

# Slovenia

by Damjan Lajh

*Capital:* Ljubljana  
*Population:* 2.0 million  
*GNI/capita, PPP:* US\$26,530

Source: The data above were provided by The World Bank, *World Development Indicators 2012*.

## Nations in Transit Ratings and Averaged Scores

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Electoral Process	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Civil Society	1.50	1.50	1.75	1.75	2.00	2.00	2.00	2.00	2.00	2.00
Independent Media	1.75	1.75	1.50	1.75	2.00	2.25	2.25	2.25	2.25	2.25
Governance*	2.25	2.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Local Democratic Governance	n/a	n/a	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Judicial Framework and Independence	1.75	1.75	1.50	1.50	1.50	1.50	1.75	1.75	1.75	1.75
Corruption	2.00	2.00	2.00	2.25	2.25	2.25	2.50	2.50	2.50	2.25
Democracy Score	1.79	1.75	1.68	1.75	1.82	1.86	1.93	1.93	1.93	1.89

\* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

## EXECUTIVE SUMMARY

---

Following a period of substantial political change in Central and Eastern Europe, Slovenia's first free and democratic elections were held in 1990. One year later, the country declared its independence from Yugoslavia, establishing itself as an internationally recognized state. Slovenia joined the United Nations in 1992, the Council of Europe in 1993, and the European Union (EU) and North Atlantic Treaty Organization (NATO) in 2004. On 1 January 2007, the Slovenian currency, the tolar, was replaced by the euro, and at the end of December 2007 Slovenia entered the Schengen zone. In 2008 Slovenia passed another maturity test on the European stage by holding the Presidency to the Council of the European Union from January to July of that year as the first of the 12 new EU member states to do so. In July 2010 Slovenia became a full member of the Organization for Economic Cooperation and Development (OECD).

The economic crisis of 2008 led to significant challenges for the ruling government in 2011. Attempts to rein in the budget through austerity measures were extremely unpopular with the public and some members of the government. Following the departure of several ministers, the government collapsed and early elections were held in December, resulting in an unexpected victory for Positive Slovenia, which received a mandate to form a governing coalition in 2012.

**National Democratic Governance.** The year 2011 was marked by serious political and economic challenges. The government responded inadequately to the economic crisis and was unsuccessful in passing necessary structural reforms. Since the appointment of the center-left government on 21 November 2008, a total of twelve ministers have left the government; in 2011 alone, four ministers and two out of four coalition parties left the government, citing irreconcilable differences. A vote of no-confidence in September led to independent Slovenia's first early elections on 4 December 2011. Positive Slovenia, a new party led by Ljubljana's mayor, Zoran Janković, won elections with 28.51 percent of the vote, followed closely by Janez Janša's Slovenian Democratic Party. No new government had been established at year's end. Political infighting and ineffective management of the economic crisis caused the government to collapse, but elections were held without incident, demonstrating that Slovenia's governance system remains stable. *Therefore, the national democratic governance rating stays at 2.00.*

**Electoral Process.** Slovenia's first-ever extraordinary parliamentary elections were conducted on 4 December 2011. The preelection period saw the establishment of new political parties, though opinion polls forecasted a smooth victory for the Slovenian Democratic Party throughout the campaign. Three political parties

from the previous government—the Liberal Democracy of Slovenia, Zares–Social Liberals (formerly Zares–New Politics), and the Slovenian National Party—did not win enough votes to pass the 4 percent threshold for representation in parliament. On the other hand, the New Slovenia party successfully re-entered parliament after one term as an extraparliamentary party. The government tried to pass four new proposals through popular referenda, all of which were rejected. The most critical of these was the rejection of pension reform, which represented the core of urgent structural reforms. *Slovenia's rating for electoral process remains unchanged at 1.50.*

**Civil Society.** Slovenia's trade unions mobilized aggressively in response to the government's attempts at structural reforms in 2011. Unions played a major role in the outcome of three referenda, preventing pension reform and the adoption of the Mini Jobs Act. In June, deputies in the National Assembly adopted the family code, which inter alia allows same-sex couples to adopt children. A group called Civil Initiative for the Family and Children's Rights rallied support for a referendum on the legislation, which is set to take place in March 2012. *Slovenia's rating for civil society remains at 2.00.*

**Independent Media.** In mid-July, parliament rejected a piece of draft media legislation widely criticized for endangering journalistic freedom and access to information. Journalists in Slovenia continue to experience political pressure and harassment in the form of defamation suits by public figures. *Slovenia's rating for independent media remains at 2.50.*

**Local Democratic Governance.** The year saw no serious progress regarding the establishment of provinces—a long-standing issue in Slovenian politics. In 2011 deputies in the National Assembly finally adopted an amendment to the Law on Deputies that forbids members of parliament from serving simultaneously as city mayors. Previously, approximately one-third of deputies in Slovenia's National Assembly held mayoral posts, for which reason parliament blocked the amendment for many years. *Slovenia's rating for local democratic governance remains unchanged at 1.50.*

**Judicial Framework and Independence.** At the end of April, the National Assembly passed the amended Law on Courts. The revised law, which establishes a system of specialized courts, is intended to speed up court proceedings and increase effectiveness of prosecutions in cases of economic and organized crime. Amendments to the judicial order in late June should also contribute to more rapid procedures, greater transparency of registers, and a higher level of professional qualifications among judicial staff. *Slovenia's rating for judicial framework and independence remains at 1.75.*

