

Nations in Transit 2007
Slovenia

	1999	2001	2002	2003	2004	2005	2006	2007
Electoral Process	2.00	1.75	1.75	1.50	1.50	1.50	1.50	1.50
Civil Society	1.75	1.75	1.50	1.50	1.50	1.75	1.75	2.00
Independent Media	1.75	1.75	1.75	1.75	1.75	1.50	1.75	2.00
Governance*	2.25	2.50	2.25	2.25	2.00	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	2.00	2.00	2.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	1.50	1.50	1.50
Judicial Framework and Independence	1.50	1.50	1.75	1.75	1.75	1.50	1.50	1.50
Corruption	2.00	2.00	2.00	2.00	2.00	2.00	2.25	2.25
Democracy Score	1.88	1.88	1.83	1.79	1.75	1.68	1.75	1.82

EXECUTIVE SUMMARY

In a period of substantial political change in Central and Eastern Europe, and entering the last decade of the twentieth century, the first free and democratic elections were held in Slovenia in 1990. One year later, the country declared its independence from Yugoslavia. This was an outcome of national (political and civil) consensus, affirmed with referendum results. In the subsequent 16 years of independence, Slovenia consolidated itself as a constitutional democracy and economically stable country. Membership in the Council of Europe and respecting the case law of the European Court of Human Rights are important elements of Slovenia's constitutional identity. It joined the European Union (EU) and NATO in 2004, with decisive voter support, again expressed by referendum. In January 2007, the Slovenian tolar was replaced by the euro, and Slovenia became a member of the euro monetary market as the first new EU member state. In general, the country's democratic institutions are consolidated, but some institutional and regulatory details require additional improvement. The influence of the state and ruling coalitions on the economy remains substantial. The influence of political elites is still especially strong in the financial sector of the economy, in infrastructure, telecommunications, and energy. Foreign investment in the country remains relatively low.

The ruling coalition that came to power in the 2004 elections is entering the second half of its mandate. Comprising mostly right-wing political parties (Slovene Democratic Party [SDP], Slovene People's Party, New Slovenia–Christian People's Party [in short, New Slovenia], and Democratic Party of Slovene Pensioners), the coalition spent the first two years absorbed in the takeover process. Not surprisingly, it began exercising its power over the economy by replacing numerous CEOs of state-owned or partially state-owned companies. The coalition also proposed a new management strategy for the public broadcaster Radio Television Slovenia (RTS), the most influential media organization in the country, and adopted the Law on Radio Television Slovenia.

In 2005, trade unions organized mass demonstrations against a government-sponsored economic reform, including the attempt to introduce a flat tax that could, according to the trade unions, seriously jeopardize the social status of workers. In 2006, the minister of labor, family, and social affairs was removed from office, partly as a result of these and other

problems. His proposal that women should have to pay for exercising their right to abortion was especially criticized as being unnecessary, as the number of abortions is decreasing in Slovenia.

In 2006, the president and prime minister were in dispute about foreign policy and their institutional relationship. At the end of the year, local elections were held. Voter turnout decreased, more independent candidates were elected, the strongest coalition party won the largest proportion of council members elected, and in Ljubljana (Slovenia's capital) the independent mayoral candidate, a successful businessman, won decisively. The “erased” of Slovenia—residents who are legally nonexistent, having been erased from the public registry after independence—internationalized their problem and asked EU institutions for assistance. Problems of intolerance and hate speech arose from the conflict between villagers of Ambrus and a certain Roma family residing there. The state apparatus responded unconvincingly, overstepping the limits of legality and constitutionality. The appointment of new judges to the Constitutional Court has been initiated.

National Democratic Governance. The Slovenian Constitution established the country as a constitutional democracy based on the rule of law and sets out the separation of powers between legislative, judicial, and executive authority with a system of checks and balances. The legislative and executive branches are closely connected owing to the government's majority in the Parliament, and the ruling coalition often persists in holding a majority in parliamentary supervisory bodies. The regulatory and financial structure enables the government to act relatively undisturbed. The Constitutional Court monitors the legality and constitutionality of government and parliamentary decisions. The actions of authorities are open to public and media scrutiny. The most frequent criticisms of the government concern slowness and excessive formalism of the administrative apparatus. Citizens can participate in the political process. The government's influence over the economy remains substantial. A number of incidents occurred on the as yet undetermined border with Croatia, though without serious violence. *Slovenia's national democratic governance rating remains at 2.00.*

