

MFRR REPORT: Press Freedom Deteriorating in Slovenia under Latest Janša Government

MISSION REPORT

MEDIA FREEDOM RAPID RESPONSE (MFRR)
PRESS FREEDOM MISSION TO SLOVENIA
(24 May - 2 June 2021)



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Introduction

Slovenia takes over the rotating Presidency of the Council of the European Union in July 2021 amidst widespread concern from media freedom organisations, civil society groups, and European institutions about a steady deterioration of media freedom. To assess the situation and better understand key developments, the Media Freedom Rapid Response (MFRR) undertook an online mission to Slovenia between 24 May - 2 June 2021.

The conclusions outlined in this report reflect the findings of the mission, which was jointly led by the European Federation of Journalists (EFJ) and the International Press Institute (IPI), in partnership with the Slovenian Journalists' Association (DNS). It was joined by Article 19, the European Centre for Press and Media Freedom (ECPMF), Free Press Unlimited (FPU), and Osservatorio Balcani e Caucaso Transeuropa (OBCT). Representatives of Reporters Without Borders (RSF), European Broadcasting Union (EBU), South East Europe Media Organisation (SEEMO), and the Public Media Alliance (PMA) also participated.

Due to the COVID-19 pandemic, the mission was organized in a virtual format through a series of online meetings. The delegation met with a wide range of stakeholders. From the journalistic community: Barbara Štrukelj and Bojan Veselinovič, Slovenian Press Agency (STA); Katja Svenšek and Janez Markeš, Delo; Boris Tomašič, Nova24; Manica Janežič Ambrožič, RTV SLO; Anuška Delić, Oštro; Leo Oblak, Radio 1; Igor Kadunc, former RTV director general; Anže Boštjic and Lenart Kučič, Pod Črto; Matjaž Zorec and Robert Mohorič, Radio Študent; Primož Cirman, Necenzurirano; Blaž Zgaga; Domen Savič, Državljan D; Jure Tepina, Tjaša Slokar Kos, Anže Božič and Nika Kunaver, POP TV; Hans Mahr, Central European Media Enterprises. From journalists' associations: Petra Lesjak Tušek, DNS; Alenka Potočnik and Petra Bezjak Cirman, SNS; Matevž Tomšič, ZNP. The mission also met with academics Marko Milosavljević, Ljubljana University and Peter Čakš, FERI University. From the government: Uroš Urbanija, Director of Government Communication Office, Uršula Menih Dokl and Mitja Iršič, Ministry of Culture; Parliamentary Committee on Culture.

Executive summary

- Slovenia has a growing problem with media freedom. Over the last 14 months, independent journalism has come under sustained pressure on multiple fronts from the coalition government led by the Slovenian Democratic Party (SDS). While the country still displays a high level of media pluralism and freedom of expression overall, it is no longer a relative safe haven for free media.
- Since returning to power at the beginning of the COVID-19 pandemic in March 2020, the third administration of veteran Prime Minister Janez Janša has systematically set about undermining critical journalism, reaching for control of public service media and reshaping the media landscape to boost SDS propaganda channels while pressuring mainstream media.
- Most disturbingly, disparaging denunciations of journalists and the portrayal of critics as part of a deep state cabal of former communists spreading fake news by the Prime Minister and other public officials has resulted in a toxic climate of hostility towards the press. Critical and watchdog reporting is delegitimized as “opposition journalism” waging war on the party. This has contributed to an upsurge in harassment and threats against journalists, both online and offline.
- Government officials defend Janša’s attacks on journalists as necessary to counter what they claim are media lies and downplay his abusive tweets as a “trivial” matter. However, the Slovenian journalists we spoke to believe that the rise in threats of violence coming from online users and Slovenian citizens is a direct consequence of SDS’s aggressive strategy where each abusive tweet is used to direct SDS propaganda channels releasing a barrage of online abuse.
- Women journalists are particularly targeted with misogynistic and sexist insults and threats. Inflammatory rhetoric by public officials endangers journalists from both independent and pro-government media by legitimizing the targeting of journalists leading to a rise in physical attacks against journalists across the media spectrum. It has also deepened polarisation and resulted in a rise in self-censorship, further denying the public access to information.
- However, the front line of the administration’s so-called [“war with the media”](#) is the struggle to control public service media. Over the last nine months, the SDS and the Government Communication Office (UKOM) have set about destabilizing and financially asphyxiating the Slovenian Press Agency (STA).

Manufacturing a contractual dispute, UKOM has twice suspended monthly payments to the agency and then refused to sign the new contract for 2021.

- Despite explicit legal obligations for the government to provide sustainable funding to STA, the agency has been left without state financing since December 2020, seriously jeopardising its immediate survival. A government decree agreement to reinstate advance funding will require the agency to submit to direct financial oversight by UKOM, leaving it with the choice between its survival and its independence.
- Meanwhile, the STA's management and supervisory board have come under sustained attacks from the Prime Minister, who has repeatedly called for the general director to be dismissed and [accused](#) him of being a “collaborator in the murder” of a former colleague. Rather than a knee-jerk tweet, the accusation has been repeated by UKOM director Uroš Urbanija and is part of a planned SDS campaign of pressure.
- As in the first Janša administration (2004-2008), the public broadcaster Radiotelevizija Slovenija (RTV SLO) has come under renewed pressure from the government through the threat of budgetary cuts and harassment of its staff. The Prime Minister has launched a series of wild attacks on the broadcaster, describing it as a “totalitarian”, a “media killer” and accusing it of trying to overthrow the government through its coverage.
- In July 2020, the Ministry of Culture brought forward draft legislative changes to RTV SLO's funding model which, had they passed, would have left the broadcaster in a financially and institutionally weaker position. While one of SDS's main criticisms of RTV SLO has been that of too much interference from previous governments, the proposed changes would have increased rather than lessened the broadcaster's dependence on the government.
- Meanwhile, SDS has attempted to exert greater control over commercial media to suppress criticism and amplify positive coverage. Under the Ministry of Culture's 2021 media co-financing fund, state money has been withdrawn from critical investigative media and special status radio stations, while media supportive of the SDS have seen funding increase. These changes are justified by representatives of the Ministry as rebalancing the media landscape and ensuring pluralism of views. Political pressure appears to have also had some success in influencing private broadcasters' political coverage.