**Corruption.** The so-called Patria affair, a case involving accusations of bribery against several Slovenian officials, gained momentum in 2011, shortly before the

start of the parliamentary election campaign. In September, the president of the Slovenian Democratic Party, Janez Janša, was put on trial for his involvement in the case and charged with accepting bribes. In 2011, the Commission for the Prevention of Corruption launched an online database, called Supervizor, for monitoring financial expenditures of public bodies. The database provides the public information on business transactions conducted by direct and indirect public budget users (bodies of the legislative, judicial and executive branch, autonomous and independent state bodies, local communities, etc.) and marks a major step forward in increasing the transparency of procurements. *Slovenia's increasingly serious efforts to improve transparency through the use of new technologies raise the country's corruption rating from 2.50 to 2.25.*

# MAIN REPORT

---

## National Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00

Since 1991, Slovenia has been a constitutional democracy characterized by free elections, regular and peaceful transfers of power, a parliament with full legislative authority, and an independent judiciary. National referenda have become a stable feature in Slovenian politics, though some experts argue they are often used in an undemocratic and illegitimate manner.<sup>1</sup>

The Slovenian parliament consists of the National Assembly and National Council. Owing to the limited powers of the National Council, however, the parliament is usually referred to as a “one-and-a-half-chamber system.” Parliamentary documents and sessions are available to the public via the National Assembly’s website, which since 1996 posts transcripts of parliamentary debates. The public may attend all parliamentary sessions except those of the Commission for Supervision of the Intelligence and Security Services. Access to government information is overseen by the Office of the Information Commissioner and guaranteed by Article 39 of the constitution and by the Law on Access to Public Information. In practice, however, applicants’ requests for information often go unanswered.<sup>2</sup>

Although Slovenia was the fastest growing eurozone member four years ago, its export-driven economy was badly hit by the global financial crisis and shrank by 8 percent in 2009.<sup>3</sup> Aftershocks of the economic crisis overwhelmed the government’s attempts at implementing structural reforms in 2011 and by the end of the year, Slovenia’s unemployment rate had climbed to 11.9 percent.<sup>4</sup> The Slovenian Chamber of Commerce expects a mere 1 percent growth in gross domestic product in 2011, and predicts an even smaller increase in 2012.<sup>5</sup> Throughout 2011, economic conditions dampened public support for the government, and by year’s end more than 80 percent of survey respondents characterized the government’s work as unsuccessful.<sup>6</sup>

Disagreements within the ruling coalition on how to proceed with reforms stopped key austerity measures from being implemented, as did the government’s inability to reach consensus with unions and other civil society actors. Since the appointment of the center-left government in November 2008, a total of twelve ministers have left the government; in 2011 alone, four ministers and two out of four coalition parties left the government, citing irreconcilable differences. Following the failed referendum on the Mini Jobs Act in April, the president of the left-liberal party Zares, Gregor Golobič, announced his intention to resign from the Ministry of Higher Education, Science, and Technology, submitting with his resignation a

proposal for a thorough reconstruction of the government. In May, the Democratic Party of Retired Persons of Slovenia left the ruling coalition in protest of a proposed pension reform, and because they reportedly felt like unequal partners.<sup>7</sup> By the end of June, the Zares party had decided to leave the government altogether, leaving only two parties in the coalition—the Social Democrats and Liberal Democracy of Slovenia. With the exit of Zares, the government lost Minister of Economy Darja Radič, Minister of Public Administration Irma Pavlinič Krebs, Minister of Culture Majda Širca, and Speaker of the National Assembly Pavel Gantar.

Faced with an exodus of ministers and falling public support, Prime Minister Borut Pahor asked the parliament for a motion of confidence. The 20 September vote came out against the Pahor government, leading to the dissolution of the National Assembly and scheduling of Slovenia's first-ever, early parliamentary elections on 4 December. The newly established Positive Slovenia Party, led by Zoran Janković, won a narrow victory with 28.51 percent of the vote, beating out favored winner Janez Janša's Slovenian Democratic Party (SDS), which received 26.19 percent of the vote. By law, the right to form a new government coalition goes to the relative winner of the elections—Zoran Janković. At year's end, a new coalition government had not yet been formed.

Slovenia's Court of Audit bears supervisory responsibility for all government finances, including state budgets, accounts, and all public spending. Slovenia's prime minister is entitled—but not required—to accept the recommendations of the court, as a result of which these recommendations are sometimes selectively applied. In early August 2011, the Court of Audit and the Commission for the Prevention of Corruption discovered irregularities in the work of Minister of Internal Affairs Katarina Kresal, prompting her voluntary resignation.

#### Electoral Process

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

The Slovenian government gains its authority through universal and equal suffrage, and the will of the people is expressed through regular free and fair elections conducted by secret ballot. The electoral system is multiparty-based; political parties have equal campaigning opportunities, and the public's choices are free from domination by any specific interest group.

