Enforcement of the amendments to the law on RTV Slovenija, adopted in 2022, shall be provided to introduce a depoliticized model of the public broadcaster's governing and management; it should be followed by further strengthening of RTV Slovenija's institutional autonomy, editorial independence, and financial sustainability in the more comprehensive revision of the regulation on public service media.
- Comprehensive reform of media legislation to protect the public interest

Recommendation 1 on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media has been implemented to a large degree by:

- a) the adoption of the amendments to the law on public service broadcasting, RTV Slovenija and introduction of a new "depoliticized" model of governing and management (the law implementation has been delayed and obstructed by the previous ruling party and its appointees in the RTV Slovenia governing and management bodies);
- b) the repealed regulation on the financing of the public service of the Slovenian Press Agency.

Regarding recommendation 2 on legislation and other safeguards to protect journalists,

particularly online: no legislative safeguards have been introduced. There is improved cooperation between the Association of Journalists and the police: at the September 2022 training on the safety of journalists organized by the Association, a high representative of the police was one of the trainers.

Media and telecommunications authorities and bodies

The main media and telecommunication regulatory authority in Slovenia, the Agency for Communication Networks and Services (AKOS), serves as an independent regulatory authority for several sectors, including telecommunications, postal services, railway traffic, radio, and television. It is a body functionally separate from the government. However, the appointment of the Agency's Director (the highest individual decision-making body) falls directly under the 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. The Council supervises the work of the Agency in terms of annual plans and reports, and can propose the dismissal of the Director.

The AKOS Director's term of office expired in autumn 2022, and the new government (in power since June 2022) is in charge of the appointment of the Director for a 5-year mandate.

The AKOS resources devoted to the enforcement of media regulation remain insufficient in terms of the number of staff in the department on electronic media (11 employees). It is highly disproportionate to the resources of similar media authorities in the EU.

As highlighted in the 2022 Rule of Law Report, such limited resources and the predominantly passive and invisible role of AKOS in the enforcement of media regulation mostly reflects the internal policy of the AKOS leadership (appointed by the government) to keep a low profile in the politically sensitive field of media regulation. Limited resources, and a lack of ambition to build strong capacities and an authoritative presence, are at odds with the growing expectations of national regulatory authorities set by the new media regulation at the EU level.

In 2022, progress was made for a second consecutive year in the AKOS enforcement of the audiovisual media regulation on hate speech. In November 2022, AKOS found that the Nova24TV channel (affiliated with the current opposition party, SDS) had incited violence and hatred on the grounds of belief, political opinions, or other judgements in its show "Who is Lying to You?", aired on 28 June 2022. Nova24TV thus violated the Audiovisual Media Services Act. AKOS imposed several measures on the TV channel, including publishing the AKOS decision within the program and removing the controversial part of the show from all platforms.¹

1 For more information see: <https://www.akos-rs.si/nadzor-odlocbe/tv-radio-in-vod/odlocba/odlocba-06121-13-2022-7>.

AKOS has simultaneously published the guidelines for audiovisual media service providers on the implementation of content regulation regarding the prohibition of inciting hatred and violence in audiovisual media services, particularly in TV programs.

In addition to AKOS, the role of Media Inspector exists as a part of the Inspectorate for Culture and Media, a body under the responsibility of the Ministry of Culture which handles complaints related to certain provisions in the media regulation. The Media Inspector remains a weak part of the complex yet inefficient media regulatory framework because of limited resources and diminishing competence, as observed in 2022 with the controversial handling of complaints regarding bias in the public service broadcaster's programs.²

The Journalists' Court of Honour,³ a self-regulatory body on a national level operating within the Slovenian Association of Journalists, which includes representatives of journalists and the public, continues its long tradition of having a good reputation. The self-regulatory body was co-founded by the Association and the Union of Journalists, and appointed by their representative bodies. It handles complaints based on the Code of Ethics and publicly announces

its own decisions on a regular basis. In 2022, it published decisions on 16 complaints.

In addition, there is an Ombudsman of public media RTV Slovenia,⁴ who handles complaints on the basis of Professional Standards and other self-regulatory documents of RTV Slovenia. 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.

In 2022, the new Ombudswoman (appointed in late 2021) performed her duty in a difficult period of politically driven changes of staff and programme of RTV Slovenija (under influence of the former government), causing a strike of journalists and a public outrage. More than one thousand complaints per month were recorded during certain periods of 2022. The new Ombudswoman handled the complaints in a manner that did not endear herself to journalists and critical observers, who claim that she is aligned with management that is politically connected to the former government.⁵ She took the side of the management in the case of TV Slovenia daily news bulletin's presenter and editor, and decided to disclose to viewers that a report in the bulletin covering a controversial political issue was prepared without the knowledge and editorial control of

2 For more information see: <https://www.akos-rs.si/smernice-in-stalisce-akos/tv-radio-in-avms/smernica-stalisce/stalisce-agencije-in-priporocilo-izdajateljcem-glede-izvajanja-dolocbe-zakona-o-avdiovizualnih-medijskih-storivah-o-prepovedi-spodbujanja-k-nasilju-ali-sovrastvu>.

3 For more information see: <https://razsodisce.org/>.

4 For more information see: <https://www.rtvlo.si/varuh>.

5 For more information see: <https://vezjak.com/2022/10/25/varuhinja-marica-ursic-zupan-se-dalje-sciti-vodstvo-rtv-slovenija/>.

the daily editor, but under instructions of the editor-in-chief. The management sanctioned the presenter and daily editor.

Pluralism and concentration

As mentioned in the 2022 Rule of Law Report, the level of media concentration in Slovenia is high. The media group “Pro Plus” dominates the television, VOD, and online media⁶ market. There are also dominant media groups in print and radio. Concentration of print media distribution remains a concern.

Direct and indirect state ownership in commercial media (e.g. in media group Salomon through the Bank Assets Management Company, now merged into the Slovenian Sovereign Holding, and in TSmedia through the state-owned Telekom Slovenije) continues to present a risk of government interference.

The existing regulation providing safeguards for media pluralism remains outdated and inefficient. The implementation of the provisions on the restriction of media concentration has been deficient for many years.

The new government (in power since June 2022) has committed to reform of the entire media regulation, referring particularly to transparency and pluralism of media. In 2022, the media regulation change was focused

towards amendments to the law on public service broadcasting, RTV Slovenija, to introduce a new and depoliticized model of governing and management. The government has not specified the timeline of the media regulation reform.

