



Civic Space Report 2023

SLOVENIA



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center za informiranje, sodelovanje
in razvoj nevladnih organizacij



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About European Civic Forum

European Civic Forum (ECF) is a pan-European network of nearly 100 associations and NGOs across 29 European countries: big federations of associations, national platforms uniting hundreds of thousands of NGOs, and smaller groups working at community level or engaging with the public on local issues. We work to build a democratic and civic Europe that delivers on people's needs.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe with, policy-makers and the media.

Key Developments

- 🔍 Significant improvements for civil society following change in government
- 🔍 New government commits to participation and dialogue, but room for improvements
- 🔍 Concern over ongoing political interference at RTV Slovenia

New hope was sparked for civic freedoms, following the last two years which were considered some of the most challenging years for civil society in the history of Slovenia, under Janez Janša and his SDS party. The former government repeatedly targeted civil society through funding cuts and public smearing campaigns. Anti-government protesters faced significant restrictions while independent journalists faced harassment and intimidation. This resulted in a downgrade of Slovenia's civic space rating to 'narrow' by the CIVICUS Monitor¹. However, the new government under Robert Golob has begun promoting a positive environment for civil society.

While there is room for improvement, the government has already taken steps to undo several restrictive proceedings of the former government and committed to civic dialogue. While concerns remain regarding the independence and ongoing political inference at the public broadcaster RTV Slovenia, a proposed reform of the RTV Slovenija Act is currently being considered. Additionally, improvements for the overall safety of journalists are needed.

¹ <https://findings2020.monitor.civicus.org/rating-changes.html#slovenia>

Institutional, political and socio-economic landscape

New hope for civic freedoms following election outcome

The April 2022 parliamentary elections saw an end to the far-right government which has been led by Janez Janša and his SDS party since 2020. Newcomer Robert Golob and his Freedom Movement (launched in January 2022) won with nearly 35 per cent of the votes². Since the new Government came into office on 1 June 2022, civic space, the rule of law and democracy have been slowly improving. There have been several positive actions from different actors.

At the beginning of May 2022, the Internal Affairs Inspectorate decided that the inspectorate procedure against civil society organisation 8 March Institute will not be opened against them. Namely, the 8 March Institute was collecting public signatures for submitting the Law for reducing inequality and harmful policy interventions and ensuring respect for the rule of law to the Parliament (under the Referendum and Popular Initiative Act, the draft law can be submitted directly to the Parliament with the support of 5,000 citizens' signatures). The intention of this law was to change all the harmful legislative decisions of Jansa's government through one law. As the I8M collected signatures before parliamentary elections, the same inspectorate claimed that they are violating the Election and Referendum Campaign Act and demanded that the institute submits evidence that they are not violating the respective law. This was clearly an intimidation law as the Act on inspectorate clearly states that the burden of proof is on the inspectorate. The Institute responded with the lawyer's support but in May the Inspectorate decided that they do not have enough documentation to even start the procedure.

Immediately at the beginning of June 2022, Ministry of Interior withdraw their consent to the lawsuits against protesters³. This comes after the Ministry of interior of the previous government issued fines to the alleged organisers of the Friday protests for the police protection of the protests. For example,

² https://www.theguardian.com/world/2022/apr/25/pro-eu-politicians-herald-defeat-slovenia-hard-right-janez-jansa-robert-golob?CMP=share_btn_tw

³ <https://n1info.si/novice/slovenija/ministrstvo-umaknilo-soglasje-za-prve-tozbe-zoper-protestnike/>

one of the most well-known protesters, Jasa Jenull, received three such fines amounting to cca. €40,000. As they didn't pay the fines, the ministry demanded that the State Attorney's Office file lawsuits against the protesters. Positively, the Ministry under the new Government withdrew their consent and thus the lawsuits were withdrawn.

In July 2022, the parliament passed the Law for reducing inequality and harmful policy interventions and ensuring respect for the rule of law (see above). SDS and NSI, political parties that formed the previous Government, filed a request for Constitutional review of the law and proposed a temporary suspension until the Constitutional Court's final decision. The proposal for temporary suspension was declined, but the Constitutional Court has not reached a final decision yet.

