

Slovenia | Freedom House

POLITICAL RIGHTS: 39 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The prime minister is appointed by the National Assembly (Državni Zbor) and serves as the head of the executive branch. The president holds the mostly ceremonial position of chief of state, and is directly elected for up to two five-year terms.

Parliamentary elections were held in June 2018, and after extended negotiations, a minority center-left coalition government took office in September. Prime Minister Marjan Šarec—formerly a two-term mayor of Kamnik, and before that, a comedian—heads the new administration.

In November and December, two rounds of local elections were held in all 212 municipalities. While some mayoral results were appealed, and a few instances of recounts observed, the process was free and fair.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The bicameral legislature is composed of the 40-seat Senate and the 90-seat National Assembly. Senators are indirectly elected to five-year terms by an electoral college. Of the 90 National Assembly members, 88 are directly elected by proportional representation vote. Two seats are reserved for Italian and Hungarian minorities, and are directly elected in special constituencies by a simple majority vote. National Assembly members serve four-year terms.

Monitors from the Organization for Security and Co-operation in Europe (OSCE) deemed the June 2018 National Assembly elections free and fair. The election took place a few weeks before the previous parliament was due to finish its term, because Prime Minister Miro Cerar had resigned in March after the Supreme Court ordered that a new referendum take place on an infrastructure project that was a major part of his development plan. Although the center-right Slovenian Democratic Party (SDS), led by former prime minister Janez Janša, won the most seats with 25, it was the second-place party List of Marjan Šarec (LMSŠ) that was able to form a center-left minority government. Šarec's party took 13 seats; members of his coalition members include the Social Democrats (SD) and the Modern Center Party

(SMC), which each took 10 seats, the Democratic Party of Pensioners of Slovenia (DeSUS), which took 5 seats, and the Party of Alenka Bratušek (SAB) which also took 5 seats. The coalition is supported by the left-most party, Levica, which won 9 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The National Election Commission is an independent and impartial body that supervises free and fair elections, and ensures electoral laws are properly implemented.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

The constitutional right to organize in different political parties is upheld in practice. Twenty-five parties participated in the 2018 parliamentary election, including several formed during the last election cycle. Local elections saw a flurry of parties and independent candidates running for municipal offices. Reaching just over 51 percent, turnout beat expectations and was the highest since 2006.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Political power rotates between center-left and center-right parties. Past governments were comprised of parties from various parts of the political spectrum.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

People's political choices are free from domination by powerful groups that are not democratically accountable.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Citizens generally enjoy full political rights and electoral opportunities. In the National Assembly, one seat each is reserved for Hungarian and Italian minorities. Roma are given seats on 20 municipal councils, but are not represented

in the legislature.

Women's political interests are relatively well represented. However, after the 2018 election, some 24 percent of members of the National Assembly are women, a decline from the last term. Men and women must each have at least 35 percent representation on party lists. Political parties that have failed to do so have had their lists rejected.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are free to set and implement government policy without undue interference.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Corruption in Slovenia primarily takes the form of conflicts of interest involving contracts between government officials and private businesses. Despite a recent push in the National Assembly to address the problem, the issue persists. The Commission for the Prevention of Corruption (KPK) has been mired in controversy, including the fining of the KPK president in March 2018 for misuse of personal data. In July, the Constitutional Court overturned key aspects of a 2011 law on seizure of assets from criminal activities, a decision that caused some corruption cases against current and former public officials to be withdrawn.

Also in July, Zmagaj Jelinčič of SNS was appointed vice chair of a parliamentary foreign relations committee, in spite of a Council of Europe decision in June to ban him for life from the Council for corruption.

Media have been increasingly proactive in exposing corruption, bringing such practices into sharper public focus. For example, the media reported in March on overpayment of tenders issued by the government for a new railway segment and in January on irregularities in procurement in the health sector.

C3. Does the government operate with openness and transparency? 4 / 4

The government generally operates with openness and transparency. In January 2018, amendments to the Access to Public Information Act distributed the fees incurred by public information requests more evenly among the parties involved, thus lessening the financial burden on journalists and other information requesters.

The Information Commissioner reported in May that in 2017 the number of complaints against the state over access to public information had increased while the number of such complaints against municipalities had decreased.

CIVIL LIBERTIES: 55 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

Freedom of speech and freedom of the press are constitutionally guaranteed, but journalists can be legally compelled to reveal their sources. State-owned enterprises continue to hold a stake in several media outlets, leaving them vulnerable to government intervention. Public broadcaster Radiotelevizija Slovenija frequently faces pressure from political actors.

Defamation remains a criminal offense, and there have been several high-profile cases involving media in recent years. Two ongoing cases by journalists against the leader of the SDS, Janez Janša, were resolved in 2018 in the journalists' favor. In a separate criminal proceeding over the same issue, in November a three-month suspended sentence was handed down to Janša for defaming two journalists. The case is on appeal. In December, the two journalists received hate mail at their television station that included a white powdery substance, which later turned out to be nontoxic.

