

EU MONITOR

Backsliding of democracy in Slovenia
under right-wing populist Janez Janša

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- **Amid the escalation of the Covid-19 pandemic in Europe, Slovenia experienced a major political shift, as Janez Janša, leader of conservative SDS party, was appointed as a new Prime minister of Slovenia, filling the political vacuum created after a resignation of a former PM Marjan Šarec earlier this year. With Janša's strong ties to Hungarian PM Viktor Orban, his endorsement of right-wing populist rhetoric and ferocious verbal attacks on journalists and established media, many fear that Slovenia's democratic principles are at stake, while the situation can be further exacerbated by the current state of coronavirus emergency in which the new government can entrench its power.**

It came as a surprise to the general public when then Prime minister Marjan Šarec announced his resignation on January 27th after only one year and four months in the office. According to his words, he decided to resign as his center-left minority government was unable to adopt much-needed reforms related to the country's long-term development strategy¹ due to a lack of political will from the opposition parties.² The resignation was a culmination of several political setbacks, lastly the announced resignation of Andrej Bertonec, Minister of Finance representing LMŠ³, who was unwilling to support a new healthcare legislation. Only weeks before that, Šarec lost a support of an opposition party Levica, which was broadly cooperating with the government from its appointment in September 2018 and often provided the government with the necessary majority needed for political maneuverability.⁴ When analyzing the decision of Šarec, it is clear that his government would be weakened and could face serious challenges for the rest of its term. However, Šarec did not resign purely because of that. As the approval rates of his government were rising and above 50%⁵, and his party only held 13 of 90 seats in the parliament, Šarec saw this situation as an opportunity to gain larger

support in an early elections, for which he advocated as the most democratic next step.⁶

On the contrary to Šarec's plans, Slovenian president Borut Pahor called for a dialogue between the representatives of parliamentary parties to find a solution in which early elections would be avoided. As a result, Janez Janša, leader of the largest party in the parliament, achieved what he failed to do after Šarec's victory in the 2018 elections, and reached an agreement over a creation of a new government under his lead. Together with conservative NSi, two parties of a former coalition, SMC and DeSUS, struck a deal with Janša, realizing their declining support and possible difficulties of passing the 4% election threshold in case of an early elections. It comes as a surprise given that both SMC and DeSUS had in 2018 pledged not to engage in any coalition led by Janša, yet they opted to break the pre-elections promise fearing for their existence amidst dwindling support. The new government was sworn in on 13th of March, and Janez Janša started his 3rd term⁷ as a Prime minister.

¹ Main points being healthcare, tax and pension reforms

² Press conference, Office of the Government of Slovenia, 27th of January

³ Lista Marjana Šarca, political party of Marjan Šarec on which list Bertonec ran as an independent candidate

⁴ <https://www.vecer.com/odnos-levica-koalicija-locitev-brez-pretresov-10087122>

⁵ Research of Ninamedia Agency from 10th to 12th December, available at: <https://www.rtvlo.si/slovenija/vox-populi-decembra-znova-visja-podpora-vladi/509285>

⁶ LMŠ was prognosed to obtain between 21 and 23% of votes according to the Research of Ninamedia Agency; a significant improvement of 13% from the 2018 elections

⁷ First being from 2004 to 2008, second from 2012 to 2013

Are the threats to the state of democracy valid?

Throughout the past decade, Janša and his SDS party gradually developed a strong anti-migrant, anti-LGBT, nationalistic discourse, persistently discrediting journalists, politicians or academics with different views and consciously establishing an atmosphere of fear and hate. Combined with a history of corruption scandals and clientelism/kleptocracy, concerns over a state of democracy and rule of law under a new government led by Janez Janša are plausible, and the first signs of upcoming structural dangers are already visible.