- At the same time, the SDS has used methods to amplify its network of pro-government media established in recent decades. Many of these media are fuelling a toxic climate through personalised attacks on well-known journalists and editors. Propaganda outlets parroting the party line are also rewarded with lucrative advertising contracts from state institutions and companies. SDS do not refute the charge but instead claim previous governments used similar tactics to fund supportive media.
- Held up by the SDS as a counterweight in an unbalanced market, these deeply partisan outlets are boosted by public funds and propped up by capital from Hungarian media companies in the KESMA network, which has controlled most of Hungary's pro-government media since 2018. State-owned Telekom Slovenije's recent decision to cancel its sale of TS Media after a Hungarian company was outbid provides further evidence that SDS are seeking to expand its media portfolio through the sale of state assets to its political allies in Budapest, putting it on a path to replicating Fidesz's model for state-led media capture.
- During the Covid-19 pandemic numerous media outlets reported they were denied proper access to information, saving particular criticism for UKOM who they accused of discriminating against critical media and controlling access of health officials to the public broadcaster. UKOM has denied the charge. Journalists at political weekly Mladina faced legal pressure to reveal their sources. Otherwise, the overall framework for Freedom of Information (FOI) requests remains robust.
- Slovenia also saw one of the most egregious examples of using vexatious lawsuits or Strategic Lawsuits Against Public Participation (SLAPP) to intimidate investigative journalists in 2020, when Rok Snežič a financial advisor to the prime minister launched 39 defamation cases against journalists at Necenzurirano. It underlines the need to strengthen legal protection of media freedom and to fully decriminalize defamation laws.
- More broadly, the unregulated privatisation after Slovenian independence continues to pose challenges for editorial independence. While the situation for media ownership has improved over the last three decades, segments of the daily newspaper market continue to occasionally serve private interests of their owners at the expense of journalistic integrity. Problems remain most acute at newspapers whose owners also have investments in industries tied to state contracts, particularly construction and infrastructure.

- Implementation of media ownership regulation is a longstanding issue whereby the ultimate ownership of some political weeklies remains opaque, and legitimate competition concerns exist over concentration in the private regional radio market. Principled and non-political regulation is required to address certain concentrations and provide transparency of ownership.
- Failure to address these pre-existing issues in the Slovenian media sector has been utilised by SDS to justify a narrative of a biased and corrupt left-wing media and the need to "balance" the market. Yet rather than improve the situation by limiting political interference or fostering a broader spectrum of professional media, the party has instead exploited these weaknesses to further amplify a pro-government media network and cement greater control over public service media.
- While there is a long way to go until the country can be considered in the same realm as Hungary or Poland in terms of press freedom, the overall result is that media independence and pluralism have been eroded. Despite these pressures, the Slovenian independent media sector has proven to be resilient and has continued to display high-quality watchdog journalism during the pandemic. Importantly, support and solidarity between civil society, journalists' associations and newsrooms has been strong, giving hope for the future of the media landscape in Slovenia.

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Mission Report - Key Issues

I. STA:

Janša's war on the Slovenian Press Agency

In April 2020, the official website of the government of the Republic of Slovenia published a text by the Prime Minister entitled [“War with the media”](#). In it, the PM repeats a litany of his historic grievances with the media and denounces what he sees as an unelected branch of power that had ordained itself as the “arbiter of political correctness.” The text argues for the “paramount” need to confront and bring down the media’s “monopoly of lies” for the good of the country. Over the last fourteen months, the Janša administration has waged this war on the media with its battle with the Slovenian Press Agency (STA) at its centre. Since October 2020, the administration has attempted to starve the agency of resources and undercut public trust in its journalism and management. Numerous stakeholders described the campaign as an attempt to settle personal scores and bring the STA under tighter government control ahead of Slovenia’s presidency of the European Union and 2022 parliamentary elections.

The Prime Minister has [branded](#) the agency a “national disgrace” on Twitter. In the summer the Ministry of Culture published [draft amendments](#) to three media laws, including the STA Act which would have handed the government more control over selecting its governing body members and hiring and firing the agency’s director. When the legislation was shelved following public outcry, UKOM, headed by Uroš Urbanija, attempted to include the STA as part of the National Demographic Fund, replacing the state as its sole shareholder and in doing so weakening the independence of its governance. Meanwhile, UKOM twice [suspended](#) the monthly payments to the STA with the justification that it had failed to provide necessary documents to assess its financing. Funding was initially restored following a warning from the EU. However, when the STA contract expired, UKOM stymied efforts to sign a new contract for 2021, leading to legal proceedings being opened. In the meantime, the agency has operated without state funding which represents around half of its total income for six months, leaving it in serious financial jeopardy as it celebrates its 30-year anniversary.