The number of journalists facing harassment and threats rose in 2018. Television crews have been attacked, including in one case in August in which a driver attempted to ram his vehicle into a film crew. Also in August, the editor of a daily newspaper stated that a call for his execution had been posted on social media; the case was turned over to the authorities but no charges were filed. Since the middle of autumn, participants in a grassroots campaign have criticized state-owned Telekom Slovenije's advertising with a right-wing outlet that has published incendiary and hateful content. After a long debate between free-speech and anti-hate-speech advocates, Prime Minister Šarec in November opined that while press freedom is a foundation of democracy, state-owned companies should consider whether advertising with media that publish hateful content is compatible with their mission. Telekom Slovenije continued to advertise with the outlet in question.

Journalists face a continuing threat to their livelihood, be it by cost-cutting across newsrooms or outright terminations. A February 2018 court ruling declared a series of individual terminations at the *Delo* daily newspaper over the years as a "mass termination," throwing the legality of terminations and compensation packages (widely criticized as meager) into doubt.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The Slovenian constitution guarantees religious freedom and contains provisions that prohibit inciting religious intolerance or discrimination. After a decades-long struggle to build a mosque in Ljubljana, a groundbreaking ceremony was held in 2013, but its construction has been delayed. It was announced in July 2018 that funding to complete it

would be provided by Qatar.

There are occasional instances of vandalism of religious buildings, and hate speech by high-profile figures.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their personal beliefs without fear of reprisal. Defamation remains a criminal offense, though officials may no longer bring defamation cases through the state prosecutor, and instead must pursue such claims as private citizens.

Debates about polarizing issues such as migration, and the right to access abortion have become increasingly combative.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The rights to peaceful assembly and association are guaranteed by the constitution and respected in practice. Assemblies must be registered with the authorities in advance, and in some instances permits are required.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Numerous nongovernmental organizations (NGOs) operate freely and play a role in policymaking.

In September 2018, the outgoing interior minister accused humanitarian NGOs of helping migrants enter the country illegally. The allegations were not proven, and one of the implicated NGOs has questioned motives behind the claims.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers may establish and join trade unions, strike, and bargain collectively. The Association of Free Trade Unions of Slovenia controls the four trade union seats in the National Council.

F. RULE OF LAW: 15 / 16 (+1)

F1. Is there an independent judiciary? 4 / 4 (+1)

The Constitution provides for an independent judiciary. In 2018, higher-instance courts issued several important rulings that generally went against state overreach, including in terms of asset seizure and campaign finance. However, several surveys have shown that a significant portion of the general public still has a negative perception of the courts, despite a record of impartial judgements and improvements in efficiency.

Score Change: The score improved from 3 to 4 due to a record of impartial judgements by Slovenia's courts.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The rule of law is respected in civil and criminal matters. Programs aimed at reducing court backlogs have seen some success in recent years.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

People in Slovenia are generally free from threats of physical force. Prison conditions meet international standards, though overcrowding has been reported.

There were two notable cases in 2018 involving the formation of paramilitary groups that espoused antigovernment or antimigrant agendas. An indictment was filed against the leader of one such group in December.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

In 2017, rights activists criticized the amendments to the Aliens Act as lacking appropriate guarantees against indirect *refoulement*, and the Human Rights Ombudsman filed a request asking the Constitutional Court to rule on the constitutionality of the amendments. The case remained pending at the end of 2018. Additionally, the Ombudsman during the year opened an investigation into claims the police were deporting migrants who had legally requested asylum. Combative public discourse about migration has prompted concerns about an increasing presence of racist rhetoric.

The “Erased” are a group of more than 25,000 non-Slovene citizens purged from official records in 1992. Their status was reinstated in 2010 and a compensation scheme started in 2014. In April 2018, the Constitutional Court struck down a provision capping the amount of damages, paving the way for a substantial increase in compensations for injustice suffered. In December, lawmakers passed a measure that imposed a cap on interest. Many cases relating to

compensation remain pending in the courts.

Roma face widespread poverty and societal marginalization. While there are legal protections against discrimination based on sexual orientation, discrimination against LGBTQ people is common.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Citizens enjoy the right to change their residence, employment, and place of education.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

Individuals may exercise the right to own property and establish private business in practice. Expropriation is an extreme measure and is legally regulated. Relative transparency surrounding business endeavors helps to foster a free environment for business and property ownership.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Individuals generally enjoy personal social freedoms. People entering same-sex partnerships enjoy most of the rights conferred by marriage, but cannot adopt children or undergo in-vitro fertilization procedures. Marriage is still legally defined as a union between a man and a woman. Although domestic violence is illegal, it remains a concern in practice, with up to 3,000 cases reported annually.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Men from other countries in Central and Eastern Europe can be found engaged in forced begging, and women and children are subject to forced prostitution. However, authorities actively prosecute suspected human traffickers and work to identify victims.