In early 2022, the annual state aid scheme has been again used by the Ministry of Culture (during the term of the former government) to provide substantial financial support to the pro-government media by providing direct subsidies to the media for their content production projects. In autumn 2022, the new government revised the criteria for direct subsidies to media by prioritising quality and regional components, as well as fact-checking and new voices,⁷ but allocated smaller funds in total for the annual call for project proposals (2.9 million euros in comparison to 3.1 euros previous year). The Ministry also replaced the previous members of the expert body involved in the selection of projects with media experts selected by the new Minister following the public call for nominations.⁸

Transparency of media ownership

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

6 For more information see: <https://pro-plus.si/eng.html>.

7 For more information see: <https://www.dnevnik.si/1043000254>.

8 For more information see: <https://www.gov.si/novice/2022-11-14-imenovane-nove-stalne-strokovne-komisije-ministrstva-za-kulturo/>.

Political influence on the distribution of advertisements, from state bodies and public companies, to media that is close to political groups in power, has been observed and reported by watchdogs for many years under various governments. Under the previous government, in power until June 2022, political misuse of state advertising included an allocation of advertisements for public bodies and companies to the media affiliated with the ruling party, who were clearly disseminating propaganda, disinformation, and hate speech.⁹

The government coalition has introduced a parliamentary inquiry 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.¹⁰

Among pre-election commitments of the current government parties, there is a commitment to provide that the distribution of public funds to the media, including advertising public bodies and companies, must be independent of political groups and bodies, transparent, non-discriminatory, and based on market indicators and public procurement rules. In

the answers provided to the civil society initiative Voice of the People, which conducts the monitoring of pre-election promises, the government refers to the proposed regulation on the EU level regarding political advertising and to the provisions on state advertising in the proposal of the European Media Freedom Act, with the expectation of finding appropriate solutions to integrate them into the national regulatory framework.

Meanwhile, the Government Office for Communication is drafting the guidelines for the state administration on the allocation of advertisements to provide common and clear criteria and transparency. It is expected to be adopted in the first half of 2023.¹¹

There are provisions in the Mass Media Act obliging the media outlets to report media ownership above 5% in the Media Register, which is administered by the Ministry of Culture. They also must annually publish the data and updates on ownership changes in the Official Gazette. However, the register is not accurate. The beneficiary owners are often hidden and therefore subject to journalistic investigations.¹² According to the Ministry of Culture, revisions of the media register will be introduced to provide accurate and updated

9 For more information see the September 2022 analysis of Domen Savič, an independent journalist and researcher: <https://www.dsavic.net/2022/09/09/subvencionirano-sovrastvo-in-strankarska-propaganda/>.

10 The act on establishing the parliamentary inquiry was published in [the Official Gazette](#).

11 The information was provided by the Government Office for Communication to the civil society coalition Voice of the People’s monitoring of pre-election promises, in January 2023. The Peace Institute has been a founding member of the Voice of the People.

12 For more information see: <https://podcrto.si/oznaka/medijsko-lastnistvo/>.

data on media ownership and enable an upgrade of the database to include the data on state advertising allocated to concrete media in the register.¹³

There is no obligation imposed on the Agency for Communication Networks and Services (AKOS), a national regulatory authority for audiovisual media services, to provide accessible information concerning the ownership structure of audiovisual media service providers, including the beneficial owners. The 2021 amendments to the Audiovisual Media Services Act, transposing the AVMS Directive, did not include such a legislative measure, despite the inclusion of such a possibility in the Directive.

Public service media

Legal safeguards for the independence of public service media have been improved. In November 2022, the amendments to the law on the public service broadcaster, RTV Slovenija, were adopted by the new government and endorsed at the referendum by the majority of voters. Aiming at depoliticization of the public service broadcaster's governing and management, the amendments put various independent institutions and organisations in

charge of appointments to the key governing bodies of RTV Slovenija. 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 the public broadcaster's programming and finances. The new body replaces two governing councils counting altogether 40 members, with a majority of them appointed – since 2005 – by the parliament and the government. Under the reformed system, the management structure includes a four-member management board, headed by a president.¹⁴ Independent experts on media regulation and rule of law gathered around the civil society initiative, Legal Network for Democracy Protection, to contribute to the elaboration of the new governing system of RTV Slovenia in the adopted amendments.¹⁵

At the same time, the new government repealed the regulation on the public service of the Slovenian Press Agency (STA) which was adopted by the former government and allowed the Government Communication Office to take arbitrary decisions on public funding of the agency. The financing of the STA public service is again provided with an

13 The information was provided by the Ministry of Culture to the civil society coalition Voice of the People's monitoring of pre-election promises, in November 2022. The Peace Institute is a founding member of the Voice of the People.

14 For more information see: <https://ipi.media/slovenia-media-freedom-groups-back-legislative-efforts-to-depoliticise-public-media/>.

15 For more information see: <https://pravna-mreza.si/predstavitev-izhodisc-za-spremembe-zakona-o-radioteleviziji-slovenija-zrtvs-1/>.

annual funding agreement instead of funding on a per-item basis.¹⁶

However, the new legal safeguards of RTV Slovenija independence have not been implemented yet. The former ruling party, SDS, has used various legal instruments¹⁷ to challenge and delay the implementation, including the referendum, held on 27 November 2022. At the referendum, the majority of voters (more than 62%) supported the amendments.¹⁸

Meanwhile, the independence of the public broadcaster has been severely undermined by the politically affiliated appointees of the previous government, dominating the governing, management, and editorial structures of RTV Slovenija, and adopting numerous controversial measures on staffing and programming, particularly on the public television station TV Slovenija. These measures include cutting quality, flagship news and current affairs programs, and replacing them with shows hosted by biased and unqualified individuals with links to the previous government. The editor-in-chief of the TV Slovenia news program

has been appointed, despite the majority of the newsroom staff (80%) voting for another candidate. The Director General simply disregarded the legal procedure stipulated for this case.¹⁹ The Director of the Government Office for Communication in the previous government is personally responsible for the pressure and financial draining of the national press agency, STA, and was appointed Director of TV Slovenia in July 2022.²⁰ The advisor in the Cabinet of the former Prime Minister has been appointed Head of Legal Department of RTV Slovenija.²¹ Several individuals previously working for the SDS media or communication operations have been employed by RTV Slovenija to take senior editorial positions. The appointment and employment of individuals connected to the former ruling party, SDS, to senior editorial and management positions at RTV Slovenija have particularly increased after the party lost the April 2022 parliamentary election.