Attacks on the media

Most notably, pressure on the mainstream media and its journalists surged within the first weeks of the new government. National broadcaster RTV, broadly recognized as an independent source of information, fell under continuous attacks and defamation by Janša on Twitter.⁸ Offensive comments were also made by other government representatives and alternative media under control of ruling SDS, attacking not only RTV, but also other reputable media houses such as Delo, Dnevnik or Mladina.⁹ Both Boards of RTV and DNS, Slovene

Association of Journalists, condemned these statements as direct attacks on freedom of media and a first step towards its censorship.¹⁰

Specific journalists also became victims of defamation on social media, such as Meta Roglič, Suzana Perman, Klara Širovnik, or most prominently Blaž Zgaga, a profound investigative reporter, who was cooperating with The Guardian or The Observer and is currently a correspondent to RSF¹¹. As a part of emergency measures adopted by the government in response to the outbreak of Covid-19, public gatherings were prohibited, which was also effective for daily press conferences of the Crisis Headquarters, meaning that those would be held without journalists, who could only send their questions in advance through email. Moreover, reporting on some areas directly linked to the pandemic, such as sanitary situation, was prohibited under a risk of imprisonment, while access to basic information about governmental response to the health crisis was limited to press conferences only.¹² Mr. Zgaga contacted Crisis Headquarters, enquiring on the necessity of these limitations and called for a stronger protection of journalists under these new restrictions. Instead of receiving a response, Crisis Headquarters announced that Mr. Zgaga and a couple of other prominent public figures

⁸ For example, Janša tweeted „Dont spread lies, TV Slovenia...; obviously, there is too many of you and you are being overpaid“ indicating a possible cut of funds to the national TV by the government. Another tweet was accusing RTV and other popular media 24ur as „...being hard to extreme leftist“. Tweeted on the account of Janez Janša, @JJansaSDS on March, 20th, 2020 and on April, 4th, 2020

⁹ Nova24 TV and web portal Demokracija.si

¹⁰ Response of the Board of RTV to the critics, 2020; <https://www.rtvlo.si/slovenija/dns-in-rtv-slo-napadi-na-javni-servis-so-nesprejemljivi/517946>

¹¹ Reporters Without Borders

¹² Janša's government excluded the journalists from press conferences, 2020; <https://www.dnevnik.si/1042925253>

such as Slavoj Žižek, world-famous philosopher, escaped from a quarantine after being diagnosed with COVID-Marx/Lenin, an exaggerated disinformation which was later taken over by pro-government media, creating a smear campaign, as anonymous social media users started sending death threats to Mr. Zgaga.¹³

This behavior was condemned not only by international journalist community¹⁴, but also in a report of Council of Europe Commissioner for Human Rights Dunja Mijatović.¹⁵ Again, Janša's government responded to Mijatović with an offensive letter, criticising her for the lack of understanding of Slovenian media, which is „stuck in its totalitarian past, led by communists“ and that all the efforts to establish a free media environment failed.¹⁶ Once this letter emerged publicly, state representatives started to deny its ownership. Minister for Foreign Affairs Anže Logar pronounced this letter as a governmental response which he did not direct, although recognizing that he agrees with its content.¹⁷ Behavior of Janša and other SDS representatives towards journalists is unprecedented and is directly threatening the future of the freedom of expression in Slovenia,

protected by the EU Charter of Fundamental rights.

Hungarian influence and investments in Slovenian politics

Janša and his government are openly and repeatedly attacking journalists, other media representatives or opposition parties politicians, setting up an alarming precedent and undermining mutual toleration and forbearance, while using similar narratives and unsubstantiated threats as the likes of Donald Trump or Matteo Salvini. These narratives, such as verbal attacks, disinformation, strong nationalistic discourse, anti-liberal and anti-migration agenda, have since been taken over by private media established by the members of SDS, television broadcaster Nova24TV and weekly newspaper Demokracija. These media have co-opted the ruling party's divisive rhetoric, and there are furthermore questions over their transparency, or lack thereof, in terms of funding as well as their political allegiances vis-à-vis foreign interference in Slovenian domestic politics. Both enterprises are majority-owned by Hungarian companies with close ties to Hungary's ruling party, Fidesz.¹⁸ Two figures stand out, Peter Schatz and Agnes Adamik, both previously

¹³ RSF Report <https://rsf.org/en/news/seven-organisations-call-slovenian-government-stop-harassing-investigative-journalist>

¹⁴ Joint Letter by RSF, co-signed by 6 other journalist institutions; <https://rsf.org/en/news/seven-organisations-call-slovenian-government-stop-harassing-investigative-journalist>

¹⁵ Council of Europe report on COVID-19; <https://www.coe.int/en/web/commissioner/-/press-freedom-must-not-be-undermined-by-measures-to-counter-disinformation-about-covid-19>