Deputies to the National Assembly (parliament) are elected on the basis of proportional representation with a 4 percent threshold. To establish a political party, only 200 signatures are required, and there are few barriers to political organization, registration, and participation in elections. In practice, it is much easier for parliamentary parties to participate in elections, while non-parliamentary parties and independent candidates must obtain 50 signatures from 8 electoral districts. According to the constitution, professionals in the defense forces and the

police may not be members of political parties. Similarly, members of the Office of the State Prosecutor and the judiciary may not hold office in a political party, as the Constitutional Court supervises political parties. The Slovenian party system is relatively open, formally speaking, yet new entrants into the Assembly are few. In National Assembly elections, voter turnout declined from 85.8 percent in 1992 to 65.6 percent in December 2011.<sup>8</sup>

Early parliamentary elections on 4 December brought unexpected gains to new parties, and left some former coalition members out in the cold. Positive Slovenia, established in October by Ljubljana's mayor, Zoran Janković, won 28 seats in parliament, narrowly—and quite unexpectedly—beating SDS, which won 26.<sup>9</sup> Following the establishment of Gregor Virant's competing, center-right party, Citizen's List, support for SDS dropped slightly in October and November, but most public opinion polls continued to forecast its overwhelming victory. Only one newspaper, *Mladina*, published a poll two days before the elections showing a dramatic decline in support for SDS and suggesting that it might not win a leading place in the new government.

The scale of loans given to political parties has come under considerable scrutiny in recent years, and most of the older parties carry significant debts. Most parties entered into the December 2011 electoral campaign with limited financial resources.

Gregor Virant's decision to form a new party before the elections appeared to upset the members of SDS, especially the party's president, Janez Janša, who had counted on Virant's support. Virant was never a member of SDS, but he did head the Ministry of Public Administration in Janša's government from 2004 to 2008. There was some speculation that Virant's new party was a strategic maneuver by center-right parties to attract more of the center-left electorate. Citizen's List won 8 seats in the assembly on 4 December.

Three political parties from the previous government—the Liberal Democracy of Slovenia, Zares–Social Liberals (formerly Zares–New Politics), and the Slovenian National Party—did not win enough votes to pass the four percent threshold for representation in parliament. Meanwhile, the New Slovenia party returned to parliament after three years as an extraparliamentary party, winning 4 seats. In total, the elections on 4 December brought 29 women to office—the largest-ever female representation in the assembly. Following the elections, the responsibility of forming a new government coalition went to the leader of Positive Slovenia, Zoran Janković. This process, always challenging in a government of so many small parties, was ongoing at year's end.

During the course of 2011, the government called four national referenda, all of which failed to validate the ruling parties' proposals. On 10 April, the government held a referendum on the so-called Mini Jobs Act, a law passed by parliament in October 2010 that extends temporary contracts previously reserved for student workers to unemployed or older temporary hires. The law met with strong opposition from students and first-time jobseekers, who also rallied the support of Slovenia's trade unions. With a voter turnout of approximately 34 percent, more

than 80 percent voted against the legislative proposal.<sup>10</sup> The other referenda called in 2011 concerned the Law on Prevention of Illegal Work and Employment, the Law on Pension and Disability Insurance, and the Law Amending the Law on Protection of Document and Archive Materials and Archives. All three votes were held on 5 June, with each of the measures opposed by over 70 percent of voters. From the government's point of view, the most damaging of these defeats was the rejection of critical pension reforms, which had been undertaken at the urging of the International Monetary Fund and other economic watchdogs.

The public's ability to paralyze policymakers, especially in the case of unpopular but necessary reforms, triggered concern about the strength of the institutional veto among practically all political parties. As a result, during the electoral campaign nearly all parties emphasized the necessity of changes to referendum legislation. Slovenian constitutionalists such as Matevž Krivis and Andraž Teršek have stressed that the use of referenda in Slovenia often impedes, rather than contributes to genuine democracy and the legitimacy of the democratic political process.

#### Civil Society

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
1.50	1.50	1.75	1.75	2.00	2.00	2.00	2.00	2.00	2.00

The right to assembly and association is guaranteed in Article 42 of the Slovenian constitution. Legal restriction of these rights is permissible when required for national security or public safety, for example to protect against the spread of infectious diseases. Most statistics show that Slovenian civil society is vibrant; of the country's approximately 24,000 nongovernmental organizations (NGOs), the majority are organized as associations and work at the local level in the fields of sports, culture and art, and fire brigades, with others taking the form of private foundations and institutes.<sup>11</sup> The country has more civil society organizations per capita than most states. Yet civil society in Slovenia struggles with a personnel deficit. Following the "golden era" of civil society during the 1980s, which featured the establishment of an independent state and the transition to democracy, today most NGOs are not involved in public affairs in Slovenia.

During the 2011 parliamentary election campaign, the Centre for Information Service, Cooperation, and Development of NGOs (CNVOS) scrutinized the activities of Slovenia's nongovernmental sector with the intention of improving the effectiveness and efficiency of its operations. CNVOS consulted with different political parties on the challenges faced by Slovenian NGOs and received proposals on effective solutions for improving the situation. As a joint initiative for the development of civil society organizations, CNVOS and various NGOs prepared a proposal on key government measures to enhance the activities of NGOs in the period 2012–15.<sup>12</sup>

Unions are most directly engaged with government policymaking within the Economic and Social Council of the Republic of Slovenia (ESC), a tripartite national body that brings together representatives of government, employers, and trade union organizations.<sup>13</sup> The ESC was founded in 1994 as the main consultative and coordinating institution for social dialogue in Slovenia on issues of wage policy, social policy, labor relations, employment, and employment-related topics. Social partners, such as employers and trade union organizations, are certainly the most important civil society actors engaged in policymaking, but other groups, such as the Social Chamber of Slovenia or university research centers, also play active roles on specific issues.