The unions of journalists at RTV Slovenija have been staging strikes in various forms since May 2022, demanding journalistic autonomy

16 For more information see: <https://english.sta.si/3120452/government-repeals-contested-regulation-on-sta-public-service-obligation>.

17 For more information see: <https://sloveniatimes.com/sds-files-signatures-for-referendum-on-new-rtv-slovenija-act/>.

18 For more information see: <https://balkaninsight.com/2022/11/28/slovenians-vote-in-referendum-to-restore-public-broadcasters-independence/>.

19 For more information see: <https://www.rtvlo.si/slovenija/v-nasprotju-z-mnenjem-novinarjev-za-odgovorno-urednico-informativnega-programa-imenovana-rebernik/614591>.

20 For more information see: <https://www.dnevnik.si/1042993071>.

21 For more information see: <https://moj.vecer.com/slovenija/iz-jansevega-kabineta-na-kolodvorsko-na-rtv-slovenija-izbrali-novega-vodjo-pravne-pisarne-10286922>.

and social dialogue, and an end to political interference and destruction of the public media outlet.²² Dozens of journalists received warnings about the potential termination of their employment due to their public support in the studio for two colleagues, sanctioned by the management for disclosing interference in their professional autonomy.²³

The dramatic situation stemming from the political capture of public broadcasters and daily clashes concerning preserving standards and autonomy has led to dozens of journalists of TV Slovenia quitting their jobs. It has also resulted in a significant drop in viewership and a loss of public trust.²⁴

TV Slovenia's two referendum broadcasts confronting opinions of civil society representatives who were registered in the pre-referendum campaign on the amendments to the Law on RTV Slovenija, were politically biased in favour of the opinions against the amendments. They aligned with the views and interests of the former ruling party, SDS, an initiator of the referendum. Based on a detailed complaint from the Peace Institute,

the RTV Slovenija Ombudsman confirmed the violation of Professional Standards and Principles of Journalistic Ethics in RTV Slovenija regarding the biased design and unequal presentation of opinions in both shows.²⁵

Online media

There are challenges to the implementation of the Digital Services Act (DSA) in establishing adequate legal and technical conditions and appointing the Digital Services Coordinator. The Government Office for Digital Transformation (converted into the Ministry of Digital Transformation, in January 2023) in charge of the DSA implementation has announced that countering hate speech online is among its priorities.²⁶ The prioritisation has been backed by the Prime Minister, who announced the establishment of the interdisciplinary advisory body. Coordinated by the Ministry of Digital Transformation, the interdisciplinary advisory body will consist of representatives of relevant government departments, independent state bodies, and civil society aiming at coordination and evaluation of the measures against hate speech,

22 For more information see: <https://europeanjournalists.org/blog/2022/05/20/slovenia-journalists-at-public-broadcaster-rtv-voted-for-strike-action/>.

23 For more information see: <https://europeanjournalists.org/blog/2022/10/13/slovenia-new-assault-on-trade-union-rights-at-rtv-as-38-striking-journalists-received-pre-layoff-notices/>.

24 For more information see: <https://ipi.media/slovenia-media-freedom-groups-back-legislative-efforts-to-depoliticise-public-media/>.

25 For more information see: <https://slovenia.postsen.com/local/77113/The-ombudsman-found-bias-in-the-design-of-the-referendum-broadcasts-on-the-law-on-RTV-Slovenia.html>.

26 For more information see: <https://siol.net/novice/slovenija/stojmenova-duh-med-prioritetami-interoperabilnost-in-izvajanje-akta-o-digitalnih-storitvah-593997>.

particularly hate speech online, including the measures aimed at regulation, as well as education and public awareness.²⁷

Progress has been made in the regulation of copyright and compensation for the authors. In September 2022, amendments to the Copyright and Related Rights Act and the Collective Management of Copyright and Related Rights Act were adopted by the parliament. With the amendments, Slovenia transposed the provisions of two European Directives into the Slovenian legal order. According to the government, the amendments ensure higher protection of copyright while not restricting the use of materials for educational purposes. Authors will start receiving a flat-rate compensation for the use of materials in the digital learning environment. The costs of compensation will be covered by the Ministry of Education, Science, and Sport for all educational institutions financed by the state budget.²⁸ According to the Slovenian Association of Journalists, the amended copyright legislation is good news for Slovenian authors, including journalists. Journalists can expect a 50% share of remuneration from the new related rights of media publishers. The Association highlights the problem of the observed absence of the journalists' collective

management organisation (CMO). At the same time, the print and online media publishers are not organized in their association and the larger print media does not support the collective management of copyright, therefore journalists have to negotiate with each print and online media they produce individually.²⁹

Public trust in media

The regular public opinion research on trust in institutions and professions, conducted in March 2022, revealed a sharp decline of trust in the public service broadcaster RTV Slovenija compared to the previous year (falling by 24 points). Among all institutions in Slovenia covered by the 2022 opinion poll, RTV Slovenija experienced the highest decline in public trust. The trust in media in general also declined by 10 points, and trust in media professions such as journalism and TV presentation declined by 5–6 points.³⁰

Safety and protection of journalists and other media activists

The online platform Report Attack coordinated by the Slovenian Association of Journalists, registered 20 attacks on journalists

27 For more information see: <https://www.dnevnik.si/1043000528>.

28 For more information see: <https://www.gov.si/en/news/2022-09-29-the-adopted-amendments-to-the-copyright-laws-do-not-burden-the-educational-process/>.

29 Report of the Slovenian Association of Journalists for the IFJ/EFJ Expert Group for Authors' Rights (AREG), December 2022.