Legal network for Defence of Democracy (coalition of five NGOs) with the help of several lawyers continued to dispute the fines issued by police based on previous government's COVID-19 decrees that were deemed unconstitutional by the Constitutional Court. They won several cases. At the end of November 2022, the Government confirmed starting points for the preparation of the legal basis necessary for "returning all fines paid and the costs of misdemeanor proceedings and the costs of forced recovery, which were introduced during the pandemic on the basis of illegal or unconstitutional legal grounds"⁴. The deadline for the preparation of the draft law is 31 January 2023.

⁴<https://www.delo.si/novice/slovenija/izhodisca-za-vrnitev-in-razveljavitev-pet-milijonov-glob-iz-casa-pandemije/>

Regulatory environment for civic freedoms

Proposed media reforms for RTV Slovenia

In July 2022, the Golob government promoted a reform of the RTV Slovenia Act currently subject to referendum proceedings, which would hopefully restore the autonomy of the broadcaster⁵. The bill aims to modify the governance of RTV Slovenia by creating a new RTV council predominantly composed of members of civil society and RTV staff. The remaining members will be appointed based on public calls by the Italian and Hungarian minorities, Slovenia's president, the Academy of Sciences and Arts (SAZU), the National Culture Committee, Slovenian Olympic Committee, Information Commissioner, Council for Sustainable Development, and the Human Rights Ombudsman. According to the government this will significantly reduce the impact of political interference on RTV Slovenia. The new governance model eliminates the post of director general to replace it with a four-member management board, featuring all major senior directors at the broadcaster, with one of them being a workers' director.

The bill also introduces some limits on the dismissal of editors, which can no longer be an arbitrary decision of the management. Editors will be dismissed only if they lose the trust of the staff, and the RTV Slovenia council will have to agree with the move. The bill sets a clear line between the powers of the RTV Slovenia council and of editors when it comes to media content. The council will not be allowed to interfere in specific parts of the content before publication and may only discuss them on the basis of reports from the broadcaster's advocate of the rights of viewers and listeners.

The bill also introduces a new consultative body advising the RTV Slovenia council – a financial board of five financial experts. Its members will be appointed by the RTV Slovenia council upon proposal by the culture and finance ministers, the RTV works council, the Slovenian Directors Association and the Association of Bookkeepers, Financial Experts and Auditors. For more on developments related to RTV Slovenia, see section on safe space.

⁵ <https://sloveniatimes.com/govt-adopts-bill-to-overhaul-rtv-management-oversight-model/>

Safe space

Attack against 8 March Institute

The 8 March Institute, a CSO engaged in promoting citizen participation and denouncing injustices and inequalities, and its director Nika Kovač has repeatedly faced harassment. In October 2022 Kovač was physically attacked in the centre of Ljubljana⁶. She was walking with her colleague Maja Koražija when a man deliberately knocked Nika over. He then insulted the activists and threatened them with physical harm before leaving. After reporting the attack to the police, the activists were targeted by online hate speech and some media affiliated with the former ruling party SDS questioned their credibility. Two weeks later, the suspect responsible was identified based on the CCTV and is now being prosecuted.⁷ Another perpetrator that issued online death threats against Nika and the 8 March Institute team has already been convicted⁸.

NGOs in Metelkova

Faced with the threat of eviction since October 2020, cultural and human rights NGOs at Metelkova 69 building in Ljubljana have been approached by the new Minister of Culture with the promise of a permanent legal solution. The former Minister of Culture launched eviction proceedings against every individual NGO, which they separately challenged in the courts, resulting in a considerable amount of legal defence costs. While the proceedings are still ongoing, the Ministry of culture of the new government prepared a new loan contract for additional 5 years¹⁰.

⁶ <https://www.dnevnik.si/1042999688/slovenija/po-napadu-na-niko-kovac-ne-moremo-vec-hoditi-po-ulici-ne-da-nas-bi-bilo-strah>

⁷ <https://n1info.si/novice/crna-kronika/napadalca-na-niko-kovac-in-branka-grimsa-kaj-so-ugotovili-policisti/>

⁸ <https://hudo.com/si/2022/04/08/fb-prijatelj-antona-olaja-grozil-niki-kovac-z-nasilno-smrtjo-odziv-policije-saj-ji-ne-bo-hudega-ce-je-v-new-yorku/>

⁹ <http://www.metelkovamesto.org/>

¹⁰ <https://monitor.civicus.org/updates/2022/11/03/Concerns-remain-over-rtv-slovenia-new-government-opens-dialogue-civil-society/>