© Slovenian Press Agency (STA)

The dispute centres on whether UKOM has the right to demand internal financial documents from STA which is normally the preserve of the supervisory board. STA's resistance in submitting to the demands was used to justify stalling the contract renewal. The standoff turned into farce when STA sent the documents to the Prime Minister's office as the representative of the state, which, instead of passing them onto UKOM, returned them to STA. Pressure increased further in March 2021, when the government tasked the Interior Ministry to investigate whether possible criminal acts by the STA were prosecutable *ex officio*. Ljubljana police investigators [interviewed](#) the supervisory board's chairman over allegations of criminal practice; officers from the National Bureau of Investigation (NBI) [questioned](#) staff at the daily newspaper Dnevnik over advertising deals with the STA; and then [the labour inspectorate were sent in to investigate any employment violations](#).

As tensions escalated, Janša called on director Bojan Veselinovič to resign and called him "a political tool of the far left." When he declined, the PM urged the supervisory board to dismiss him and, on May 6, Janša [tweeted](#): "amazing for the EU in the 21st century that a collaborator in the murder of a journalist is still leading the STA and therefore cashes in 8,500 euros per month, more than the president of the republic". The tweet refers to the death of Borut Meško, former editor in chief of STA until he was

fired in November 2009 and then died of a terminal illness the following year. Veselinovič responsibility for Meško's departure from STA has been twisted into a collaboration to murder. Uroš Urbanija didn't repeat the allegations outright but did tell the mission that Meško's death was linked to his having dared to oppose Veselinovič, further underlining the depths to which the SDS smear campaign is prepared to go.



Protest in Ljubljana over STA funding suspension; July 2020. © Slovene Association of Journalists

Numerous stakeholders told the delegation that sustainable funding for the STA was guaranteed under both the STA Act and the seventh 'anti-corona' law passed during the pandemic. In an act of solidarity, journalists' organisations and media outlets launched a crowdsourcing campaign to coincide with World Press Freedom Day, which raised €274,000 to pay the salaries of STA staff. These funds are due to run out around August 2021. During the mission, Urbanija rejected claims that UKOM had put undue pressure on the STA and framed the issue as a contractual dispute for which the STA director general was responsible. He repeatedly alleged financial malpractice within STA to justify the stalling of the contract, closer UKOM supervision of STA finances and the removal of the Director Bojan Veselinovič. Urbanija insisted their concerns were purely about the financial administration of STA and were totally unrelated to government criticism of editorial content.

To date, no credible evidence has emerged of financial irregularities. It is the view of the mission therefore that the contractual dispute, together with the multiple probes

against the agency launched by a government that has never hidden its determination to remove the management, combined with the vicious smear campaigns, are nothing more than manufactured allegations used to exert greater control over the agency. In the background, an alternative [National News Agency](#) (NTA) was established in February 2021 and appears to be supportive of the government, the mission was told. The government told the mission it had no ties to the new agency; however, it received a statement of admiration from the Prime Minister. After the mission ended, the government passed a decree to eliminate what it called “legal ambiguities” in the provision of STA public service. Legal experts have said the decree was unconstitutional. On 28 June, days before taking over the EU Presidency, the government [announced](#) that it had instructed the director of UKOM to recommence financing and pay an advance of €845,000 to STA on the condition that it give authorised individuals at UKOM access to internal business data and information and records of financial operations for the last decade. Under the terms, the ongoing lawsuit launched against UKOM by Veselinovič must also be withdrawn. While the move to reinstate legally required funding was [welcomed, serious concerns](#) remain over the conditionality of the agreement and its possibly detrimental effect on STA's independence. Until a contract for sustainable funding is signed, the survival of the STA and its public service journalism remain in jeopardy.

II. RTV SLO:

Public broadcaster in the firing line

During the last year, Radiotelevizija Slovenija has also come under renewed pressure from the threat of budgetary cuts and harassment of its staff. Within a few weeks of re-entering office, the Prime Minister – a longstanding critic of the broadcaster and its license fee – set the tone by firing off a tweet accusing RTV SLO of “[spreading lies](#)” and issuing a threat over its funding. The PM has openly [accused](#) the broadcaster of trying to “overthrow” his government and of creating an “atmosphere of intolerance and hatred (...) created by a narrow circle of female editors with family and capital ties to the pillars of the deep state.” These accusations have been parroted by smear articles in pro-government media, one of which suggested someone might “maliciously stab” RTV SLO journalist [Erika Žnidaršič](#) in the ribs. This rhetoric has spilled over into verbal and physical attacks. In 2020, RTV SLO crews were verbally attacked and harassed in the street and had their vehicles damaged and vandalised. RTV SLO journalist [Eugenija Carl](#) and other journalists have received envelopes containing threatening notes. Other reporters have received anonymous phone calls and threatening emails.

Manica Janežič Ambrožič, editor-in-chief of the TV Slovenia news program, described an atmosphere of intense pressure on staff, saying she suffered harassment from people who knew where she lived.



RTV SLO © Tina Kosec, RTV SLO

RTV SLO has also come under sustained institutional pressure from the government. Multiple ministers and the PM have previously called on citizens not to pay the general license fee due to alleged bias. The administration's wider plans became clear in July 2020, when the Ministry of Culture published [draft amendments](#) that would overhaul its financing. These changes, initially allocated just five days for public consultation, would have resulted in a net annual budget loss of €13 million. While the government claimed RTV SLO would have been compensated for the losses via other means, stakeholders said this would have left RTV SLO in a much-weakened financial position and potentially faced axing hundreds of jobs. The government has previously said the proposed changes had been based on draft amendments prepared by the previous administration and has justified these proposals as “modernising” the broadcaster. In the draft, the government additionally proposed to direct five percent of the license fee to other media in order to foster greater pluralism in the media market.