Electoral Process. Government authority in Slovenia is periodically relegitimized through fair, general elections by equal, secret ballot. The quality of the political process is ensured by electoral legislation and practice, establishing equality of all candidates in election campaigns, the fair functioning of election procedures, and fair vote tabulation. The active and passive right to vote is legally guaranteed for every citizen over the age of 18. The legal criteria for establishing a political party and competing in elections are not strict. Access to broadcast and print media is divided among competing candidates and parties. The functioning of political parties is subject to public oversight and scrutiny. The Constitutional Court can forbid a political party from operating if it violates the Constitution. The political opposition is institutionalized and has the means to critically influence the governing coalition and communicate with the public. Voter turnout decreased slightly in the 2006 local elections. Over the last few years, the use of referendums has increased in Slovenia. *Owing to the stable nature of the electoral process, including referendums, a slightly decreased turnout at local elections, and a show of public fatigue over party politics by electing more independent candidates, the rating for electoral process remains at 1.50.*

Civil Society. The Slovenian Constitution guarantees the freedom of association and right to peaceful assembly and public meeting. Slovenia's civil society is vibrant, but the involvement of registered associations in public affairs is generally low. Only about one-third of the population is actively involved in public affairs, and voter turnout for referendums is

generally low. The legal and regulatory environment for civil society remains free of excessive state pressure. The voice of civil society is much weaker in the media than that of political parties. A constitutional right to join trade unions is respected. Forty-two religious communities are registered in Slovenia. To date, the construction of a mosque in Ljubljana has not started, and the problem of the “erased” individuals also remains unsettled. The question of gay and lesbian couples is being partly resolved by the Registration of a Same-Sex Civil Partnership Act. A Roma family from the Dolenjska region was removed from a village by police and relocated on the request of villagers, becoming a national problem that was handled poorly by the state. *Owing to the problem with a Roma family and the legally questionable response by state authorities, Slovenia’s civil society rating worsens from 1.75 to 2.00.*

Independent Media. The Slovenian Constitution protects freedom of the press and other media. The Law on Access to Information of a Public Nature enables access to all public information. The Slovenian Association of Journalists is an active element of the civil society. There are three major daily newspapers with a long history and two major television organizations. At the local level, there are numerous radio and television stations. RTS is a state-owned institution, while the commercial POP TV and local radio and television stations are privately owned. Print media are also privately owned. Media ownership is moderately interlocked, which may lead to excessive concentration. Slovenian media enjoy sound legal protections, and the penalties applied by courts for irresponsible journalism are not excessive. Journalists still face occasional victimization by powerful figures, mostly from the political and economic spheres. The media are not completely free of interference by the government and private owners. The Roman Catholic Church controls an influential radio station and a weekly newspaper, and changes at RTS indicate the influence of the Catholic Church on programming since the last elections. The Italian and Hungarian national minorities are assured special programming on RTS in their native languages. *Owing to indications of increasing interference by political, private, and state actors in editorial independence and news-gathering functions, Slovenia’s independent media rating worsens from 1.75 to 2.00.*

Local Democratic Governance. Local self-government and the general right to participate in the administration of public affairs are provided by the Constitution. The principles and rules of democratic local government are enshrined in legislation and largely respected in practice. The government has not yet decided how to form regions, anticipated by the Constitution. Local authorities are substantially free to design and adopt institutions, processes, and rules of governance reflecting local needs and interests and to pass and enforce laws within the legal framework of local government competences. They are autonomous in setting their budgets and allocating resources and have the right to judicial remedy to protect their powers and autonomy. But they are also subject to standards of disclosure, oversight, and accountability. The number of local radio and television stations has increased. Local elections are free and fair and were held at the end of 2006. Voter turnout in Slovenia’s 210 municipalities showed a 14 percent decrease compared with the 2002 local elections. Voters elected more independent candidates. The strongest parliamentary party, the SDP, won the largest proportion of council members. In Ljubljana, the independent mayoral candidate, a successful businessman, won decisively. His list of candidates also gained a majority of seats in the municipal council. *Slovenia’s rating for local democratic governance remains at 1.50.*

Judicial Framework and Independence. The Constitutional Court's competences are relatively broad, and it is boldly determined to control the constitutionality of its binding decisions. But it faces the problem of being overloaded, and some highly important rulings

have not yet been enforced. The reform of the penal code has been effective. The most important constitutional principles and legal rules are generally but still not entirely assured in practice. Judges are appointed in a fair and unbiased manner. They must rule in a fair and impartial manner, and their judgments must be free from political influence. Nevertheless, the executive branch still has some influence on the appointment of the presidents of local and district courts, higher courts, and the Supreme Court. Some rulings have not been enforced effectively. Recently, judges' salaries became the subject of a controversial public debate. Extensive delays in judicial process persist and remain the key problem for the judicial system. The number of judgments from the European Court of Human Rights against Slovenia for failing to adjudicate within a reasonable time frame is, not surprisingly, on the rise. The government responded by recently adopting the Law on Protection of the Right to a Trial Without Undue Delay. *Owing to few concrete steps toward improvements, Slovenia's rating for judicial framework and independence remains at 1.50.*