Targeting of journalists

While the overall environment for civil society has improved, concerns for the environment for independent journalism remain, as they are subject to online harassment and intimidation. In one case, in November 2022, RTV Slovenija presenter Rosvita Pesek received an anonymous letter containing threats and insults¹¹. The journalist has reported receiving¹² such threats regularly for the last ten years, which come "before any notable show". In another case, journalist Anja Intihar from the daily newspaper Delo received an insulting email after she had written about the new employment of the former Slovenian Minister of Education, Simona Kustec. Among the comments in the email, which insulted her appearance, she was called a "cheap prostitute".¹³

Media independence at RTV Slovenia threatened

Threats to the independence of RTV Slovenia through political interference continued in 2022. RTV Slovenia staff have staged strikes since June 2022 due to ongoing tensions between the staff and the management appointed by the previous government. In its third strike on 26th September 2022, journalists and other employees at public broadcaster RTV Slovenija demanded editorial autonomy over content. Hundreds of protesters gathered in front of the National Assembly expressing support to RTV staff and demanded the resignation of the management. The normal broadcasting schedule was disrupted with only the flagship 7pm news airing.

RTV Slovenija staff have been subject to mobbing and smearing, as RTV management have continued to pressure individual desks, journalists and programme editors, threatening some staff with dismissal. Trade unions have filed dozens of complaints with the relevant authorities such as the Commission for the Prevention of Corruption and the Labour Inspectorate, as well as criminal complaints over alleged pressure exerted on staff by the leadership of RTV Slovenija and threats of disciplinary action.

In one example, in August 2022, TV Slovenija director Uroš Urbanija questioned the professionalism of news anchor Saša Krajnc and editor Vesna Pfeiffer. He called on the editor-in-chief to evaluate their actions. This was due to how they decided to present a report on the broadcaster ending its business with the magazine Mladina¹⁴. Urbanija, who was head of the Government Communication

¹¹ <https://www.mapmf.org/alert/25476>

¹² <https://www.facebook.com/pesek.rosvita/posts/679443920414130>

¹³ <https://www.mapmf.org/alert/24984>

¹⁴ <https://english.sta.si/3073034/tv-slovenija-anchor-and-editor-face-transfer-over-mladina-report>

Office (UKOM) under the previous government, took over as director in mid-July 2022¹⁵. Trade unions of RTV Slovenija and TV Slovenija have called his dismissal.

In September 2022, a court found that RTV Slovenija director general Andrej Grah Whatmough unlawfully dismissed TV Slovenija director Natalija Gorščak in August 2021¹⁶. After Gorščak's dismissal, TV Slovenija was without a fully-fledged director for almost a year, until Urbanija was appointed.

¹⁵ <https://english.sta.si/3061856/urbanija-appointed-tv-slovenija-boss-despite-opposition-from-employees>

¹⁶ <https://www.rtv slo.si/slovenija/delovno-sodisce-pritrdilo-pritozbi-razresene-direktorice-tv-slovenija-natalije-gorscak/639009>

Funding for civil society

Positive moves for NGO funding

In general, NGO sector is doing quite well financially. Its annual income and public funding have increasing year on year¹⁷. NGOs were recognised as recipients of COVID-19 support measures, which contributed to good financial situation. However, the previous government's actions negatively affected NGOs, especially those working in the fields of environmental protection and culture.

Environment protection is traditionally the least supported NGO field. However, in the period of the previous Government, even the existing calls for proposals were abolished. Furthermore, the minister declined to sign the contracts of already selected organisations¹⁸ jeopardising their European projects. However, the new minister signed the contracts quite soon after coming into office.

The budget of ministry of culture was also significantly reduced, resulting in a delay of some of the calls for proposal. Some organisations, interestingly the loudest critics of the Government, were left without funding even though they are established organisations with 50 plus years of tradition and activity in contemporary art. The new Government decided to address the issue and are currently solving the organisations on the case-by-case basis.

Under the new government there have been positive moves for NGO funding. The Ministry of Culture has published a calendar of scheduled calls for tenders for creators and producers in the field of culture¹⁹. In addition, Ministry of Public Administration announced a new call for proposals from the national NGO fund for empowerment of civic rights and NGOs. The call should be published by the end of February 2023²⁰.

¹⁷ <https://www.cnvos.si/en/ngo-sector-slovenia/>

¹⁸ <https://civicspacewatch.eu/wp-content/uploads/2022/02/Slovenia-.pdf>, see p. 2.