¹⁶ Response of Government to the report of CoE; <https://www.rtv-slo.si/slovenija/vlada-v-pismu-svetu-evrope-odgovarja-na-kritike-o-pritiskih-na-medije/519986>

¹⁷ Press conference to the report of CoE; <https://www.dnevnik.si/1042927097/slovenija/loqar-v-dz-zanikal-da-je-vladni-odgovor-svetu-evrope-depesa>

¹⁸ Information available at Bonitete.si

working for Hungarian state television MTV, a main source of pro-Orbán propaganda. Schatz and Adamik began investing in SDS media around the same time in 2017, along with ventures in North Macedonia, where they bought majority shares of Alfa TV and newspapers Kurir and Lider, all of those supporting right-wing VMRO-DPMNE, whose former leader Nikola Gruevski is currently under a political asylum in Hungary after being sentenced for corruption. Hungarian investments of over 1.5 milion €¹⁹ into SDS media outlets were almost certainly a joint effort, and given the background of the transactions together with the financial losses generated by Nova24TV²⁰ and Demokracija in recent years, it is obvious that these investments were politically motivated and supervised by Hungarian government.²¹ As such funding of media is illegal according to Slovenian law, Slovenian State police confirmed on February 11th that it had opened an investigation on alleged violations.²² However, the Minister of Interior under the new government, Aleš Hojs, previously held the position of Director of Nova24TV and is directly involved in the investigation, the future of the investigation is currently unclear. Within the first weeks of being

in power, the government already changed General Director of Slovenian Police together with a Director of Criminal Investigation, who is in charge of the work of NPU²³, an institution which is responsible for the investigation of Nova24TV.²⁴ Those changes were followed with the appointment of new Director of Military and a Director of OVS, Slovenian military intelligence service. Lastly, the Director of SOVA, Slovenian Intelligence and Security Agency, decided to resign after disagreements with the government, who decided to exclude SOVA from emergency groups.²⁵ No matter the result of the investigation of Nova24TV, the influence of Viktor Orbán on Janez Janša is undeniable, and it is important to mention that it is not a partnership of two equal individuals. By enforcing Janša and his media, Orbán is ensuring himself a strong and reliable partner within the EU as his relations with Brussels further deteriorate. Janša's loyalty was recently demonstrated during the EPP²⁶ Congress in Zagreb, where he quoted that Fidesz is EPP's most successful party, and that it should not be deprived of its membership.²⁷

¹⁹ Investigation of SDS media;

<https://necenzurirano.si/clanek/aktualno/financiranje-medijev-sds-preiskuje-policija-758091>

²⁰ NovaTV24 generated a net loss of 1.100.000€ between 2015 and 2018, information available at Bonitete.si

²¹ Report of OCCRP:

<https://www.occrp.org/en/spooksandspin/right-wing-hungarian-media-moves-into-the-balkans>

²² Police investigation of Nova24tv;

<https://www.delo.si/novice/slovenija/nacionalni-preiskovalni-urad-preiskuje-financiranje-medijev-blizu-sds-278418.html>

²³ Nacionalni Preiskovalni Urad

²⁴ Government changed Director of Criminal Investigation;

<https://www.mladina.si/197569/sds-zamenjala-glavnegu-kriminalista/>

²⁵ Resignation of SOVA Director;

<https://www.delo.si/novice/slovenija/sef-sove-odstopil-ta-odnos-do-sove-je-skodljiv-za-drzavo-pravi-289640.html>

²⁶ European Peoples Party, both SDS and Fidesz are members

²⁷ Janša's speech at EPP Conference;

<https://www.euractiv.com/section/politics/news/ex-slovenian-pm-orbans-most-successful-epp-party-should-not-be-punished/>