Corruption. In 2004, with the adoption of the Law on Prevention of Corruption, Slovenia ushered in the most important government anticorruption initiative to date. The law requires the disclosure of all relevant financial data by those in the public sphere and prohibits conflicts of interest. The Commission for the Prevention of Corruption, with a largely preventive role, appears to be an effective enforcer of this law, particularly among politicians. The commission's main task is to ensure that officials do not abuse their public office for private business gain and report their assets. Names of those who do not comply are disclosed to the media, who aid public anticorruption efforts in this regard. The commission lacks investigative jurisdiction. In 2004, the new ruling coalition tried to shut down the commission and transfer its competences to a special parliamentary body. The Constitutional Court decided that the new draft bill was unconstitutional, and the commission continued its work. The economy is not free from excessive state involvement; the participation of government officials in Slovenia's economic life is substantial, and some of the most important institutions have yet to be privatized. *Slovenia's rating for corruption remains at 2.25.*

Outlook for 2007. The state authorities' poor resolution of the problem of relocating a particular Roma family will probably influence public perception of tolerance and equality before the law in Slovenia and will also count as an important precedent concerning legal boundaries of police work. The government's commitment to independent media will be tested by the work of the parliamentary-elected civil society nominees to the council of the RTS and by any politically influenced consequences to journalistic criticism. The government's ability to establish fruitful dialogue with trade unions will be important for further civil society development in 2007, particularly given the announced economic reforms and the possibility of more mass demonstrations. The next generation of appointed judges to the Constitutional Court will influence the authority of the institution and the identity of Slovenian constitutional democracy. Presidential elections in 2007 could introduce a new president and change the political influence of that office.

MAIN REPORT

National Democratic Governance

The Slovenian Constitution established Slovenia as a democratic state based on the rule of law. It does so on an impressive level that exceeds "minimal European standards" as determined by the European Convention on Human Rights. The Constitution sets out the

separation of powers between legislative, judicial, and executive authority with a system of checks and balances. The legislative and executive branches are closely connected because the government (as a coalition of parliamentary parties) has a majority in the Parliament. Only rarely do parliamentary deputies in a ruling coalition refuse to vote as the coalition party leaders direct.

A special problem for democracy appears when the ruling coalition persists in holding a majority in parliamentary supervisory bodies or rejects opposition proposals for more rigorous scrutiny of the government or legislative proposals simply by outvoting them. Slovenian legislation allows for special investigative commissions within the Parliament that oversee the activities of the government, the armed forces, police, and intelligence agencies. These commissions are not always efficient and are often unable to resist political influence. They are more efficient and impartial if coalition party members are not in the majority. But when they are, the coalition-particracy hinders the search for political consensus, better legislation, and the constitutionality of legislation. The regulatory and financial structures enable the government to act relatively undisturbed.

The Constitutional Court monitors the legality and constitutionality of government and parliamentary decisions, and the Parliament can demand a no-confidence vote for the government. Deputies may demand explanations from ministers and other government officials (cabinet members regularly answer these questions), and there have been several parliamentary debates and disciplinary votes regarding the performance of ministers.

The public and the media are assured access to information about government actions. Citizens can make critical evaluations of the government via the media, through petitions (including via the Internet), referendum proposals, public meetings, and so forth. As may be expected, larger and more significant groups, such as trade unions, are more successful in placing pressure on the government.¹ In general, the administrative apparatus functions legally and democratically. The most frequent criticisms concern its slowness, excessive formalism, and exaggerated bureaucracy and red tape. There have been many examples of patronizing attitudes from state authorities, unrealized promises, and failure to respect the will of the people as clearly expressed by referendum, but these aspects of everyday politics remain within the average boundaries of political acceptability.²

The legal foundations of Slovenia's "constitutional democracy" provide instruments and mechanisms for citizens to participate in the political process. The actions of the legislative and executive authorities are open to public scrutiny, except in special justified circumstances. But even in such cases, the accepted decisions or relevant documents usually become public soon thereafter. Regarding the transparency of government activities, Article 39 of the Constitution assures not only freedom of expression, but also the right to access public information by citizens and the media. The Law on Access to Information of a Public Nature regulates this right even more broadly than would have been envisaged by a literal interpretation of the Constitution. The information commissioner, who supervises access to public information and the protection of personal data, has been quite successful so far, and there must be necessary or persuasive grounds for any exceptions to this rule.³