¹⁹ <https://www.gov.si/novice/2022-10-12-objavljen-koledar-predvidenih-javnih-razpisov-in-pozivov-ministrstva-za-kulturo/>

²⁰ Posvet o razpisu za krepitev aktivnih državljskih pravic in opolnomočenje nevladnih organizacij | GOV.SI

Civil dialogue and right to participation

Consultation processes require strengthening

In theory, civil dialogue has not changed since 2009. However, it was severely breached by the previous Government. For example, the consultation deadlines were breached in 70 per cent of cases²¹, with some of the regular working groups abolished or NGO representatives excluded from them.

The new Government reinstated several of these working groups (e.g. dialogue group between Ministry of culture and NGOs, they again included NGO representatives in the Monitoring committee of the European Structural funds, etc.) and also established some new groups (e.g. Council of the minister for protection of environment and spatial planning for cooperation with NGOs.).

Some ministries also appointed several liaison officers for cooperation with NGOs. The Ministry of public administration published draft Guidelines for cooperation with NGOs²². However, as NGO representatives in the Government Council for cooperation with NGOs had quite a few proposals for improvements, the new document is being drafted.

On the other hand, the current government has not fared better than the previous one with respecting consultation deadlines. The percentage of breaches is currently at 63 per cent²³. More NGOs are expressing their dissatisfaction²⁴ about policy preparation, namely criticising the fact that NGOs have not been included in the debates about state measures to counter increasing energy costs or intervention law to support access to health services.

21 <https://www.cnvos.si/nvo-vseved/stevec-krsitev/arhiv-prejsnjih-vlad/>

22 Zainteresirano javnost vabimo k sodelovanju pri pripravi Smernic za sodelovanje Vlade Republike Slovenije z nevladnimi organizacijami (gov.si)

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

24 <https://n1info.si/novice/slovenija/vlada-zeli-okrepiti-sodelovanje-z-nevladniki-ki-pa-so-do-sestanka-kriticni/>

CSOs push back in trying times

Civil society resilient in trying times

Civil society has been a key factor in defending democracy, the rule of law and fundamental rights in Slovenia. It has covered all aspects, from using legal remedies, protesting, mobilising people, raising awareness about the importance of elections and updating international institutions and organisations. It is safe to say that we have witnessed the revival of civil society in the past two years. Civil society was the driving force behind the water referendum (April 2021), parliamentary elections (April 2022) and the referendums on the Laws on Government, RTV Slovenia and long-term care.

Public trust in civic actors significantly increased, resulting in big support of all campaigns run by 8 March Institute and Voice of the public. Of course, on the other hand, smear campaigns against them are also still present. Due to the increase of smear campaigns, a working group in the scope of Ministry of Justice is discussing a re-definition of hate speech in the Criminal Code, which is a sign of Government's fight against it.

Cooperation between civic and other sectors has never been continuous and general, but rather ad hoc, depending on the issue. For example, there is now a joint fight for the increase in salaries of pre-school teachers, while civic actors and trade unions do not agree on the question of doctors' salaries. As civic actors and journalists in the past two years witnessed similar harassment, financial situation, etc., they are now more connected, implementing joint campaigns, etc. And it appears that this kind of cooperation is long-lasting.

Recommendations

The regulatory environment for of civic freedoms

- 🔍 Reform RTV Slovenija Act (particularly in relation to the appointment and composition of the governance structures) through open, transparent and inclusive consultation with civil society and press groups to ensure editorial independence
- 🔍 Immediately pass a legal basis for returning all fines paid based on the previous government's constitutional decrees

The right to participation and civil dialogue

- 🔍 Improve public and civil society inclusion in decision-making process in order to ensure better regulation,
- 🔍 Ensure that consultation with civil society is open, transparent and inclusive and that there is regular feedback in consultation processes
- 🔍 Include CSOs, similarly as social partners, in discussion about minimum wage, social and other important reforms

Funding for CSOs

- 🔍 Increase state funding for watchdog, monitoring and advocacy activities, as well as support to civic activism.

About the contributor:

CNVOS is the umbrella network of Slovenian non-governmental organizations, which unites more than 1,500 different associations

and individual societies, institutes and institutions. With knowledge and experience and experts from the fields of advocacy, law, project management, finance and communication, CNVOS provides comprehensive and professional support to the Slovenian non-governmental sector, develop the potential of the sector and encourage creative and critical thinking.



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