Interlocutors told the delegation that the changes had added problematic new elements and were part of an ideological attack on the broadcaster. The proposal was eventually shelved after opposition from SDS's coalition parties. During the mission, Uršula Menih Dokl from the Ministry of Culture informed the delegation that the amendments would not be brought forward during the current parliamentary term, which expires in July 2022.

In addition to proposed legislative changes, the government has undertaken efforts to politicise RTV SLO's nominally independent oversight bodies further. In the first few months, numerous figures with clear political affiliations were appointed to sit on its eleven-member supervisory board. While political appointments are a problematic issue at various broadcasters in Europe, the attempt to replace sitting members took on a more extreme form in Slovenia. In April 2020, the government attempted to dismiss three members of the supervisory board before the end of their mandates. This was met with strong [opposition](#) and two of the dismissals were eventually [blocked](#) by a court. One month later, a separate attempt to dismiss another two supervisory board members appointed by the National Assembly was then [blocked](#) by a parliamentary committee. Meanwhile, six candidates seen as supportive of the government were [elected](#) to sit on the programming council in April 2020. Unsuccessful efforts were also made to unseat the serving director general before his term expired in April 2021. Some stakeholders reported that figures on the oversight bodies close to SDS had attempted to reach beyond their mandate and influence coverage and content on certain topics. The next round of elections to the programming council is scheduled for 2022.

During the mission, SDS figures and pro-government media constantly criticised the broadcaster as being biased and left-wing. Many echoed Janša's view that despite three decades of democratisation and reform, the broadcaster retains the editorial culture of its Yugoslav forebear and censors right-wing journalists. These assertions were strongly rejected by the former director general Igor Kadunc, who added that while like any major media organisation RTV SLO sometimes makes errors, it is transparent in rectifying them. Other stakeholders defended the broadcaster's public service reporting, especially during the pandemic. A shared view among interviewees was the need to reform the outdated 2006 media law governing the broadcaster, which was last amended in the first Janša administration. While successive governments have pledged to amend the law, a lack of follow-up action has left the broadcaster exposed to undue interference from governments on both the left and right. Reform to limit the politicisation of oversight bodies and allow RTV SLO journalists to work free from political interference is long overdue.

III. Hostile climate: Online harassment, safety and polarisation

One of the defining features of the current government in terms of media freedom has been the aggressive use of social media by public officials and the executive office to denounce critics. Since returning to office, the PM has continued to use Twitter to insult and demean journalists he disagrees with on a regular basis, lambasting critics as “liars” and propagators of “fake news”. As well as journalists from public service media, privately-owned media have been [accused](#) by the PM of “persistently lying” about the pandemic and, in so doing, contributing to the death toll. Official government communication channels have also been misused to amplify this unfounded criticism. Other officials have threatened journalists and joined calls for citizens to [publicly denounce](#) so-called “media manipulators” spreading false information. While many of these Twitter jabs have been aimed at journalists from liberal newspapers such as Mladina and Delo – media long criticised by the PM - a range of foreign media have been similarly targeted including ARD, DW, Der Spiegel, Der Standard, Politico and The New York Times. This hostile rhetoric and direct confrontation with journalists has been condemned by newspapers’ editorial boards and even in [joint statements](#) by academics and 22 of the country’s leading editors-in-chief.



Slovenia's Prime Minister Janez Janša. © EPA-Efestephanie Lecocq

When questioned about the PM's social media use, government officials defended the comments or played down their impact. They argued Janša is simply exercising free speech and has no option but to use social media to counter the mainstream media bias. Ministry of Culture adviser Mitja Iršič repeatedly described the tweets as “trivial” and argued they had little lasting consequence. However, multiple journalists and members of journalists' associations strongly rejected this view, contending that as well as constituting a form of government pressure, the tweets also act as a signpost for followers of the PM and other public officials to attack and harass critics online. In some cases, state-directed social media pile-ons have resulted in death threats against journalists, most prominently [Blaž Zgaga. Investigations](#) into so-called coordinated [astroturfing](#) in Slovenia have identified suspected fake accounts which promote the work of the government and often demonise its detractors, including members of the media. Some interlocutors said that insulting tweets by public officials were fanning the flames of an increasingly toxic public debate and deepening polarisation in the journalistic community.

Female journalists have [suffered disproportionately](#) from increasing hostility against media online. Several interviewees shared experiences of misogynistic abuse they had been subjected to involving their appearance, age and family. Other female journalists told the mission they had been subjected to rape or death threats and had been forced to block comments on their social media accounts to shut out daily insults. The deputy editor-in-chief of daily newspaper Delo, Katja Svenšek, told the mission that online attacks against its staff, including women journalists, had become so bad that in May it took the step of requiring readers to register their full name before posting in the comment section. Government officials expressed little concern about the sexualised denigration of female journalists when questioned. However, numerous stakeholders said the stigmatisation of female journalists was contributing to self-censorship among those wary of becoming a new target for far-right online harassment. Others noted that divisive and sexist rhetoric of politicians against journalists had a normalising effect and was contributing to further attacks.