The actions of the armed forces, police, and intelligence agencies are subject to legal and political control by judicial authorities, free media, and the public. The most effective controls on financing and operations remain in the hands of the executive branch and the Parliament. Nevertheless, there remain problems in the unwillingness of these institutions to recognize

their own mistakes and unlawful deeds and to assure impartial and independent investigations. From this point of view, it is also reasonable to be critical of the judiciary, which is quick to be satisfied with assertions that actions and investigations are correct, lawful, and objective.⁴

The government's influence over the economy remains substantial, and it is an important shareholder in some of Slovenia's largest and most important companies. The governing coalition has the decisive word when appointing and dismissing high-ranking management, supervisory board members, and key decision makers in these companies. During 2006, changes in several successful companies were met with significant public outcry, regardless of the business results. Some members of the ruling coalition participate on the supervisory boards or other bodies of several companies. Such appointments are usually made public, and the government tries to justify them on the basis of "sound business reasons." Citizens typically do not believe these reasons, but they consider them as the "spoils of war," the inevitable result of political changes after elections.⁵

Political parties and citizens both give a largely positive evaluation of democracy as the most suitable form of leadership. Occasionally, democracy is compared with state socialism in reference to social security, health care, employment, or general living standards. Nevertheless, these comments are far from representing serious appeals for reestablishing the former political system.⁶ The country's governmental system has achieved and maintains stability without coercion, violence, or other substantial abuse of basic constitutional rights and liberties. Occasionally, public demonstrations or acts of civil disobedience appear, mostly as an attempt to influence the government's social policy. Such actions are predominantly nonviolent, and the response by law-and-order forces is for the most part democratically and constitutionally acceptable. Legal and political differences and conflicts are generally resolved peacefully and without violence. The government's authority extends over the full territory of the country.

In the middle of 2006, a number of incidents occurred on the border with Croatia, particularly in the villages and border crossings of Hotiza and Sečovlje. In essence, they represented a continuation of the political dialogue on the as yet undetermined border between the neighboring states following their independence 15 years ago. This inflaming of passions and political provocation did not lead to serious violence or armed conflict. Both states have emphasized the importance of following a policy of tolerance, cooperation, and diplomacy.

Over the last year, tensions appeared between Prime Minister Janez Janša and the president of the republic, Dr. Janez Drnovšek, concerning mutual accusations of ignorance, unwillingness to engage in dialogue, failure to change foreign policy, disputes on who benefited more from releasing Tomo Križnar (an activist/voyager from Sudan), and President Drnovšek's demand for more financial resources for his office. At first the prime minister received slightly higher support from the public.⁷ Drnovšek was far more active internationally (concerning Darfur) than domestically. But just before Christmas, he intervened emotionally in the issue of the Roma community, while the prime minister permitted some politically and legally questionable actions to be taken by the relevant authorities.

Electoral Process

Government authority in Slovenia is legitimized by the Constitution and through fair, general elections by equal, secret ballot. The quality of the political process is also ensured by electoral legislation and practice, establishing the legal foundations for equality of all

candidates in election campaigns, the fair functioning of election procedures, and fair vote counting. The active and passive right to vote is legally guaranteed for every citizen over the age of 18. The legal criteria for establishing a political party and competing in elections are not strict. A total of 200 signatures is required to establish a political party. Parliamentary parties enjoy direct access to the electoral process, while nonparliamentary parties and independent candidates require 50 signatures from eight electoral districts. Access to television media (public and commercial) and press attention is divided among competing candidates and parties.

The Constitutional Court can forbid a political party from operating if its program or function contravenes the Constitution.⁸ The pluralism of political parties and interest groups is established in principle and fact in Slovenia. The functioning of political parties is subject to public oversight and scrutiny. Political opposition is institutionalized and has the means to critically influence the governing coalition and to communicate with the public. Occasionally, the political opposition seeks public support for greater participation in the work of the governing coalition, supervisory parliamentary commissions and investigative bodies, and supervisory boards of major companies.

In total, there are 38 political parties registered in Slovenia, 6 of which are parliamentary parties.⁹ The level of party membership is relatively low, but social scientists emphasize that a high level of party membership is not an essential criterion in defining the degree of democracy.¹⁰ Voter turnout at elections and referendums seems to be of more importance to democracy and the legitimacy of the political system and government. The turnout in Slovenia is comparable to that in other European countries and ranges from 58 percent to 72 percent at elections (the exception being at the European Parliament elections, with only 28 percent turnout) and from 25 percent to 35 percent at referendums. Another exception was the referendum on Slovenian membership in the EU and NATO, with a 60 percent turnout (89 percent voted in favor of EU membership and 66 percent in favor of NATO membership).