30 For more information see: <https://www.rtvlo.si/slovenija/ogledalo-slovenije-ljudje-najbolj-zaupajo-gasilcem-opazen-padec-zaupanja-v-medije/620697>.

in 2022.³¹ This is less than the 33 attacks reported in the previous year. In 2022, verbal attacks and online harassment were most frequent, but there were also physical attacks reported towards photojournalists. Journalists and editors at public broadcaster RTV Slovenija were the most frequent targets of verbal attacks. Several intimidating measures of the RTV Slovenija management towards journalists were also registered in the database of the attacks. The former Prime Minister and former Minister of the Interior were reported as the perpetrators of online verbal harassment several times.³²

There is an increase in cooperation between the police and the Slovenian Association of Journalists (SAJ) on the issue of the safety of journalists,³³ particularly at public protests. In April 2022, a meeting was held between SAJ, including the photojournalists' branch, and high representatives of the police aimed at establishing a regular communication channel for mutual learning and information to increase the safety of journalists. In September 2022, a representative from the police provided

a training session on safety measures for journalists working in the field.³⁴

Legal procedures related to Strategic Lawsuits Against Public Participation (SLAPPs) continued in 2022.³⁵ They account for more than 50 lawsuits by Rok Snežič, a tax expert close to the former Prime Minister, against journalists of Necenzurirano. The lawsuits have severely affected human and financial resources of the investigative media outlet. The media outlet in question reports to have spent tens of thousands of euros for legal costs.³⁶ Meanwhile, one of the Necenzurirano founders and senior journalists left the media outlet to become head of public relations of the ruling party in the new government.³⁷

After the long efforts of organizations fighting corruption, there has been important progress in the protection of whistleblowers in Slovenia. In October 2022, the new government adopted the Act on the Protection of Whistleblowers, transposing the respective EU Directive. It is expected that the parliament will adopt the Act in late January 2023, providing the legal framework for reporting breaches and

31 For more information see: <https://novinar.com/prijavi-napad/>.

32 For more information see: <https://novinar.com/prijavi-napad/>.

33 Information provided by the Slovenian Association of Journalists, 4 January 2023.

34 For more information see: <https://novinar.com/novica/ucilnica-varnost-novinarjev-pri-delu-na-terenu/>.

35 For more information see: <https://necenzurirano.si/clanek/aktualno/dan-za-sojenje-snezic-proti-necenzurirano-si-1008800>.

36 For more information see: <https://necenzurirano.si/clanek/aktualno/dan-za-sojenje-snezic-proti-necenzurirano-si-1008800>.

37 For more information see: <https://www.rtvlo.si/slovenija/vesna-vukovic-zapusca-necenzurirano-si-posta-la-naj-bi-piarovka-gibanja-svoboda/636786>.

using protective measures. The Minister of Justice claims the legislation is “more ambitious than the directive”, providing more protective measures for whistleblowers and the obligation to process anonymous reports.³⁸ The obligations are set for both the public and private sectors. Companies with over 50 employees will have to introduce two separate channels for whistleblowers, and employers will be prohibited from laying off, bullying, or transferring whistleblowers to a lower-paid job.³⁹ The government departments, such as the Ministry of Justice and Ministry of Public Administration, together with the independent state body Commission for the Prevention of Corruption and with local authorities, are coordinating secondary legislation and a series of training courses to prompt the implementation of the new obligations regarding whistleblowers protection.⁴⁰

Freedom of expression and of information

The management of the public service broadcaster RTV Slovenija, which is politically affiliated with the previous government, has repeatedly restricted access to information on the (decline of) viewership of TV programmes to journalists of other media. This has been done not only by not replying to requests

from journalists for information or providing only partial information, but also by not respecting the decisions of the Information Commissioner, which serves as an appeal body in the legal framework on access to public information.⁴¹

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

The obligation of public consultations is set in the Resolution on Legislative Regulation, adopted by the National Assembly of the Republic of Slovenia in 2009.⁴² 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 allocated for consultation with the public. The Rules of

38 For more information see: https://www.euractiv.com/section/all/short_news/slovenia-adopts-whistleblowers-act/.

39 For more information see: https://www.euractiv.com/section/all/short_news/slovenia-adopts-whistleblowers-act/.

40 For more information see: <https://skupnostobcin.si/novica/priprave-na-sprejem-zakona-o-zasci-ti-zvizgacev-in-na-vzpostavitev-prijavnih-poti-za-zavezance/>.

41 For more information see: <https://www.dnevnik.si/1043002026>.

42 Text available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5516>.

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.⁴³

The Centre for Information Service, Co-operation and Development of NGOs (CNVOS) established a violation meter, a mechanism to monitor the frequency of violations of the obligation of 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 9 January 2023, data gathered through this monitoring mechanism revealed that the current government did not respect provisions concerning public consultations in 63% 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.⁴⁴

Enabling framework for civil society

Key recommendations

- The government should create regular and efficient mechanisms for access to, and participation of, civil society in policy and decision-making pro-

cesses across all departments of the government; disregard by government departments of the rules on access to and participation of civil society in policy and decision-making, as well as the rules on public consultations in law making, should be sanctioned.

- Legal framework and law enforcement, including soft law mechanisms, aimed at protection of civil society activists and organisations (particularly defenders of human rights and democracy from attacks and harassment), should be strengthened, including protection from online harassment.
- The government should actively protect and support spaces for civil society and community work, both those existing and the creation of new spaces, including inclusive public spaces such as autonomous areas.

Regulatory framework

In April 2022, the previous government attempted to misrepresent the pre-election information and mobilisation campaigns of civil society organisations (8 March Institute and the civil society coalition Voice of the People, bringing together more than 100 civil society organisations and groups), which

43 Text available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=POSL32>.

44 For more information see: <https://www.cnvos.si/stevec-krsitev/>.

aimed at encouraging voters to take informed participation in elections, by equating them with pre-election political party campaigns and claiming violation of the election regulation. The then Prime Minister Janša's tweets on that matter, publicly asking if these civil society organisations were not breaking the law by failing to open a special election-related bank account,⁴⁵ had seemingly prompted the Ministry of the Interior to initiate an investigation procedure requiring from the 8 March Institute information and documents on their information campaign, referring to the regulation on election campaigns and threatening to introduce misdemeanour proceedings.⁴⁶ However, the Ministry of Public Administration had provided the opposite opinion that "the activity, the purpose of which is to inform citizens and encourage their electoral participation, does not mean the implementation of an election campaign, to which this law [on election and referendum campaigns] would apply."⁴⁷ The civil society coalition Voice of the People responded to statements in which government representatives accused them of campaigning for certain political parties. They emphasized that the

accusations were "false, insulting and manipulative" statements, since the main aim of their information and mobilisation campaign is to inform and increase electoral participation.⁴⁸

The ODIHR election assessment mission in their report on the parliamentary elections in Slovenia referred to the advertising campaigns of the media affiliated with the former ruling party, SDS, and to the civil society campaigns encouraging civic participation in elections when recommending to authorities to regulate third party campaigning.⁴⁹

(Un)safe environment

Criminalisation of activities, including humanitarian or human rights work

There was an attempted criminalisation of civil society activities in the new autonomous area, which has been addressed by the Ministry of Culture (in the new government), but has not yet been resolved.