Concern in newsrooms over journalists' safety online and offline was clearly observable during the mission. Over the past year, Slovenia has [observed an uptick](#) in the number of physical attacks against media workers. The most high-profile case involved photojournalist [Borut Živulovič](#), who was hospitalised and had to undergo surgery after being hit on the head while covering anti-government protests. Political figures quickly denounced the attack and police [charged the individual responsible](#). The same night, well-known presenter [Vladimir Vodušek](#) was assaulted. In October, a [camera operator](#) from pro-SDS media Nova24TV was surrounded by anti-government protesters and one man tried to rip the camera out of his hands. During the mission, TV host and Nova24TV director Boris Tomašič said it was conservative journalists that faced greatest pressures, pointing to threats against RTV SLO journalist Jože Možina in 2018

and the vandalism of Nova24TV office in Maribor in April 2021. Overall, journalists told the delegation they feel online threats are not taken seriously enough by prosecutors. Indictments over hateful comments directed at journalists are extremely rare. Some interlocutors said that the five-year [long court case](#) over defamation charges brought by RTV SLO journalists Eugenija Carl and Mojca Šetinc Pašek against Janša after he called them “washed-up prostitutes”, in which a [retrial](#) is underway, was emblematic of why journalists feel it is not worth reporting such comments to police. However, in June 2021 it was [reported](#) that Reporter journalist Igor Kršinar had filed a criminal defamation lawsuit against Janša over a 2019 tweet in which the then opposition leader claimed he was under the influence of “hard drugs”. Such disparaging and harmful rhetoric by public officials is also promoting a climate in which journalists and media outlets in general are viewed as legitimate targets for people to vent their anger and frustration.



“For media, for journalism” Protest in Ljubljana; 15 July 2020. © Shutterstock/Igor Kupljenik

IV. ‘Rebalancing’: Weakening critical media and amplifying of pro-government media

Since returning to power the SDS has attempted to exert greater control over Slovenia’s commercial media landscape to suppress criticism and influence coverage. During the mission, many stakeholders raised concerns about the government’s attempt to subjugate critical reporting at the media house Pro Plus, which owns the country’s two biggest commercial TV stations, Pop TV and Kanal A. In 2020, its parent company Central European Media Enterprises (CME) was [bought by the Czech PPF Group](#) owned by recently deceased billionaire Petr Kellner. At the time, the sale [raised concerns among media freedom groups](#) that the acquisition could pose risks for editorial independence, given PPF’s other investments in the region. [Multiple reports](#) suggest that during a secret meeting with Kellner in December 2020, details of which were revealed by the press, Janša repeatedly complained about POP TV’s editorial policy. Since then, government complaints to PPF about allegedly biased coverage have soared and the Prime Minister and SDS MPs have made [veiled threats](#) about editorial and management changes. Under PPF ownership, observers have noted subtle changes in scheduling and presentation of political reports in POP TV and Kanal A news programs. External interviewees told the delegation some challenging topics involving international criticism of the government have sometimes been overlooked or marginalised. The news output at both outlets is also now overseen by a Prague-based editorial board created by CME, which reviews translated versions of major news articles and broadcasts on a daily basis. Hans Mahr, who sits on the board, said the monitoring was aimed at ensuring high editorial standards and impartiality across all CME’s media companies spanning several countries. The MFRR notes that while this monitoring has not resulted in overt interference with editorial decision-making, it appears to have contributed to a much more cautious form of journalism that compromises the media outlet’s ability to effectively act as watchdogs. The government has denied attempting to influence or interfere with private media.

A second tool used to undermine media reporting critically on the government and reward pro-government media has been the allocation of state money. Under the annual tender for co-financing media programs in 2021, the Ministry of Culture left out two daily newspapers, investigative media and five special-status radio stations. All had previously been labelled as “left-wing” or politically biased by the ruling party. While the loss of state funding did not represent a serious financial hit for the larger media companies, it left the smaller radio stations in financial jeopardy. Among those overlooked for the first time was Radio Študent Slovenia, one of Europe’s oldest non-

commercial radio stations. During the mission, Radio Študent said the loss of its EUR 100,000 financing had left them facing restructuring and staffing cuts. The outlet has launched a lawsuit against the Ministry, alleging that the decision was politically motivated and aimed at stifling its critical coverage of the government. Ministry of Culture officials said the fund's allocation was aimed at fostering greater diversity in an unbiased market. However, numerous stakeholders raised concerns over the narrowness of the selection criteria and the system of appointment of the commission, which is chosen by the Minister of Culture. It was noted a majority of the current commission have links or affiliations with the government. During the mission, representatives from the Ministry said that during the pandemic the government allocated tens of millions of euros for Covid-19 relief aid to the media.



Slovenia press conference microphone. © Robert Balen, Večer

Since returning to power, SDS has also sought to strengthen and amplify its own network of pro-government outlets. Many of these outlets such as Nova24 and Demokracija were originally co-founded and co-funded by members of the SDS and retain an extremely close relationship with the party. Both the current Interior Minister and head of the Government Communications Office previously held positions at Nova24. Though viewership and readership remain low, the Prime Minister has attempted to boost the visibility of these media through daily retweets and regular exclusive interviews. Over the last three years, the SDS and its allies have also created a network of news portals intended for voters in individual regions, many of which are run by individuals connected to the party. More online media supporting right-wing

parties or the Catholic church were recently registered by the company Nova obzorja, which is co-owned by SDS. Numerous interviewees said these media display an extreme lack of objectivity or professionalism, with others describing them as SDS propaganda organs uncritically conveying the views of leading politicians. Many also publish racist or homophobic opinion pieces and engage in personalised smears on prominent journalists and Slovene opposition Members of the European Parliament. Information-sharing agreements mean these smear campaigns are published on multiple websites at the same time, often in an apparently coordinated manner. Nova24 director Boris Tomašič told the mission the outlet's unflinching support for SDS was necessary to counter the "left-wing" bias in the media market. The MFRR identified a series of articles in pro-government titles which go well beyond reasonable criticism. Media experts in Slovenia say these articles violate Article 8 of the [Slovenian Media Act](#), including texts hinting at violence against other well-known journalists.