The means for rotating political elites and democratic changes in government are legally and institutionally assured. The last parliamentary elections affirmed this when what was previously the largest opposition party, the Slovene Democratic Party (SDP), won and formed a governing coalition with another two parties previously in the opposition (the Slovene People's Party [SLS] and New Slovenia. Slovenia's citizens enjoy clear political freedom and are not pressured by military, economic, traditional, or power elite groups. The country is also not endangered by any foreign military or other group or state. Previous parliamentary, presidential, local, and European elections have received positive evaluations from domestic and foreign commentators and observers in terms of their democratic and legal nature and fairness. It should be noted that parliamentary party programs do not differ substantially as far as basic domestic and foreign policy are concerned.

The Italian and Hungarian national communities (national minorities) in Slovenia are guaranteed one parliamentary deputy each by the Constitution. Members of these two communities have a double right to vote, as they can elect their representatives in the Parliament and also vote for all other deputies. Both deputies also have a double right to vote in the Parliament because they enjoy the general right to vote and special right to veto decisions that specifically concern the rights or interests of their national communities. The Constitution also provides the Roma ethnic community in Slovenia with special status and requires the government to regulate this status with special legislation. This has yet to be introduced and in fact represents an unconstitutional situation. The Hungarian national

community has guaranteed places on the municipal councils of 5 municipalities, while the Italian national community enjoys the same right in 3 municipalities. The Roma community has deputies on municipal councils in 19 municipalities. Hungarian and Italian languages are considered the second official languages and as such are equal to the Slovenian language in territories where Hungarian and Italian national communities traditionally live. Members of these two communities can freely organize and assemble in order to exercise their right to fulfill cultural, sport, economical, or general national interests.

Local elections were organized at the end of 2006,¹¹ but voter turnout was lower than in the previous local polls in 2002. The elections were also characterized by increased support for independent candidates, which could be seen as voter fatigue with political parties and everyday politics as well as aspirations for a more effective decision-making process at the local level. Once again, political populism as a method of communication with the media and the public before election day, achieved the best election results.¹² Just before the elections, the Constitutional Court annulled changes in the Law on Local Elections, which had introduced a substantially higher signature threshold as a condition for independent and nonparty candidates to register in local elections.¹³

Over the last few years, the use of referendums has increased in Slovenia as a means either to delegate decision making to voters or to attempt to force the government to reach particular decisions. A specific problem with the use of referendums, in contrast with their democratic and legitimate function, was exemplified by the referendum on the Technical Statute for the Realization of Constitutional Court Decision, which demanded that the government provide official confirmation on temporary or full-time residence in Slovenia for a number of so-called erased people. In this case, the referendum was used primarily to stir up voters and polarize their views. An important error was also likely made by the Constitutional Court in its quick decision that the implementation and reasonableness of such a referendum could not have any legal effect (i.e., a referendum could not override the Court Decision) and therefore could only result in the expression of a political viewpoint with no constitutional relevance.

Over the past year, the pressure to organize referendums calmed somewhat, but some unrealized referendum proposals lingered. Most legal experts condoned the attempt to make preliminary consulting referendums nonbinding on the Parliament and to increase the number of citizen signatures needed to initiate legislative referendums. Though the law states that the government must legally implement referendum results within two years, a nearly three-year-old referendum decision that shops must close on Sundays remained unenforced in 2006. The government waited two years before claiming that no legal obligation to implement the voters' will existed, thus also avoiding implementing the Constitutional Court decision concerning this referendum.

Civil Society

The Slovenian Constitution (Article 42 and others) guarantees the freedom of association and the right to peaceful assembly and public meeting. Legal restrictions on these rights are permissible only where so required for national security or public safety and for protection against the spread of infectious diseases. Professional members of the defense forces and the police cannot hold membership in political parties. Statistical data suggests that Slovenia's civil society is vibrant; there are 20,360 associations registered, and the number is increasing every year.¹⁴

Yet civil society was much more vibrant in Slovenia before 1990. Sociologists consider this an unsurprising outcome of the changes in social life and the political process following independence.¹⁵ But even if the number of registered civil society associations is high, their involvement in public affairs is generally low. If most of the population is active in at least one civil society organization (sports, local firefighting forces, trade unions, or other nonpolitical interest groups), only about one-third is actively interested in public affairs. This can also be monitored by looking at the referendum vote turnout, which is generally low. The legal and regulatory environment for civil society remains free of excessive state pressure, and the registration process is uncomplicated.¹⁶

Societies, religious groups, private funds, and organizations established for ecological, humanitarian, and other nonprofit purposes do not pay taxes on income (including donations, fees, gifts, and so forth). At the same time, the legislation does not provide tax relief on donations to nongovernmental organizations (NGOs). The media remain the most receptive to civil society groups as a reliable source of information and commentary; however, the voice of civil society is much weaker in the media than that of political parties.¹⁷