In September 2022, a group of civil society activists, mainly young, established a new

45 The Janša's tweets are inserted in the report of an online media under control of his party, SDS, see: <https://e-maribor.si/koncno-inspektorat-nad-institut-8-marec-zaradi-krsenja-volivne-zakonodaje/amp/>.

46 For more information see: <https://www.24ur.com/novice/slovenija/osmi-marec.html>.

47 The Ministry of Public Information provided such a statement to the fact-checking platform of the investigative journalism centre Oštro published the report, checking the accuracy of the claim that civil society organisations are conducting pre-election political campaign. The platform found the claim »not true«. For more information see: <https://www.ostro.si/si/razkrinkavanje/objave/iniciativa-glas-ljudstva-ne-vodi-uradne-volilne-kampanje>.

48 For more information see: <https://www.rtvsllo.si/slovenija/parlamentarne-volitve-2022/glas-ljudstva-ocitki-o-izvajanju-kampanje-za-dolocene-politicke-stranke-zaljivi-in-manipulativni/617479>.

49 For more information see the report at: <https://www.osce.org/files/f/documents/f/c/533558.pdf>, pp. 11-12.

autonomous area in Ljubljana, on the premises owned by the bad bank (a state-owned Bank Assets Management Company - DUTB) but left to decay for several years. The users of what has been named the Participative Ljubljana Autonomous Zone (PLAC) expressed expectations of the new government to support them in creating inclusive, lively public space from the abandoned and decaying area.⁵⁰ They referred to the pre-election promises of the current government parties to protect autonomous spaces for civil society and to provide new ones.⁵¹ At first, the police only visited the area to collect personal data on the people there.⁵² But later, in December 2022, these people – 46 of them, including not only participants but also journalists present when the police collected personal data – have received lawsuits from DUTB.⁵³ The PLAC users have called on the government coalition to prevent pressure on them. The Union of Journalists protested against the DUTB lawsuits as “unacceptable threats to the journalistic profession and community spaces.”⁵⁴ The Ministry of Culture has intervened by conducting dialogue with DUTB in search of a solution.⁵⁵

Freedom of assembly, including rules on organisation of and participation in assemblies, equal treatment, policing practices

In 2022, the new government carried out an analysis of the legal bases that were applied in misdemeanour proceedings against individuals for violations of measures against the spread of COVID-19. The analysis 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 regulations. The analysis was limited to misdemeanour proceedings under the Communicable Disease Act and misdemeanours proceedings relating to the alleged organisers of public gatherings under the Public Assembly Act. 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 these cases, the proceedings targeted natural persons, while 7% of the cases involved legal persons. In total, fines in the amount of €5,754,540.63 have been imposed, of which approximately 30% have been paid voluntarily,

50 For more information see: <https://english.sta.si/3077787/new-autonomous-zone-established-in-ljubljana>.

51 For more information see: <https://glas-ljudstva.si/zahteve/177/>.

52 The police came to PLAC twice within the span of a few days. They applied pressure by collecting personal data of the people around as a preventive measure.

53 For more information see: <https://siol.net/novice/slovenija/dutb-s-tozbami-nad-uporabnike-plac-a-ki-od-koalici-je-pricakujejo-zascito-video-594028>.

54 For more information see: <https://sindikar-novinarjev.si/nedopustne-groznje-dutb-novinarskemu-poklicu-in-skupnim-prostorom/>.

55 For more information see: <https://www.dnevnik.si/1043002998>.

while the rest of the fines imposed have been subject to enforcement proceedings.⁵⁶ In the past, these misdemeanour procedures were often used as a tool for harassment, e.g. against protesters. During the second half of November, the government adopted a position paper for the preparation of normative solutions in relation to misdemeanour proceedings. The authorities intend to provide the legal bases for allowing reimbursement of fines paid, costs of misdemeanour proceedings and the related enforcement proceedings initiated on the basis of unlawful or unconstitutional legal provisions, for stopping ongoing misdemeanour proceedings, as well as proceedings related to community service, to 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.⁵⁷

Access and participation in decision-making processes, including rules and practices on civil dialogue, rules on access to and participation in consultations and decision-making

The new government, in power since June 2022, has improved dialogue with civil society. At the very beginning of the term of the new government, in July 2022, the Omnibus Act prepared by the 8 March Institute and filed to parliament with voter signatures was adopted, changing eleven laws passed by the previous government in fast-track procedures and without public consultation; the provisions in the repealed laws were harmful to equality, human rights and the rule of law.⁵⁸

However, the initial commitments of Prime Minister Robert Golob to regular and substantial dialogue and participation of civil society have not been yet realized in practice across the government departments.

Initially, at the beginning of the term of the new government, two meetings of the Prime Minister and the Minister of Public Administration with civil society representatives were organised, in June and July 2022. Civil society representatives have expressed

56 For more information see: <https://www.gov.si/novice/2022-09-07-analiza-pravnih-podlag-prekrskovnih-postopkov-v-casu-epidemije-covid-19/>

57 For more information see: <https://www.gov.si/novice/2022-11-24-vlada-sprejela-izhodisca-za-pripravo-normativnih-resitev-v-zvezi-s-prekrskovnimi-postopki/>.

58 For more information see: <https://english.sta.si/3060472/mps-pass-omnibus-act-repealing-previous-govts-dozen-laws>.

high expectations in terms of improved dialogue and increased participation.⁵⁹ Civil society played a major role in informing and mobilising voters for the April 2022 parliamentary elections, contributing to the increase of election turnout from 52.64% in 2018 to 70.97% in 2022 (the highest election turnout since 1996). The government parties committed to 122 policy changes in 11 policy areas⁶⁰ in the pre-election debates,⁶¹ with the civil society initiative Voice of the People gathering more than 100 civil society organizations and groups.⁶² This included the Friday cycling protest movement, which launched in April 2020 and pledged to march continuously for more than 100 Fridays against authoritarianism, repression and overall undermining of democracy by the previous government.⁶³

After the initial meetings with the new Prime Minister, improved dialogue with civil society has been expected on the ministerial level.