As the government attempted to adopt changes affecting labor in 2011, trade unions made active use of referenda to block several structural reforms, including the Mini Jobs Act and pension reform. Dissatisfied with their exclusion from discussions on the drafting of significant legislation, trade unions retaliated by using the referendum as an institutional veto point. Prime Minister Pahor criticized unions for using referenda to prevent much-needed reforms.

On 16 June, the National Assembly adopted a controversial Family Code, which opens the possibility of adoption for same-sex couples under specific circumstances. In September, the new law was challenged by a conservative popular movement called the Civil Initiative for the Family and Rights of Children, which called for a referendum on the issue, and began gathering the 40,000 signatures required to initiate a nationwide vote. On the first day, the initiative collected more than 10,000 signatures, but the process was then suspended when a majority of National Assembly deputies decided to send the referendum initiative for review before the Constitutional Court. At the end of December, the court ruled that a referendum on the issue would be constitutional, and a vote was scheduled for March 2012.

It is rare for Slovenian civil society organizations to align themselves directly with specific political parties during an election campaign. One group to defy this trend in 2011 was the Civil Initiative for the Family and Rights of Children, which explicitly supported center-right political parties such as the SDS, the Slovenian People's Party, and New Slovenia. Representatives of the initiative even attempted to register as official organizers and fundraisers for these electoral campaigns, but were ultimately prevented from doing so by the Ministry of Public Administration. Instead, the initiative expressed its support unofficially, claiming this right on the basis of freedom of expression legislation.

Other civil society organizations actively engaged in the electoral campaign by pressing political parties for their positions on important issues. The environmental organization Greenpeace Slovenia invited all political parties to express their opinion about key energy-development issues, such as the construction of a sixth block of the thermal power plant in Šoštanj. The organization's intention was to get clear responses from candidate parties on difficult environmental concerns so as to clearly inform voters of their positions before the election.

## Independent Media

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
1.75	1.75	1.50	1.75	2.00	2.25	2.25	2.25	2.25	2.25

Slovenia's constitution and legal system guarantee freedom of the press, and the media for the most part operates without direct political interference. However, press outlets are sometimes punished or threatened for reporting on controversies and corruption surrounding powerful political figures and parties.

The privatization model established in the early 1990s enabled the state to keep significant ownership in privatized companies through state-controlled funds. In the period 2005–07 there were controversial changes to media regulations and takeovers of several daily newspapers, the public service radio and television, and the national press agency. In those outlets, governing bodies, managers, editors, and reporters have in many cases been replaced by professionals loyal to the political parties in power.

There are currently about 1,400 media outlets registered in Slovenia. The largest of these are the public service broadcaster Radiotelevision Slovenia/RTV Slovenia, the commercial broadcaster Pro Plus, and three print publications—*Delo*, *Dnevnik*, and *Večer*. RTV Slovenia takes in €124.7 million per year, 62.6 percent of which comes from subscription fees paid by television owners, as defined in the Law on RTV Slovenia. Pro Plus produces two television programs, bringing in an estimated €51.1 million per year, mostly from advertising.<sup>14</sup>

In mid-July, members of the National Assembly rejected a draft media law defining the rights, obligations, and responsibilities of individuals and legal entities with regard to public interest in the field of mass media.<sup>15</sup> Even before it was submitted to parliament, the draft law provoked debate and controversy, as well as criticism from press associations for imposing excessive government regulation on the work of journalists. The Association of Journalists and Publicists said the proposed law was intended to intimidate and incriminate journalists, comparing it to the widely vilified Hungarian Media Law. The most controversial aspect of the bill was the establishment of a Council for Media, appointed by the National Assembly and responsible for monitoring compliance with professional standards. The council would also propose appointments to the Press Court of Honor (Novinarsko častno razsodišče), a right formerly afforded only to journalists. According to Slovenia's information commissioner, the proposed law would have significantly decreased freedom of information, removing journalists' legally protected status for obtaining specific information. Both Slovenian press associations—the Association of Journalists and Publicists and the Slovenian Association of Journalists—echoed the information commissioner's warnings. The Ministry of Culture, which drafted the original bill, argued that the law's main purpose was to increase media freedom and autonomy, and in particular, eliminate interference by business interests in media policy.

Despite the existence of numerous regulatory bodies and a code of journalistic ethics, the level of professionalism among Slovenia's media remains comparatively

low. On 28 May Prime Minister Pahor held an explicitly off-the-record, informal meeting with journalists. In this gathering the prime minister was very relaxed, often using sharp and occasionally vulgar language. Disregarding the prime minister's request, one anonymous journalist recorded the meeting anyway, and posted it on YouTube. The Association of Journalists of Slovenia emphatically condemned the journalist's actions, saying that publication of an off-the-record discussion had damaged the reputation of Slovenian journalists, setting a dangerous precedent. The association also noted that the Code of Journalists of Slovenia prohibits audio recording of anyone without his or her consent.<sup>16</sup> It was unclear whether this episode—the first of its kind in Slovenia—was an example of a basic lack of journalistic professionalism, or a politically motivated effort to embarrass the prime minister.