State officials with a history of corruption

It is not for the first time, that Janša or his party would be investigated for illegal financial transactions. In 2014, Janša spent 6 months in prison for allegedly receiving bribes during his first term as a Prime minister.²⁸ In a case of a government purchase of military vehicles from Finnish company Patria back in 2005, Janša, among two other defendants, was found guilty and sentenced to 22 months in prison and a financial penalty of 37.000 €, by the Slovene High Court. Nevertheless, the Slovene Constitutional Court later overturned the decision of the Slovene High Court due to a lack of direct evidence and returned the case to a District Court, which was only the second such ruling of Constitutional Court in its history.²⁹ Moreover, returning the case to the District Court brought further doubts over its clarity, as it created a confusion over applicable legislation. According to an active legislation, the case should have been solved within 2 years from the ruling of Constitutional Court, yet under old legislation, valid at the time of the wrongdoing, any case needed to be solved within 10 years period, otherwise becoming obsolete, a situation which was about to occur 4 months after the overturning of the verdict. Although a majority of

legal experts stressed that the case should adhere to the current legislation, the Constitutional Court did not advice which legislation the District Court should comply with. As a result, the District Court decided to close the case as it passed its obsolescence date a few months later. Therefore, common claims stating that Janša was acquitted are at least misleading, if not false, and questions over Janša's endemic corruption are still valid.

Another member of the newly created government with a history of corruption allegations is State Secretary of Interior, Franc Kangler. The former Mayor of Maribor is a notorious figure in Slovenian politics, whose litigations failed due to procedural mistakes of prosecution and judges³⁰ Kangler's actions were also an ignition for the escalation of "All Slovenian's People Uprising" protests against the corruption of the political elites in 2012, after Kangler, as a Mayor of Maribor, signed non-transparent and highly suspicious partnership with private company Iskra, which was allowed to install traffic radars on the streets of Maribor, while keeping most of the profits, resulting in over 20 thousand speeding tickets within few days, in a city of 100 thousand inhabitants. Few thousand protesters gathered in the streets of Maribor which later, followed by a report of the Commission for the Prevention of Corruption,

²⁸ From 2004 to 2008

²⁹ Prosecution of Patria case; <https://www.rtvsl.si/crna-kronika/patria-ustavno-sodisce-razveljavilo-sodbo-krkovic-in-crnkovic-ze-izpuscena/363520>

³⁰ Kangler's case to drop wiretapped communication;

<https://www.vecer.com/primer-kangler-prisluhi-bodo-leteli-iz-kazenskega-spisa-6512176>

³¹ For example, wiretapped communication, main proof of the indictment, was not used within a legal framework of 2 years, and as such needed to be withdrawn from the case.

spread through the whole country. The report of the Commission was mentioning also Janez Janša and Ljubljana Mayor Zoran Jankovič.³² Having politicians previously connected with corruption on some of the highest state positions, moreover at the Ministry of Interior, which is having control over State Police and other security forces, and is therefore able to interfere in or even direct work of such institutions, is not only damaging public trust in those, but also raising questions internationally over the state of the rule of law in Slovenia.

COVID-19

This is amplified by a current state of emergency, under which functioning of government can become even more opaque and can possibly open a door to corruption and clientelism, as some of the procedures for public procurements are simplified to allow the state to act in a timely manner to the emergency. Cases of questionable public purchases already emerged, as for example government agreed on a delivery of medical equipment for over €80 million from several Slovenian companies, which never traded with such goods. The highest amount of those investments, at around €25 million, went to a company owned by well-known businessman Joc Pečičnik, who was previously a minority owner of Nova24TV, before he sold his

shares to Hungarian investors. As Pečičnik is one of the few businessmen in Slovenia to have an experience with such high-volume purchases of goods, allegations of clientelism can be downplayed by the government. Nevertheless, striking part of the deal is that the order lacks any information of quantity, price, or even a type of medical equipment the company is bound to deliver.³³ Another case in point involves a purchase of protective masks, which were made out of kitchen napkins, yet more expensive than certified surgical masks.³⁴ As a measure to tackle the threats of COVID-19, the government also proposed a so-called „anticorona intervention act“, which is formally described to protect citizens and economy from the effects of pandemic. However, government tried to implement two articles, with undeniably dangerous elements, which could harm democracy in Slovenia, into this act. Article 103 of the „anticorona act“ would allow police to use facial recognition technology and to enter any household without authorisation, while Article 104 would empower police to conduct unlimited and unrestrained tracking of people’s location through their mobile phones without injunction. Although only planned to be effective for the time of the emergency, they could be prolonged at the discretion of the government.³⁵ Those articles would directly threaten the privacy of

³² Bierber Florian, Brentin Dario; Social Movements in the Balkans: Rebellion and Protests from Maribor to Taksim

³³ Purchase of medical equipment report; <https://www.ostro.si/si/zgodbe/v-enem-tednu-80-milijonov-evrov-nujnih-javnih-narocil>