There are some examples of ministries where participation and dialogue have increased. In the case of migration policy, the Ministry of the Interior has introduced new mechanisms for consultations and participation of civil society.⁶⁴ Civil society was strongly involved in drafting amendments to the law on public service broadcasting, RTV Slovenija.⁶⁵

There are also examples of a lack of dialogue and even disrespect for civil society actions advocating for the implementation of the government's pre-election promises. An example includes the reform of the public health system and actions by civil society organisations to prevent its further privatisation. The Ministry of Health has mostly ignored calls for dialogue by the civil society coalition Voice of the People.⁶⁶ The civil society coalition has organised several public rallies against the privatisation of the public health system, for the protection of public interest, and for the

59 For more information see: <https://n1info.si/novice/slovenija/prvo-srecanje-roberta-goloba-z-nevladniki/> and <https://www.delo.si/novice/slovenija/vlada-zeli-okrepiti-sodelovanje-z-nevladnimi-organizacijami/>.

60 For more information see: <https://glas-ljudstva.si/drzavnozbornice-volitve-2022/>.

61 For more information see: <https://www.rtvsl.si/slovenija/deset-strank-se-je-opredelilo-do-zahtev-civilne-inicijative-glas-ljudstva/612375>.

62 For more information see: <https://glas-ljudstva.si/pogosta-vprasanja/>.

63 For more information see: [https://sl.wikipedia.org/wiki/Protivladni_protesti_v_Sloveniji_\(2020%E2%80%932022\)](https://sl.wikipedia.org/wiki/Protivladni_protesti_v_Sloveniji_(2020%E2%80%932022))

64 For more information see: <https://www.gov.si/novice/2022-07-07-nova-migracijska-politika-bo-temeljila-na-solidarnosti-vkljucevanju-in-spostovanju-clovekovih-pravic/>.

65 For more information see: <https://n1info.si/novice/slovenija/pravna-mreza-predstavlja-spremembe-zakona-o-rtvs/>.

66 The calls for dialogue included letters, requests for meeting, submitted written proposals for policy solutions to follow the pre-election promises etc. The information on the attempted dialogue with the Ministry of Health is provided by the civil society coalition Voice of the People, 4 January 2023. The Peace Institute, contributing this report, has been a founding member of the civil society coalition Voice of the People.

rights of patients in the health system reform.⁶⁷ While the Minister of Health labelled the protests in civil society as “extremism”, the Prime Minister attended the major protest on 10 January 2023. However, according to the media reports, the new 22-member advisory board appointed by the government to assist the Prime Minister and Minister of Health in developing the health system reform does not have a single expert from a civil society initiative that advocates against privatisation and reminds the government of its pre-election promises.⁶⁸

Access to justice, including rules on legal standing, capacity to represent collective interest at court, and access to legal aid

Court procedures for the eviction of more than 20 non-governmental organisations from their offices at Metelkova 6 in Ljubljana have continued in 2022. The eviction has been initiated by the Ministry of Culture during the term of the former government. The new government is preparing contracts with non-governmental organisations to provide a legal basis for their continuing use of the offices.⁶⁹

Attacks and harassment

Like in the past, the Slovenian Democratic Party and its leader were among the major promoters of negative narratives about civil society in 2022. The former leading party of the government coalition (until early June 2022) has subsequently become the major opposition party. For instance, in February 2022, the party launched the so-called ‘2022 consultations with voters’. It included highly suggestive questions and possible answers. A question relating to non-governmental organisations suggested that funding them was the opposite of funding the right projects. It reads as follows:

“The government negotiated more than €10.5 billion of European funds for investments and other projects in the country. The funds will be used for the renovation and construction of schools, kindergartens, hospitals, apartments, nursery homes, roads and sports facilities, for the construction and renovation of water supply systems, for flood protection and many other projects. I believe that: a) funds are invested in the right projects; b) we should allocate more money to non-governmental organisations.”

67 For more information on the protest in front of the Health Center Ljubljana-Polje, held on 15 December 2022, see: <https://www.delo.si/novice/slovenija/ministru-za-zdravje-se-obeta-ulica/>, and on the protest ‘Strike of Patients’ on the Republic Square in Ljubljana, held on 10 January 2023, see: <https://www.rtvsl.si/slovenija/stavka-pacientov-se-je-koncala-s-sporocilom-vladi-danes-ste-nas-poslusali-jutri-zacnite-delati/653753>.

68 For more information see: <https://www.delo.si/novice/slovenija/koga-je-robert-golob-povabil-v-svoj-novi-strateski-svet/>.

69 For more information see: <https://www.mladina.si/220724/nevladniki-ostajajo-na-metelkovi/>.

The results show that 90% of respondents were in favour of the first response.⁷⁰

Also in February, the party leader and then Prime Minister posted via Twitter a list with a number of civil organisations and initiatives disparaging their work. He asked: “Does anyone know of any national achievements of any of the recipients of your money listed below?” The tweet prompted further comments depicting the NGO sector e.g. as parasitic.⁷¹ During the July 2022 wildfires in Slovenia, which captured the Karst area and were the largest in the history of the country, a party member and MP in a tweet blamed the 8 March Institute and the rest of civil society for initiating a successful referendum the previous year in which the voters rejected amendments to the Water Act.⁷² According to civil society organisations, these amendments threatened the safety of Slovenian waters by allowing the construction of public use infrastructure (e.g. inns, business and administrative facilities, shops) on water land and coastal areas. The MP stated that the referendum rejection of amendments prevented the building of simple infrastructure (e.g. water tanks), including in the Karst area, implying that civil society is to be blamed for the lack of infrastructure,

which would be of help in fighting wildfires. The party leader and previous PM replied in a tweet that pests from Metelkova 6 (i.e. the address where a number of NGOs are housed) and mainstream media should receive credit for this.⁷³ The party leader further claimed in another tweet that left-wing governments have allocated more money in 10 years to useless NGOs at Metelkova 6 than it would be needed for purchasing two new Canadair firefighting planes.⁷⁴ In August, after a media outlet reported that the government intended to help the economy with a €40-million package, the head of the party felt obliged to disparage the work of organisations at Metelkova 6 and state via Twitter that only the so-called non-government people from Metelkova 6 in Ljubljana have so far cashed in 10 times more from public funds.⁷⁵