State funding has also been [channelled](#) to media supportive of the government. In the 2021 co-financing scheme by the Ministry of Culture, state subsidies increased markedly for media founded by SDS members, owned by Hungarian businessmen, or aligned with the Catholic church, where much of SDS core support can be found. Meanwhile, lucrative advertising budgets from the Ministry of Defence and Telekom Slovenije have increasingly been awarded to Nova24TV and other SDS-affiliated media since the party returned to power, according to recent research. Advertisements from state-owned companies can also be found on small, pro-government portals with tiny readership figures. Academics interviewed during the mission said that while it was normal for political parties to fund their own communication outlets, the use of public money to finance government propaganda was highly problematic. While political influence over media has been a pre-existing problem in Slovenia, the current government appears to have used the existence of this issue as an excuse to go several steps further in supporting their own partisan media and hindering critical media.

A neat illustration of efforts to redirect TV viewers to SDS's media network can be seen in the decision in May 2021 by state-owned Telekom Slovenia, headed by a former SDS mayoral candidate, to reorganise the listings for IP television channels and drop POP TV and Kanal A out of the top 10, replacing them with Nova24 TV and Nova 24 TV2, which were elevated from twentieth spot to the top list. Interviewees described the changes as an attempt to reduce the influence of POP TV at the expense of pro-government voices.

Additional money for SDS has come from Hungarian companies run by business people who are close to the ruling Fidesz party of Viktor Orbán, a close ally of the Slovenian Prime Minister and who have made sizable investments in Nova24TV, Demokracija and Škandal24. In July 2020, state-owned Telekom Slovenije sold its stake in the second largest commercial television station; [Planet TV](#), to Hungarian media company TV2 Media, which is also owned by a Hungarian oligarch linked to Fidesz.

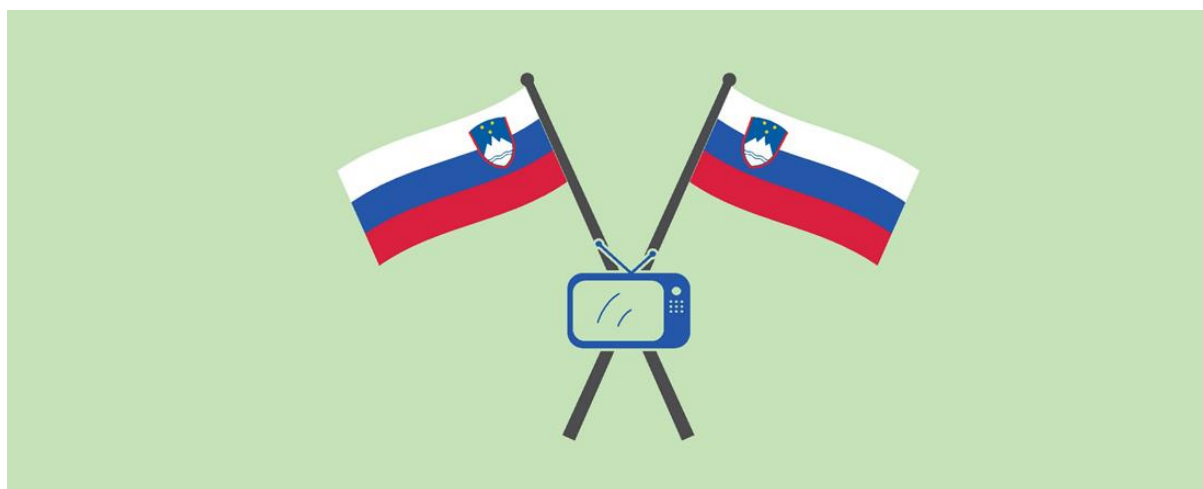
While Hungarian investments count for a small fraction of the market in Slovenia, investigative journalists said it is being channelled solely to media supportive of the SDS. Most recently, in May 2021 Telekom suspended the sale of its stake in TS Media, which owns the second most popular web portal in Slovenia, Siol.net, after Hungary's TV2 Group was outbid by United Media. While Telekom's chairman has denied it was a political decision, the cancellation raises major questions about unfair competition and state-led manipulation of the media market in favour of Hungarian investors. The use of state-owned companies to distort the market to favour the government is a hallmark of state-led media capture strategy used by illiberal governments in Budapest and Warsaw.

V. Private media: Ownership, concentration and censorship

In addition to pressure from the government, journalists in Slovenia also face pressures stemming from historic media ownership problems, access to information and criminal defamation lawsuits. During the country's democratic transition in the 1990s, formerly state-owned newspapers were privatised and shares were bought by predominantly left of centre entrepreneurs and companies. Many of these media including influential dailies Delo, Dnevnik and Večer suffered from direct or indirect interference from new owners who sought to use the newspapers as leverage for political or commercial interests. Repeated changes in ownership at these titles has resulted in cycles of editorial changes and influence buying by politically-connected owners. While the situation for media ownership has improved significantly over the last three decades, segments of the daily newspaper market continue to suffer from ownership structures which occasionally serve private business interest at the expense of journalistic integrity. Problems remain most acute at newspapers whose owners hold business interests in industries tied to lucrative state contracts, particularly construction and infrastructure. Interlocutors said many current owners continue to try and influence coverage if a government tender is at stake.