NGOs are dissatisfied with the dialogue between civil society and the state or with the level of government response. This includes responses to proposals for state funding of projects or to amend legislation in fields where specific knowledge or skills should be taken into account (that is, law, economy, sports, and the like). There is a constitutional right to join trade unions, which is respected in everyday politics. Nevertheless, in November 2006 Prime Minister Janša asked the minister of labor, family, and social affairs, Janez Drobnič, to resign from office, in part because of his evident failure to communicate with trade unions and social partners. Marjeta Cotman was subsequently appointed to the position.¹⁸

Forty-two religious communities are registered in Slovenia.¹⁹ The Islamic community still appears underprivileged among these groups, particularly in comparison with the Roman Catholic Church, despite being the second largest religious community in Slovenia. After more than three decades of trying, a resolution by the Ljubljana Municipal Council, and a decision by the Constitutional Court, to date no concrete action has been taken to start construction of a mosque in Ljubljana. In everyday life, the Islamic community is still forced to exercise its religious rights in repurposed apartments, basements, and sports facilities.²⁰

In general, civil society in Slovenia is rather passive politically. It is activated only occasionally and partially, in connection with issues or problems that either concern a particular group or appeal to the general public as a widespread problem.²¹ Problems concerning Roma, Muslims, or the “erased” in Slovenia represent typical examples of such issues. These specific issues reveal an intolerant, populist, nationalist, and emotional side to Slovenia’s general public rather than a concern for resolving social problems or discrimination.

The unsettled problem of the “erased” of Slovenia concerns the group of people from the former Yugoslav republics who had temporary or full-time residence in Slovenia before the country announced its independence. They did not apply for Slovenian citizenship, nor did they take steps to renew their temporary resident status. As a result, they were “erased” from the public administration registry and became legally nonexistent. One part of this group decided to internationalize the problem through personal contacts with European institutions and visits to Brussels.

The question of gay and lesbian couples has been partly resolved with the Registration of a Same-Sex Civil Partnership Act, passed by the Parliament in June 2005.²² Though legalizing same-sex partnerships, the law does not ensure the same rights (that is, social security, health care, pension security, inheritance, and so forth) accorded heterosexual couples, nor does it give same-sex couples the right to marry. Gay and lesbian groups have registered their dissatisfaction with the law.²³

In the second half of 2006, there was a collective outburst among villagers in Ambrus in the Dolenjska region concerning the Roma family Strojan, which lives at the edge of this village. Residents complained about and accused the Strojan family of criminal acts, including vandalism of private property and endangering a source of drinking water. The community's anger peaked when a member of the Strojan family allegedly attacked a villager, who had to be hospitalized. The villagers demanded that the family be removed immediately. They also criticized the state for not assuming its law enforcement duties over the past decade. Both sides threatened the use of violence.

The government ordered the police to remove the family from the village and accommodate it in the former refugee center in Postojna. Each government proposal for relocating the Strojan family was blocked by concerned members of the public. Residents of all the potential new locations organized public guards to watch over and block the possible transport of the family into their neighborhood. A major incident between the police and villagers occurred in which several people were hurt. Politicians quarreled over the issue, with the human rights ombudsman and a section of civil society responding critically to defend the state.²⁴

In the popular television program *Piramida*, a parliamentary deputy from the Slovene National Party (SNS), Zmago Jelinčič, employed "hate speech" against Roma but received the support of 73 percent of viewers. It was unclear whether the public reacted to the specific "record" of the Strojan family or was clearly expressing a general intolerance against Roma. The problem remained unsettled as the Strojan family was moved to another empty residence owned by the Ministry of Defense as a temporary solution.²⁵ Just before Christmas, authorities dismantled the Strojans' illegal residence without giving them time to pack their belongings. The villagers of Ambrus then prevented the location of mobile homes sent by President Drnovšek as a substitute residence.

Independent Media

Article 39 of the Slovenian Constitution protects freedom of the press and other media. Since the Law on Access to Information of a Public Nature came into force in 2003, it has been easier for journalists to demand access to all information that is or should be public. The Law on the Media, passed in 2001, has strengthened their "public watchdog" role and the potential for investigative journalism.

Journalists and media can form their own professional associations, and the Slovenian Association of Journalists is an active element of civil society. There are three major daily newspapers with a long history in Slovenia: *Delo*, *Dnevnik*, and *Vecer*. The other major papers are the business daily *Finance*, the regional daily *Primorske novice*, two sports dailies, and two daily tabloids, *Slovenske novice* and *Direkt*.

Two major broadcasters, Radio Television Slovenia (RTS) and the commercial network POP TV (owned by Central European Media Enterprises), provide news programming.