Physical attacks on people and property

In October 2022, after being exposed to verbal attacks and harassment for a long period of time, the director of the 8 March Institute, Nika Kovač, was physically attacked in Ljubljana city centre. It was the second attack she reported to the police in that month. Earlier, a man broke into the Institute’s premises, insulted

70 For more information see: <https://www.sds.si/posvet-volivci-2022>.

71 For more information see: https://twitter.com/JJansaSDS/status/1493628220733898756?ref_src=twsrc%5Etfw.

72 For more information see: <https://twitter.com/andrejhoivik/status/1550009509673852929>.

73 For more information see: <https://twitter.com/jjansasds/status/1550021484415942658>.

74 For more information see: <https://twitter.com/jjansasds/status/1550068663927148545>.

75 For more information see: <https://twitter.com/jjansasds/status/1560280415549591553>.

her, and returned several times.⁷⁶ The political leaders have condemned the physical attack.⁷⁷ However, the former Prime Minister and his opposition party, SDS, expressed doubts that someone really attacked Kovač. The former PM led the government until June 2022 and orchestrated various forms of attacks on civil society organisations, groups, and individuals for a long period. The media, controlled by SDS, requested that Kovač show the medical report to confirm her statements.⁷⁸ The police have identified the perpetrator of both attacks. According to Nika Kovač, physical attacks on activists are not a coincidence, but the result of systematic and orchestrated efforts. “This is something that someone is very consciously planting in our society, reproducing it every day with a single idea, and that idea is to abolish critical voices,” she said.⁷⁹

Legal harassment, including SLAPPs, prosecutions and convictions of civil society actors

In December 2021, the Ministry of the Interior ordered the State Attorney’s Office to initiate proceedings for protesters regarding the costs of policing certain unregistered protests. The

Office, for example, has issued a series of payment orders to one of the most visible protesters, Jaša Jenull, during the so-called Friday cycling protests. These informal anti-government protests against its role in weakening Slovenian democratic standards were taking place between April 2020 and April 2022. In March 2022,⁸⁰ for example, Jenull received a request to pay €34,340.56 for the costs of policing a 2020 protest. At this protest, protesters were sitting on the Republic Square and reading out the Constitution in protest against restrictions on the rights to freedom of expression and peaceful assembly in the context of the pandemic. As they did not leave the square voluntarily, the police removed the protesters by force. The State Attorney’s Office threatened a lawsuit if Jenull failed to pay this amount. In total, the protester was required to pay more than €40,000 for policing costs. According to data collected by Amnesty International, the State Attorney’s Office processed 28 claims amounting to €269,778.48 by the middle of March 2022. Apart from Amnesty International and the Legal Network for the Protection of Democracy, an initiative providing legal support to individuals and organisations involved in legal proceedings

76 For more information see: <https://tekdeeps.com/nika-kovac-described-yesterdays-nightmare-while-the-police-tracked-down-the-second-perpetrator/>.

77 For more information see: <https://english.sta.si/3097736/ngo-head-kovac-physically-attacked-in-ljubljana>.

78 For more information see: <https://tekdeeps.com/nika-kovac-described-yesterdays-nightmare-while-the-police-tracked-down-the-second-perpetrator/>.

79 For more information see: <https://tekdeeps.com/nika-kovac-described-yesterdays-nightmare-while-the-police-tracked-down-the-second-perpetrator/>.

80 For more information see: <https://www.amnesty.org/en/documents/eur68/5344/2022/en/>.

due to non-violent public action,⁸¹ the Council of Europe Commissioner for Human Rights has also raised concerns over the legal developments in Slovenia, and have requested from the government to refrain from the financial and administrative harassment of civil society activists. The Commissioner warned that such actions ran contrary to the country's international human rights obligations as well as the relevant national legislation.⁸² Only after the 2022 parliamentary election and after the government changed hands were the orders, adopted by the former government in late 2021 regarding the preparation and filing of lawsuits for the reimbursement of police costs at unregistered public gatherings, revoked.⁸³

Online civic space

There are continuous smear campaigns and online harassment targeting activists and civil society organisations engaged in defending human rights and democracy. In the 2022 pre-election and pre-referendum campaigns, the civil society groups and activists that engaged in informing and mobilising voters were particularly targeted by officials and supporters of the former government. It led to the physical attack on one of the most exposed

civil society activists, Nika Kovač, director of the 8 March Institute.⁸⁴

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

Key recommendations

- The state should consider re-opening and reviewing special legislation regarding access to permanent residence and compensation for all the erased, regardless of where they currently reside, so that all erased people have fair access to redress.
- Establishment by law of a specific procedure for determining statelessness and protection status in accordance with good practice, in order to give full effect to the rights under the 1954 Convention for stateless persons in Slovenia. Also, Slovenia should assume its responsibility and immedi-

81 For more information see: <https://www.amnesty.org/en/documents/eur68/5344/2022/en/> and <https://pravna-mreza.si/poziv-vladi-rs-da-umakne-vlozeni-tozbi-in-zahteve-za-vracilo-strokov-mirnih-shodov/>.

82 For more information see: <https://www.coe.int/en/web/commissioner/-/slovenia-lawsuits-and-fines-against-peaceful-demonstrators-should-be-dropped>.

83 For more information see: <https://www.gov.si/novice/2022-06-09-preklicani-sklepi-za-povrnitev-strokov-policije-na-shodih/>.

84 For more information see: <https://tekdeeps.com/nika-kovac-described-yesterdays-nightmare-while-the-police-tracked-down-the-second-perpetrator/>.

ately ratify the 1961 Convention on the Reduction of Statelessness.

- The government should consider changing the ministry in charge of migration policy: 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

In 2022, the police processed 32,042 illegal border crossings. The number is higher by 214% compared to 2021 when 10,198 unauthorized crossings were dealt with. Most often, citizens of Afghanistan, Burundi, and India were apprehended. In 2022, 31,447 intentions to apply for international protection were expressed. The number is higher by 456.6% compared to 2021, when 5,650 intentions were recorded.⁸⁵ However, 6,787 asylum applications were lodged,⁸⁶ and 200 people were granted international protection.⁸⁷

In 2022, 2,361 foreigners were handed over to foreign security authorities on the basis of international agreements. The number is 41% lower compared to the previous year, when 4,000 foreigners were handed over to foreign police. Most foreigners were handed over to the Croatian security authorities. In 2022, 427 persons were accepted by foreign security authorities to Slovenia on the basis of international readmission agreements. The number is 72.2% higher compared to 2021 when 248 foreigners were accepted to Slovenia.⁸⁸

The discrepancy in the number of irregular border crossings, the number of people that apply for international protection, and the number of people receiving international protection indicate the need for thorough research of the situation. This is especially so in regard to persons who returned to Croatia, where they are at risk of violence and inhumane treatment, and further to Bosnia and Herzegovina.