Articles 170 and 171 of the Slovenian Criminal Code, on defamation and injurious accusation, have often been invoked against journalists who publish damaging claims about political figures. Three weeks before the 2008 elections, the Finnish public broadcaster YLE aired a documentary accusing then prime minister Janez Janša of receiving kickbacks from arms deals between Slovenia and the Finnish defense contractor Patria. In response, the Slovenian Foreign Ministry sent two communiqués to the Finnish government protesting the documentary and demanding a clarification. In July 2009, Slovenian prosecutors charged Magnus Berglund, the Finnish journalist responsible for the documentary, with defamation under the aforementioned Article 171, requesting a maximum six-month jail sentence. In January 2010, Janša—no longer prime minister but still head of SDS—filed a €1.5 million (US\$2.15 million) damage claim in a Slovenian district court against YLE, Berglund, and several other individuals for offensive allegations. In December 2011, the court ruled in Janša's favor, stating that YLE failed to prove Janša's guilt in court and the documentary never afforded Janša an opportunity to tell his side of the story. Janša was awarded €21,500, of which €15,000 was paid by YLE and Berglund.<sup>17</sup> In September 2011, however, Janša was put on trail on charges of bribery for his involvement in the Patria case.<sup>18</sup> The case was ongoing at year's end.

#### Local Democratic Governance

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
n/a	n/a	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

The basic unit of local self-governance in Slovenia is the municipality. In accordance with legislation, the territory of a municipality comprises one or several settlements bound together by the common needs and interests of residents; local affairs may be regulated by the municipality autonomously. With the prior consent of the municipality or wider self-governing local community, the state may by law vest specific state duties in the municipality if the national government provides financial resources and oversight for this purpose. In principle, a municipality is financed

from its own resources, but in the case of insufficient economic development it is assured additional funding by the state. Over the last two decades, inter-municipal cooperation in Slovenia has been largely unsuccessful. The Slovenian constitution offered a “bottom up” approach to regionalization, but this led to the fragmentation of the country’s subnational level.

In 1994, the Law on New Municipalities established 147 new municipal units, but in the following years a majority of these separated into smaller units so that, to date, the number of municipalities in Slovenia has grown to 210 (in a country with a total population of only 2 million). As a result, a vast majority are very small, have limited financial and political power, and are inadequately staffed.

Based on changes to the constitution in mid-2006, procedures for setting up the size, number, responsibilities, and financing of provinces as well as other related issues should be arranged under a special law, which has yet to be established. In 2011, the debate on establishing provinces was again postponed. Before the extraordinary elections of December 2011, mayors in the eastern part of Slovenia formed an informal coalition to demand greater autonomy of the eastern part of Slovenia. The primary purpose of forming the coalition was to force the issues of decentralization and regionalization into preelection debates; in the end, however, the issues and the coalition itself drew limited attention.

The problem of limited municipal budgets was highlighted in 2011 as Slovenia’s largest city, Maribor, prepared to host two major events—the European Capital of Culture in 2012 and the World University Games in 2013. Both projects face large financial concerns. The World University Games were nearly cancelled several times due to weak financial and political backing, and inadequate human resources.

In May, deputies in the National Assembly finally adopted a long-anticipated amendment to the Law on Deputies, making it illegal to serve as both a parliamentary deputy and a mayor at the same time. For many years, a strong mayoral lobby in the National Assembly prevented the introduction of such a provision, but it narrowly passed in 2011, with the support of 48 out of 90 deputies. The amendment to the law went into effect with the establishment of the new National Assembly on December 21. Zoran Jankovič, the leader of Positive Slovenia, was still mayor of Ljubljana when his party ran in the December elections, lost his mayoral post the day he became a parliamentary deputy.<sup>19</sup> Jankovič’s decision to stand for elections in the first place met with criticism from many sources, most notably the mayors of other large cities in Slovenia. Presumably, the amended law will influence the decision of some mayors to run in future national parliamentary elections.

#### Judicial Framework and Independence

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
1.75	1.75	1.50	1.50	1.50	1.50	1.75	1.75	1.75	1.75

Slovenia’s judicial branch of government consists of the Supreme Court and Constitutional Court. Judges are independent and are not allowed to participate

in political party organs (though they may be members, formally). They are elected by the National Assembly after being nominated by the eleven-member Judicial Council. The National Assembly elects five members to the council on proposal of the president from among law professors and attorneys; the remaining six members are judges chosen by their peers holding permanent judicial office. The council selects one of its members as its president. The Constitutional Court is composed of nine judges nominated by the president and elected by the National Assembly; these nine judges elect the president from among their own number for a term of three years.