During the mission, the delegation heard testimony from multiple former or current journalists from the country's dailies that while the majority of reporting remains unrestricted, certain topics or individuals are considered "off limits". At some newspapers, stakeholders explained how editors-in-chief have to avoid challenging reporting involving the business interests of the owners and their associates. Delo, the country's largest daily newspaper, has been accused of blunting its coverage of the Mayor of Ljubljana. In other cases, journalists have been transferred to different beats after stepping over an editorial line or investigating an off-limit topic or "special

relationship", while other reporters claim to have had [salary or bonuses withheld](#) as punishment for critical reporting. As in other EU states, depleting readership and declining advertising revenues have increased financial reliance on wealthy business owners, heightening the risk of meddling.



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Implementation of regulation on transparency of ownership has been another ongoing issue since Slovenia's independence. Despite the public register which lists media shareholders, the weekly left-wing magazine Mladina stands out for its opaque ownership structure. The ultimate owners of the political weeklies Reporter and Demokracija are also partially concealed. Large media networks such as the [Media24 media group](#) have faced accusations of circumventing media legislation, posing serious questions for regulators tasked with maintaining market competition. Other legitimate concerns exist over concentration in the private radio market, which is dominated by two individuals. Furthermore, a lack of oversight of local media funded by municipalities has seen them [abused](#) to promote local mayors and criticise their opponents around elections. Meanwhile, due to the small size of Slovenia's media market job security has fallen, layoffs at daily newspapers have continued and many journalists suffer from financial precarity, with freelancers experiencing the greatest challenges.

Investigative journalists are also facing pressure from criminal defamation lawsuits and Strategic Lawsuits Against Public Participation (SLAPP). The most egregious case involves the barrage of [39 SLAPP lawsuits](#) brought against three journalists working for investigative platform Necenzurirano by Rok Snežič, a tax expert and unofficial financial advisor to the Prime Minister. To date the vexatious lawsuits have not been dropped. While progress has been made in repealing criminal defamation laws, journalists still face the threat of imprisonment for defamation of the head of state or state symbols, provisions which violate international standards on freedom of

expression. During the pandemic, other journalists have faced legal pressure by authorities to reveal their sources. In May, [Mladina](#) was asked by police to provide information on how it acquired classified documents revealing the government's plan for the country's post-Covid economic recovery that had been submitted to the EU. Journalists in Slovenia also face discrimination in access to information. Numerous reporters told the delegation they faced challenges in speaking with government officials and that requests for interviews or information from UKOM regularly go unanswered. UKOM has [denied](#) discriminating against any media or barring public health officials and ministers from giving interviews about Covid-19. These barriers to equal treatment hindered the ability of the media to cover the government strategy for combating the spread of the pandemic. Overall interlocutors said the system for Freedom of Information (FOI) requests remained robust.

During the mission, SDS officials portrayed the country's mainstream media as serving the financial and political interests of left-wing tycoons with roots in the former regime. Issues of censorship and editorial interference were presented as endemic and the most serious issue affecting media freedom. As in other post-Communist states, the past experience with unregulated privatisation and cross-ownership of media with other industries continue to pose legitimate challenges in Slovenia. Overall, however, SDS's depiction of the country's media landscape suffers from oversimplification and is not backed by the evidence. The majority of the print, television and radio media adhere to journalistic ethics and standards and retain their role as watchdogs, regardless of ownership. While newspapers do have identifiable editorial lines, reporting largely remains professional and infringements of journalistic ethics and acts of censorship remain the exception rather than the norm. Likewise, while polarisation within the journalistic community had deepened in recent years, assertions that political affiliation has hollowed out all space for impartial journalism in Slovenia is disingenuous. Indeed, it is clear that SDS itself is now engaged in a self-serving effort to brand the press as ideologically driven so as to disrupt public trust in critical media and undermine watchdog reporting. Nonetheless, the strengthening and eventual unification of the system for self-regulation between journalists' organisations and publishers would help raise professional standards. Greater transparency and cross reporting on problematic ownership and financing practices at mainstream media outlets would also help rebuild credibility lost in recent years. The fostering of a culture in Slovenia in which media hold themselves up to greater self-introspection and criticism is vital, because the longer these issues go unaddressed the more they will fuel those wishing to delegitimise independent media.

Conclusion: Media freedom deteriorating

Taken together, the increasing pressures on journalists in both public and private media under the current administration have resulted in an alarming downturn in press and media freedom. Unlike other leaders of democracies who treat media they do not agree with as a frustrating yet vital part of the democratic system, Janša views the media as an aggressor to be confronted and countered. This policy fails to recognise that politicians are obliged to display a higher level of tolerance for criticism. Instead, the PM seeks to intimidate and undermine the source of any kind of criticism. In this zero-sum view of the relationship between politics and media there is a winner and a loser, rather than an executive kept in check by the fourth estate for the overall benefit of society.

“ Rather than constructively engaging with European institutions about concerns, the PM dismissed a memorandum on the state of human rights and media freedom in Slovenia by the Council of Europe by branding its Commissioner for Human Rights as part of a “fake news network”. These actions raise alarm ahead of Slovenia’s presidency of the Council of the European Union.

This populist understanding of critical media as a force of opposition to be attacked, rather than a necessary pillar of a democratic society, is one of the connective threads between attacks on media freedom in Slovenia, Poland and Hungary. In the latter two countries, Europe’s two illiberal democracies’, ruling parties have also justified their policies as overhauling media landscapes which bear the antecedents of Communist rule. But in practice, these state-led attempts to “rebalance” the market have not been about creating space for greater media pluralism, but rather in weakening independent media of all types in order to establish and cement a pro-government media landscape aligned with these parties’ nationalist agendas.