Competition between RTS and POP TV seems to have a positive effect. At the local level, there are more than 60 radio stations and 24 television stations. RTS is a state-owned institution, while the commercial POP TV and local radio and television stations are privately owned. Print media are also privately owned, but the state-controlled Pension Management Fund and Compensation Fund own a substantial portion of shares in some publishing companies. Media ownership is moderately interlocked, which may lead to excessive concentration.²⁶

The media enjoy sound legal protections in Slovenia. Penalties applied by the courts for irresponsible journalism are not excessive, and the amount of damages that can be awarded in civil cases for irresponsible journalism or libel does not endanger the existence of any (commercial or other) media.²⁷ A greater problem concerns judicial decisions where value judgments or critical opinions are considered to be “assertions of categorical and unproven facts”²⁸ or cases where individuals recognized themselves in a literary work and were too quickly awarded damages for violation of their right to “protection of good name and reputation.”²⁹ The newspaper *Direkt* was launched in 2005 with the advertising slogan “No mercy!” which is a very fair illustration of its editorial policy. On the one hand, this newspaper scrutinizes individuals with social influence and power, but on the other, it often violates individual rights.

Occasionally, journalists face victimization by powerful figures, mostly from the political and economical spheres. The case of Miro Petek, an investigative reporter who was badly beaten in 2001, remains a mystery in terms of determining who perpetrated or ordered the attack. The media’s editorial independence and news-gathering functions are not completely free of indirect interference by the government and private media owners (some commentators claim the existence of direct influence). Newspaper distribution is privately controlled, but publishing companies are not satisfied with the level of competition in this area; only one company specializes in newspaper distribution.

In practice, the rights and responsibilities of the domestic media are divided between the editor in chief and the managing board. The managing board is responsible for business functions, while the editor in chief is responsible for editorial policy. Any interference from the managing board in editorial policy is considered illegitimate in theory, but this is not always the case in practice. It appears the ruling coalition has an influence over the newspaper *Delo*, which has the highest sales and a good reputation, and a major influence over the publicly owned RTS. Several respected journalists at *Delo* were replaced after the formation of the new government.³⁰ One RTS journalist has been penalized for being too critical of members of the ruling coalition. Recently, the respected veteran journalist Vida Petrovčič was suspended for commenting critically on a particular action taken by Minister of Finance Andrej Bajuk.³¹

The Roman Catholic Church often complains that the media landscape is unbalanced and lacks diversity. On the other hand, the Catholic Church controls an influential radio station, Radio Ognjisce, and a weekly newspaper, *Druzina*. Changes in the personnel structure of the RTS program council and programming changes (such as replacing sports coverage with religious ceremonies) indicate the influence of the Roman Catholic Church on RTS since the last elections. The Italian and Hungarian national minorities are assured special programming on RTS in their native languages. The Law on Radio Television Slovenia mandates the establishment of a special third television channel to cover parliamentary sessions.

The financial viability of private media is subject to market forces. The coalition manifesto of the governing parties anticipates the creation of a special fund for the “pluralization of media.”³² It remains unclear how the fund will function, but some predict that it would assure additional financial resources to media that are closer to the current parliamentary coalition but are unsuccessful in the market.

Slovenian’s society enjoys freedom of access to the Internet. Approximately 50 percent of households have access, and 50 percent of those aged 10 to 74 use the Internet regularly. Competition among different Internet providers has grown stronger, and state-owned Telekom Slovenije no longer dictates market conditions. Many forums are open for the expression of diverse opinions, and the popularity and profusion of blogs increase daily. So far, the government has made no serious attempts to control or restrict Internet content or access.

Local Democratic Governance

Local self-government in Slovenia is provided for by Article 138 of the Constitution, and the general right to participate in the administration of public affairs is set out in Article 44. The former article concerns the rights and responsibilities of local authorities in relation to the government, while the latter concerns the negative and positive obligations of the state to ensure the exercise of the constitutional right to participate in the governance of public affairs. The principles and rules of democratic local government are enshrined in legislation (the Law on Local Self-Government, 1993) and are largely respected in practice. The aim of these constitutional principles and rules is to partially decentralize government powers. According to the Constitution, municipalities have the right to form regional associations but have not yet exercised this right. More precisely, the government has not yet decided how to form regions or how many of them should be formed, nor has it set out the institutional preconditions.

Local authorities are substantially free to design and adopt institutions, processes, and rules of governance reflecting local needs and interests. The central authorities mostly respect local authority decision-making capabilities and autonomy. Local authorities are free to pass and enforce laws within the legal framework of local government competences. Municipalities have the right to judicial remedy to protect their powers and autonomy. Local authorities are subject to clear and consistent standards of disclosure, oversight, and accountability, and they are autonomous in setting their budgets and allocating resources.