Despite reform efforts, the judicial system remains overburdened, resulting in long trial delays. At the end of April 2011 the National Assembly passed the amended Law on Courts and the Law on Judicial Service, creating a legislative basis for the effective and timely prosecution of economic and organized crime. The revised Law on Courts and the Law on Judicial Service enabled the creation of four specialized divisions, intended to try cases dealing with complex forms of economic and organized crime and corruption, including false bankruptcy claims, abuse of authority or trust, unauthorized acceptance of gifts, money laundering, and serious forms of tax evasion and concealment. In the past, such cases have often gone unpunished. According to the amendment, the country's most experienced and qualified judges will now be tasked with trying these cases. Judges in the specialized courts receive high salaries as a safeguard against corruption.

With the introduction of specialized divisions, the Ministry of Justice has continued its campaign against organized and economic crime. Major accomplishments of this campaign include an amended code of criminal procedure, a reform of the penal code, and a draft law on the public prosecutor's office. According to Minister of Justice Aleš Zalar, these measures represent a comprehensive strategy for tackling economic crime, and will guarantee the necessary judicial capacity for fairly and efficiently addressing corruption.

At the end of June 2011, parliament adopted a court order expected to contribute to faster legal procedures, greater transparency of registers, and higher professional qualifications of judicial staff. Among the major changes in the judicial order is an extension of opening hours of the courts. The order also allows courts to run hearings and meetings before or after regular business hours, an option recommended by the Ministry of Justice for courts with an extensive backlog of cases. With the introduction of the new court order, persons in charge of case registers have to inform the president of the court when a hearing is postponed indefinitely, in which case the president may then request an explanation from the judge responsible for the postponement. The new court order also stipulates educational requirements for court personnel. All employees of the court, who have not passed the state exam within one year after their hire date, must take an exam on their knowledge of judicial order.

## Corruption

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2.00	2.00	2.00	2.25	2.25	2.25	2.50	2.50	2.50	2.25

Slovenia adopted the Law on Prevention of Corruption in 2003, and then in 2004 adopted the country's first anticorruption strategy with 172 measures to eliminate the conditions for corruption in Slovenia. These measures were prescribed for the areas of politics, state administration, investigative, prosecuting and judicial bodies, business, NGOs, the media, and the general public. In October 2004, the five-member Commission for the Prevention of Corruption began operations, and although it struggles with various problems, including threats of abolishment, the commission appears to be an effective enforcer of the Law on Prevention of Corruption as well as a confident watchdog of public employees. The tasks of the commission are mostly preventive, ensuring that officials do not abuse their public office for private business gain.

One of the commission's mandates is investigating administrative claims into allegations of corruption, conflict of interest and illegal lobbying. In 2010, the commission received 1,271 reports, of which 577 were resolved. In the same year, the commission also examined and reviewed 291 reports from 2004 to 2009, following a methodology specifically adopted for eliminating investigation backlogs. By the beginning of October 2011, the commission had received 918 reports of alleged corruption and other irregularities; 424 of them were resolved, while 494 remained under investigation. The number of claims filed in 2011 is projected to exceed those filed in 2010.<sup>20</sup>

Corruption is an institutional problem in Slovenia's public sector as the procedures for recruitment and public procurement lack transparency and business with the state is often ruled by political connections rather than market principles.<sup>21</sup> Government positions and contracts are often handed to friends of the ruling party, regardless of who is in power. According to the law, recruitment processes for civil servants and procurement contracts must be made public in order to ensure open and fair competition.<sup>22</sup> The transparency of public procurement procedures should be ensured by publishing public contracts on the Public Procurement Office's unified online information portal, which was launched in 2007 by the Finance Ministry.<sup>23</sup> However, according to the Commission for the Prevention of Corruption, portals like these fail to detect corruption risks or confirm criminal offenses, where substantiated suspicions of corruption exist. The government regulatory bodies file less than ten criminal charges relating to alleged corruption per year, although significantly more corruption risks are detected.<sup>24</sup>

In August, the Commission for the Prevention of Corruption attempted to address the issue of underreported corruption risks by creating a complex and comprehensive online database called *Supervisor*, which monitors all financial transactions of public bodies and allows the public to search government spending records dating back to 2003. This new tool represents an important step towards

increasing the transparency of state operations and the funding of state projects. The database provides the public information on business transactions conducted by direct and indirect public budget users (bodies of the legislative, judicial and executive branch, autonomous and independent state bodies, local communities, etc.). Supervisor stores data about contracting parties, the recipients of funds, related legal entities of those involved in the transactions, the date and amount of transactions, and the purpose of money transfers, giving the public and the media insight into the flow of funding between the public and the private sector as well as other regulatory and supervisory bodies.<sup>25</sup>

The so-called Patria case—which implicates SDS President Janez Janša on charges of accepting bribes during his term as prime minister in 2008—went to trial in September 2011, just three months before the December elections. This marked the second time that the case was brought into the public spotlight in the runup to a parliamentary election. Court hearings were originally scheduled to take place during the electoral campaign, but the hearings scheduled for 28 November and 5 December (just before and after elections) were postponed at the request of Janša's counsel. The case—one of the most highly publicized in Slovenia's history—was ongoing at the end of the year.