³⁴ Government paid for masks out of napkins; <https://www.rtvlo.si/slovenija/za-maske-iz-prtickov-drzava-placala-860-tisocakov/520824>

³⁵ Government is threatening constitutional rights; <https://www.mladina.si/197240/vlada-posega-v-elementarne-ustavne-pravice/>

citizens. There was also no explanation from the government or epidemiologists on how these measures could prevent the spread of COVID-19. Fortunately, Articles 103 and 104 were removed from the Act, as a coalition party SMC was against such measures and government would therefore lack a majority to pass the Act. To prevent the spread of COVID-19, the government also limited movement of citizens only to their municipality. Given the size of the country and connectivity of municipalities, these limitations created widespread confusion, as many people work outside their municipalities, some of which are a size of only 10km².³⁶ Moreover, many people live in a different parts of the country while having their permanent address in, for example, a municipality of their parents. As a result, companies needed to provide most of its employees with work certifications, allowing them to travel outside their municipality, while many people were quickly trying to update their permanent address.

Conclusion

Because of the pandemic's existential threat, people are less critical and cautious to strict actions adopted by the government, even if some of them have hardly any connection to the global pandemic of COVID-19. Thus, it is essential to democratic integrity that governments provide open access to information about the situation. Consequently, the work of

media is even more essential during a time of crisis as the Fourth Estate is one of the fundamental safeguards of democracy, a role they cannot fulfill under current circumstances in Slovenia. On the contrary, within over a month of the state of emergency, journalists are being denied access to information and publicly defamed. Moreover, with an inflow of disinformation and inaccurate reporting by the alternative media under control of foreign investors closely linked to illiberal regime of Viktor Orbán and supported by Slovenian government, the freedom of media is in substantial danger. Spread of distrust to the media, no matter their ideological background, is increasing. If citizens do not believe the information from media, it will be easier to defy reports of corruption or misuse of power. Given the information from the report of OCCRP, Hungarian owners of Nova24TV and Demokracija, are hardly investing into plurality and freedom of media in Slovenia. Rather, those media evince a clear agenda of normalizing and promoting the right-wing narratives used by European populists: nationalism, racism, religious fundamentalism and a creation of ideological enemies. In case of Hungary, this enemy is represented by George Soros, in Slovenia, main enemy is "extreme leftism" as called by Janez Janša, represented by mainstream media and most of political parties, principally Social

³⁶ Announcement of restrictions of movement;
<https://www.gov.si/novice/2020-03-29-od-polnoci-prepoved-gibanja-izven-obcine-stalnega-ali-zacasnega-prebivalisca/>

Democrats and LMŠ, party of former Prime Minister Marjan Šarec.

Generally, Orbán's influence on Slovenian politics is expected to grow during the rule of Janez Janša, which is not only a threat to the sovereignty and state of democracy in Slovenia, but could also intensify the tensions within the EU, as there is a real possibility of Slovenia slowly following the path of Hungary, while proving to be a reliable, albeit unequal, partner to Viktor Orbán. For the EU, the new Slovene government can also pose a challenge in the implementation of European Green Deal, as Janša is the first Slovenian Prime Minister who is openly questioning Climate change and downplaying humanity's role in it despite overwhelming scientific evidence. Interestingly, during the Slovenian presidency to the Council of the European Union in 2008, when Janša was ending his first term as the Prime minister, he was vocal of the "greening" of industry, reduction of greenhouse gas emissions, and support of renewable sources of energy.³⁷ Next year,

Slovenia will be holding the rotating presidency of the Council of the European Union for the second time, from July to December. The Presidency can have a lasting effects on the state of democracy in Slovenia and it can serve as a litmus test of the long-term direction of Janša's government, and, if seen as successful by Slovenian citizens, it can guarantee SDS success in the next parliamentary elections, which will take place in the spring of 2022. It is difficult to predict the future actions of Janša and the effects of the Presidency on nationalistic policies of SDS, but as of now, Janša is setting Slovenia on a dangerous path of illiberal democracy, guided by its creator Viktor Orbán.



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³⁷ <https://www.sds.si/novica/premier-janez-jansa-podnebne-spremembe-narekujejo-vecjo-medkulturno-solidarnost-6792>