Most importantly, these large numbers show that new (alternative) legal pathways to Europe are needed, so that people do not take irregular dangerous routes, often on foot.

85 For more information see: <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2022/December2022.pdf>.

86 For more information see: <https://www.gov.si/assets/vladne-sluzbe/UOIM/STATISTIKA/December-2022/Novo-nastanjeni-prosilci-po-mesecih-2022-12.pdf-correctedByPAVE.pdf>.

87 For more information see: https://www.gov.si/assets/vladne-sluzbe/UOIM/STATISTIKA/December-2022/Osebe-s-priznано-mednarodno-za_ito-po-mesecih-2022-12.pdf-correctedByPAVE.pdf.

88 For more information see: <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2022/December2022.pdf>.

Impunity and/or lack of accountability for human rights violations

February 2022 marked 30 years since the authorities illegally erased 25,671 individuals from the register of permanent residents of the Republic of Slovenia. The president of the Republic of Slovenia (finally) formally apologized on behalf of the state “for the unconstitutional act of erasure from the register of permanent residence, for the violation of human rights and all injustice and suffering. With this, according to him, the state assumed moral responsibility.”⁸⁹

The erasure was not just a mere administrative error, but a systematic and deliberate removal of what was seen as an ‘undesirable’ part of the population. The consequences for the victims of the erasure did not disappear over the years, especially since the state 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 very limited, do not acknowledge the injustice done to them, and disregard their long stay in the country. Their distress is great; many of them are elderly and sick people, who, without a permanent residence, cannot rely on

the social services. The state must urgently ensure that these people, who have been living in Slovenia for decades, arrange a permanent residence permit so that their special position is acknowledged and their right to private and family life and their dignity is respected.

Given that more than half of those who have been erased have not received adequate access to restitution of their permanent resident status or compensation, the state should revise past legislation and open up the application period so that all those who have been erased have fair access to redress.

The state must also provide such legal remedies to all individuals who, due to various circumstances, have a long-term undocumented residence in the country, as required by international human rights standards and the case law of the European Court of Human Rights. The Human Rights Ombudsman has been using the term ‘long-term tolerating of undocumented residing of persons who reside in the territory of Slovenia for longer periods of time’. According to the Ombudsman and the ECHR case law, such persons cannot be removed from a state territory, as they have established cultural, social, and family ties with their long-term residence.

In addition to erasure, some individuals have also been affected by statelessness. The issue of statelessness is persistently ignored by the state. Slovenia should assume its responsibility

89 For more information see: <https://www.rtvsllo.si/slovenija/pahor-izbrisanim-opravico-je-potrebno-za-nazaj-in-kot-zaveza-za-naprej/613688>.

and immediately ratify the 1961 Convention on the Reduction of Statelessness.

Fostering a rule of law culture

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 Voice of the People. The coalition, which currently brings together more than 100 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 policy areas and submitted them to political parties participating in the parliamentary election. The parties were asked to provide their position on the relevant issues. Based on these responses, an online tool was designed, allowing voters to inspect similarities between their views and the views of political parties.

To promote voter turnout, the initiative also organised a travelling festival of democracy named ‘We will decide: Let’s go vote’. Across the country, discussions with residents on the importance of democracy were carried out, whereby the importance of electoral participation was highlighted. In addition, a live debate between representatives of political parties participating in the parliamentary election was also organised, and took place in the historic Republic Square in Ljubljana.⁹⁰ On 24 April 2022, the day of the parliamentary election was marked by a considerable turnout, with 70.79% of eligible voters casting their vote.⁹¹ Such a turnout has not been recorded since the 2000 parliamentary election. The turnout in the 2018 and 2014 elections, for example, was 52.64% and 51.73%, respectively.⁹²

In early 2021, 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 established the Legal Network for the Protection of Democracy. The structure provides legal assistance to individuals and organisations involved in legal proceedings due to non-violent public action. According to the initiative, the imbalance of access to finance and legal between the state and individuals is substantial, so it is necessary to strengthen the position of those whose human rights are

90 For more information see: <https://glas-ljudstva.si/pogosta-vprasanja/>.

91 For more information see: <http://pisrs.si/Pis.web/pregledPredpisa?id=DRUG5046>.

92 For more information see: www.dvk-rs.si/fileadmin/user_upload/dokumenti/volitve/drzavni_zbor_2018/011dyenp.pdf and www.dvk-rs.si/fileadmin/user_upload/dokumenti/volitve/drzavni_zbor_2014/Porocilo-o-izidu--predcasne-volitve-v-DZ-2014--anonimizirano.pdf.

violated. Within the network, professional assistance is provided by highly qualified lawyers and law firms.⁹³ In 2022, the network continued with its activities. Among other things, in the first six months of 2022, 275 individuals saw legal assistance provided to them by the network, mostly relating to measures to prevent the COVID-19 pandemic, persecution of public gatherings, as well as fulfilment of other human rights and freedoms. In this same period, prompted by the network's requests for legal protection, the courts and the police stopped misdemeanour proceedings in 18 cases, as a consequence exempting individuals concerned from paying fines. Prompted by the network's appeals, the Ministry of the Interior eventually stopped the procedures in which individuals who participated in informal gatherings were required to pay the costs of policing these events. In 2022, the European Parliament awarded the network the European Citizen's Prize for providing support to organisations and individuals in the use of legal means to challenge measures, procedures and policies that are illegal, unconstitutional and undemocratic.⁹⁴

93 For more information see: <https://pravna-mreza.si/o-nas/>.

94 For more information see: <https://pravna-mreza.si/dosezki/>.

Contacts

Mirovni inštitut

The Peace Institute – Institute for Contemporary Social and Political Studies

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.

Metelkova 6
1000 Ljubljana
Slovenia
info@mirovni-institut.si
www.mirovni-institut.si/en/

The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 19 national civil liberties NGOs from across the EU.

Ringbahnstrasse 16-18-20
12099 Berlin
Germany
info@liberties.eu
www.liberties.eu