A similar politically-motivated attack on independent media is now underway in Slovenia. While some of SDS's complaints about media ownership are legitimate, its prescriptions often exacerbate issues or pose new problems. Similarly, legislative proposals to tackle alleged bias at STA would increase political control over its oversight bodies, rather than lessen it. SDS's claims to increase pluralism and tackle alleged liberal bias have not resulted in a broader spectrum of professional media, but rather in the creation of highly partisan outlets linked to the government. The press agency and several smaller radio stations face major crises under its watch. Meanwhile, changes to media legislation passed during the first Janša administration remain the root cause of many of the current challenges. Rather than constructively engaging with European institutions about concerns, the PM [dismissed](#) a [memorandum](#) on the state of human rights and media freedom in Slovenia by the Council of Europe by branding its Commissioner for Human Rights as part of a "fake news network". These actions raise alarm ahead of Slovenia's presidency of the Council of the European Union.

Over the last year, SDS' attacks on media and other democratic backsliding have steered Slovenia closer towards the illiberal democracy championed by Viktor Orbán. However, it should be noted that during the mission many interviewees stressed there was hope for the future of media freedom in Slovenia. The lack of a parliamentary majority and a fragile coalition have so far limited the implementation of problematic legislation. The effectiveness of political meddling at commercial broadcasters remains limited. Partisan media under the indirect influence of the SDS still represent a small portion of the media market. Overall, the market remains vibrant and displays high-quality independent and investigative journalism. Importantly, the pushback from civil society, journalists' associations and newsrooms has been strong. Most importantly, a sizable section of the Slovenian public has shown it is willing to stand up and defend independent media like the STA.

Yet despite the strength of the resistance no one should be in any doubt of the SDS strategy and the extent of the damage the current administration has caused, nor underestimate the danger that a stronger SDS government would pose to media freedom. A free press was one of the key values in the founding of the Republic of Slovenia. As the country celebrates thirty years of independence, it is vital a free press remains a cornerstone of its democracy.

Recommendations

In line with Slovenia's obligations under domestic, European and international law and standards, we call on the Slovenian government to:

- Recognise the fundamental role that independent journalism and critical reporting play in holding power to account and protecting Slovenia's democracy and take steps to halt the steady deterioration of media freedom.
- Immediately reinstate sustainable funding for the STA and refrain from further actions which undermine its institutional independence. Engage in meaningful discussions with STA to ensure the government decree agreement regarding the resumption of its public service financing is proportionate and does not interfere with the editorial and managerial autonomy of the agency.
- Uphold the government's responsibility under the law to provide sufficient funding for Radiotelevizija Slovenija and halt efforts by public officials to delegitimise its journalists or engage in propaganda about non-payment of its general license fee.
- Lead the way in improving public discourse by halting hostile and dangerous rhetoric against journalists and refrain from efforts to discredit, demean and vilify national and international reporters and media, both online and offline.
- Publicly condemn all intimidation, threats, physical attacks and acts of vandalism against media and ensure that any such attacks are properly investigated and prosecuted, especially in the case of sexist and misogynistic threats against female journalists.
- Fully implement the [Recommendation CM/Rec\(2016\)4](#) on the protection of journalism and safety of journalists and other media actors, repeal all remaining criminal defamation provisions, and introduce safeguard mechanisms against SLAPPs.
- End the abuse of state-controlled advertising to punish independent media outlets and reward pro-government media outlets, and task the Ministry of Culture to investigate the use of public money to fund party-affiliated media.
- Work with opposition parties, journalists' organisations and civil society to bring forward much needed amendments to the 2006 Media Law to establish

stronger institutional safeguards which reduce political meddling in public service media and their oversight bodies.

- Review the Ministry of Culture co-financing tender to ensure special status media have sustainable funding, reform current assessment criteria and the system of appointment for expert commission.
- Introduce principled and non-political regulation to increase transparency in media ownership and tackle circumvention of media concentration rules. Address legitimate competition issues in a principled manner to ensure a diverse and pluralistic market.
- Support the journalists' community to improve self-regulation and respect for the general Code of Journalism Ethics, ensuring the inclusion of publishers' associations in an independent body with the powers to ensure effective promotion of the highest ethical standards in journalism.

Recommendations to European institutions and international organisations:

- During the Slovenian presidency of the Council of the EU, urge the government to ensure that the issues of media freedom and safety of journalists are prioritised and that debates and sessions involving threats to independent media go ahead.
- Encourage EU leaders to publicly and swiftly condemn any incidents of insults or intimidation against journalists, as well as anti-media rhetoric that delegitimizes journalists, by the Prime Minister and other public figures.
- Engage the Slovenian government to ensure that a swift solution is found to reinstate sufficient and sustainable funding to the STA which does not also hand the government greater controls over administration or content.
- Ensure any reforms to media legislation are fully in line with EU law and international standards and scrutinise the work of Slovenia's media regulators and state-controlled companies which are engaged in decisions affecting media freedom.
- Support independent and investigative journalism in Slovenia and accelerate the establishment of an EU directive to counter SLAPPs.

MEDIA FREEDOM RAPID RESPONSE



The Media Freedom Rapid Response (MFRR) tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers. The MFRR is organised by a consortium led by the European Centre for Press and Media Freedom (ECPMF) with ARTICLE 19, the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), the Institute for Applied Informatics at the University of Leipzig (InfAI), International Press Institute (IPI) and CCI/Osservatorio Balcani e Caucaso Transeuropa (OBCT). The project is co-funded by the European Commission.