Slovenian citizens report higher levels of perceived corruption than most EU member states.<sup>26</sup> Of course, these perceptions are also influenced by Slovenia's media, which energetically reports on all suspected instances of corruption. Slovenia was ranked 35<sup>th</sup> among 183 surveyed countries in Transparency International's 2011 Corruption Perceptions Index with a score of 5.9 on a scale from 1 to 10 (10 represents almost no corruption in the country).<sup>27</sup>

#### ■ AUTHOR: DAMJAN LAJH

*Damjan Lajh is an associate professor at the Faculty of Social Sciences, University of Ljubljana, Slovenia, and a researcher in the Centre of Political Science Research at the same faculty.*

---

<sup>1</sup> See Andraž Teršek, "Referendum kot okno politične realnosti" [Referendum as a window of political reality], *Delo.si*, 12 July 2008, p. 5; and Andraž Teršek, "O zlorabi referenduma, s primerom 'votlosti' referendumskega odločanja" [On abuse of referendum with a case of hollowness of referendum decisionmaking], *Revus-European Constitutionality Review*, 4 (2005), 75–82, <http://www.scribd.com/doc/26480773/revus-2005-4-Tersek-referendum>.

<sup>2</sup> Informacijski Pooblaščenec [Information Commissioner], *Annual Report for 2010* (Ljubljana: Informacijski Pooblaščenec, 2010), [http://www.ip-rs.si/fileadmin/user\\_upload/Pdf/porocila/Letno\\_porocilo\\_2010\\_net.pdf](http://www.ip-rs.si/fileadmin/user_upload/Pdf/porocila/Letno_porocilo_2010_net.pdf).

- <sup>3</sup> “Izvoz poganja okrevanje Slovenije po krizi” [Export driven recovery in Slovenia after the crisis], *Izvožno okno*, 17 March 2011, [http://www.izvoznookno.si/Teme\\_tedna/Izvoz\\_poganja\\_okrevanje\\_Slovenije\\_po\\_krizi\\_14798.aspx](http://www.izvoznookno.si/Teme_tedna/Izvoz_poganja_okrevanje_Slovenije_po_krizi_14798.aspx).
- <sup>4</sup> *Labor force, Slovenia, October 2011—final data*, (Ljubljana: Statistical Office of the Republic of Slovenia, 16 December 2011), [http://www.stat.si/eng/novica\\_prikazi.aspx?id=4413](http://www.stat.si/eng/novica_prikazi.aspx?id=4413); and *Labor force, Slovenia, October 2010—final data*, (Ljubljana: Statistical Office of the Republic of Slovenia, 16 December 2010), [http://www.stat.si/eng/novica\\_prikazi.aspx?id=3634](http://www.stat.si/eng/novica_prikazi.aspx?id=3634).
- <sup>5</sup> Slovenian Chamber of Commerce, “Ocene in napovedi makroekonomskih kazalcev Slovenije, 2011–2012, SKEP GZS (21.10.2011)” [Estimates and forecasts of macroeconomic indicators of Slovenia, 2011–2012—SKEP Chamber of Commerce (10/21/2011)], press release, 10 November 2011, <http://skep.gzs.si/slo/clanki/55864>.
- <sup>6</sup> Centre for Public Opinion Research, *Politbarometer, oktober 2011: Vrednotne orientacije in pogledi Slovenk in Slovencev, jesen 2011* [Politbarometer, October 2011: Value orientations and views of the Slovenes, Fall 2011] (Ljubljana: Centre for Public Opinion Research, 7 October 2011), [http://www.cjm.si/sites/cjm.si/files/file/raziskava\\_pb/PB\\_oktober\\_2011.pdf](http://www.cjm.si/sites/cjm.si/files/file/raziskava_pb/PB_oktober_2011.pdf); and “Vox populi—aktualna vprašanja, oktober 2011” [Vox populi—current issues, October 2011], Ninamedia Polls Archive “Predčasne volitve v državni zbor 2011” [Early elections to the National Assembly in 2011], <http://www.ninamedia.si/vprasanja.php?mesec=okt11>.
- <sup>7</sup> See also the 2011 *Nations in Transit* report on Slovenia.
- <sup>8</sup> For the data on voter turnout see the web page of the National Electoral Commission, <http://www.dvk.gov.si/>.
- <sup>9</sup> National Electoral Commission of Slovenia, “Volitve v državni zbor rs” [Parliamentary election in the Republic], [http://www.dvk.gov.si/VOLITVE\\_DZ2004/index.html](http://www.dvk.gov.si/VOLITVE_DZ2004/index.html); “Volitve v državni zbor 2008” [Elections to the National Assembly 2008]; “Volitve Republika Slovenija” [Elections Republic of Slovenia], 21 September 2008, <http://volitve.gov.si/dz2008/>; and “Volitve Republika Slovenija” [Elections Republic of Slovenia], 4 December 2011, [http://volitve.gov.si/dz2011/rezultati/rezultati\\_slo.html](http://volitve.gov.si/dz2011/rezultati/rezultati_slo.html).
- <sup>10</sup> “Slovenia’s act on mini jobs was decisively defeated in referendum,” *Balkans.com*, 13 April 2011, <http://www.balkans.com/open-news.php?uniqueqnumber=101274>.
- <sup>11</sup> Tatjana Rakar et al., *Civilna družba v Sloveniji* [Civil Society in Slovenia] (Ljubljana: Ministry of Public Administration, 2010, [www.arhiv.mjv.gov.si/fileadmin/mjv.gov.si/pageuploads/Mojca/CIVICUS\\_studije/civilna\\_druzba\\_v\\_slovenij.pdf](http://www.arhiv.mjv.gov.si/fileadmin/mjv.gov.si/pageuploads/Mojca/CIVICUS_studije/civilna_druzba_v_slovenij.pdf)).
- <sup>12</sup> *Za razvoj Nevladnih Organizacij: Predlog ključnih državnih ukrepov na področju krepitev nevladnih organizacij v obdobju 2012–2015* [Development of NGOs: Proposal of key government measures to enhance nongovernmental organizations during the period 2012–2015] (Ljubljana: Za razvoj NVO, December 2011), [http://civilni-dialog.net/volitve11\\_zarazvojNVO/](http://civilni-dialog.net/volitve11_zarazvojNVO/).
- <sup>13</sup> *Social Dialogue and Conflict Resolution in Slovenia* (Dublin: the European Foundation for the Improvement of Living and Working Conditions), <http://www.uni-mannheim.de/edz/pdf/ef/04/ef0455en.pdf>.
- <sup>14</sup> Marko Milosavljević and Igor Vobič, *Media landscape: Slovenia*, (Maastricht: European Journalism Centre, 5 November 2011), [http://www.ejc.net/media\\_landscape/article/slovenia/](http://www.ejc.net/media_landscape/article/slovenia/).
- <sup>15</sup> “Še en Šircin zakon padel. Poslanci zavrnili zakon o medijih” [Another Šircin’s law fell. MPs reject law on mass media], *Rtvslo.si*, 15 July 2011, <http://www.rtvsl.si/slovenija/se-en-sircin-zakon-padel-poslanci-zavrnili-zakon-o-medijih/262035>.
- <sup>16</sup> “DNS obsoja objavo off the record posnetkov Pahorja” [DNS condemns publication of off the record shots of the Minister], *Rtvslo.si*, 11 June 2011, <http://www.rtvsl.si/slovenija/dns-obsoja-objavo-off-the-record-posnetkov-pahorja/259630>.
- <sup>17</sup> See “Finnish Broadcasting Company YLE ordered to pay damages to ex-PM of Slovenia,” European Journalism Centre, Slovenia, 15 December 2011, [http://www.ejc.net/media\\_news/finnish\\_broadcasting\\_company\\_yle\\_ordered\\_to\\_pay\\_damages\\_to\\_ex-pm\\_of\\_sloveni/](http://www.ejc.net/media_news/finnish_broadcasting_company_yle_ordered_to_pay_damages_to_ex-pm_of_sloveni/).

- <sup>18</sup> Daniel McLaughlin, “Ex-Slovenian PM on trial for bribery,” *Irishtimes.com*, 6 September, 2011, <http://www.irishtimes.com/newspaper/world/2011/0906/1224303592541.html>.
- <sup>19</sup> “Ljubljana Mayor to Race for Parliament,” *The Slovenia Times*, 12 October 2011, <http://www.sloveniatimes.com/ljubljana-mayor-to-race-for-parliament>.
- <sup>20</sup> “Primeri v obravnavi” [Examples of treatment], Commission for the Prevention of Corruption, <http://www.kpk-rs.si/sl/nadzor-in-preiskave/primeri-v-obravnavi>.
- <sup>21</sup> “Slovenija v primežu institucionalne korupcije” [Slovenia in the grip of institutional corruption], *Dnevnik.si*, 6 October 2011, [http://dnevnik.si/novice/aktualne\\_zgodbe/1042451218](http://dnevnik.si/novice/aktualne_zgodbe/1042451218).
- <sup>22</sup> Ministry of Public Administration, “Interni natečaji” [Announcements of job vacancies] [http://www.mju.gov.si/si/delovna\\_razmerja\\_in\\_stipendiranje/objave\\_prostih\\_delovnih\\_mest/](http://www.mju.gov.si/si/delovna_razmerja_in_stipendiranje/objave_prostih_delovnih_mest/).
- <sup>23</sup> See Procurement Portal: <http://www.enarocanje.si/?podrocje=portal>.
- <sup>24</sup> *Ocena stanja korupcije v Republiki Sloveniji* [Assessment of the state of corruption in Slovenia] (Ljubljana: Commission for the Prevention of Corruption, May 2011), <http://www.kpk-rs.si/sl/korupcija-integriteta-in-etika/analize-raziskave-in-statistika/ocena-stanja-korupcije>.
- <sup>25</sup> Commission for the Prevention of Corruption, “Supervisor,” <http://www.kpk-rs.si/en/project-transparency/supervisor-73>.
- <sup>26</sup> Commission for the Prevention of Corruption, *Ocena stanja korupcije v Sloveniji. Komisija za preprečevanje korupcije, Redno letno poročilo* [Assessment of the state of corruption in Slovenia. Commission for the Prevention of Corruption, regular annual report] (Ljubljana: Commission for the Prevention of Corruption, May 2011), 3, [http://www.kpk-rs.si/download/t\\_datoteke/965](http://www.kpk-rs.si/download/t_datoteke/965).
- <sup>27</sup> Transparency International, *Corruption Perception Index 2011*, <http://cpi.transparency.org/cpi2011/results/#CountryResults>.