Citizens, businesses, and other groups are invited to participate in public debates on local issues. Individuals and civil society groups are free to submit petitions, organize demonstrations, or initiate other activities that influence local decision making. However, even though the central authorities consult local government in decision-making processes from time to time, they can make decisions against the express will of the local level. Some municipalities, for example, were established despite local referendums mounted in opposition. On the other hand, local governments are not always receptive to the ideas of civil society groups.

Legally, municipalities should have at least 5,000 inhabitants. If economic, geographic, historical, or other rational reasons exist, municipalities may have fewer inhabitants. Yet the reality is that nearly half of all Slovenian municipalities have fewer than 5,000 inhabitants. Local governments regularly receive financial support from the state and combine it with their own resources. Municipalities are empowered to set staff salaries but must keep them within

the overall legal framework of the public sector. They are also free to define staff size and organization. Recruitment is based primarily on merit and experience. In general, the services provided by the local government are sufficient, but smaller municipalities have serious problems in finding sufficient financial resources to provide quality services. Nevertheless, small-size municipalities are still being established, and there are already a total of 210 municipalities. However, there are compelling reasons to believe that local authorities are free from the domination of power groups, even if in some cases (such as city planning) considerable pressure comes from economic lobby groups.

The media freely report on the activities and views of local civic groups, the private business sector, and other NGOs in regard to local government policy. Local radio and television stations, which have increased in number the last few years, play an important role in covering the activities of local populations and local government policy. Local elections, which are held every four years, are free and fair. Mayors and members of municipal councils are elected directly by a majority of votes. According to the Law on Local Elections (amended in 2002), foreigners with permanent resident status have the right to vote in local elections. Candidates may compete in local elections either with the support of members of Parliament or with the voters' support.

When the Slovenian legislature changed the Law on Local Elections at the end of 2005, it significantly increased the number of qualifying signatures for independent and nonparty-list candidates from 15 signatures to 2 percent of all voters in one election district (but not more than 2,500 signatures). This prescribed number of signatures would be even higher than the number of votes that independent candidates and nonparty-list candidates would need to gain a mandate in some election districts. In 2006, the Constitutional Court decided that this statute was unconstitutional.³³

Slovenian local elections were held at the end of October 2006.³⁴ Voter turnout in the country's 210 municipalities was 58 percent in the first round and 53 percent in the second round. A second round is held in municipalities where none of the mayoral candidates gain a majority of votes in the first round. This was a 14 percent decrease in turnout compared with the 2002 local elections (which drew 72 percent of voters to the polls).³⁵ Voters elected 67 nonparty or independent candidates, which is more than in the 2002 elections. Three mayors came from nonparliamentary parties. These facts could be interpreted as an expression of voter fatigue with political parties and the nature of everyday politics.

The government coalition party SLS won the largest proportion of mayors, despite being only fourth in the number of elected municipal council members. The strongest parliamentary and coalition party, the SDP, won the largest proportion of council members elected (16.75 percent). The largest opposition party, Liberal Democracy of Slovenia, came in second (14.95 percent). The parliamentary coalition parties together won 38 percent of the vote, and parliamentary opposition parties won 29 percent of all votes. Only 8 women were elected as mayors, while 721 female candidates were elected as council members, compared with 2,625 male candidates.

In Slovenia's capital, Ljubljana, the independent mayoral candidate Zoran Janković, a successful businessman, won decisively in the first round with 63 percent of the votes. His list of candidates also gained a majority of seats on the municipal council (23 out of 45 seats). Local elections are not dominated by economic oligarchies, but the elections revealed what seems to be voters' belief that a local authority could be more efficient if administered along

the lines of managing a successful company. Political populism produced positive results.³⁶ Personal attacks made against strong candidates near election day appear to have elicited voter sympathy and winning votes for those candidates.

Judicial Framework and Independence

The Slovenian Constitution protects fundamental political, civil, and human rights. Freedom of expression, association, conscience, and religion, as well as business and property rights, are legally protected often to a higher degree than is mandated in the European Convention on Human Rights and other international treaties. Fundamental and constitutional rights are also assured in practice, even if not always entirely as required by the Constitution or determined by the jurisprudence or practice of the Constitutional Court.

The “doctrine of positive obligations” (*erga omnes*, or *Drittwirkung* in German), meaning the government’s protection of fundamental and constitutional rights, is a part of constitutional lawmaking. Equality before the law is assured in the Constitution and in practice, either directly by statutes or by constitutional lawmaking. In cases where equality before the law or fundamental rights and liberties are violated, citizens can appeal to the Constitutional Court. The principle of positive discrimination is considered an element of equality before the law.³⁷

The Constitutional Court is an independent body regarded as professional and impartial in its interpretation of the Constitution and the protection of fundamental rights and liberties. The Court's competences are relatively broad, given its position as the highest institutional protector of the Constitution and constitutionality itself. Legally, the Court is a powerful institution, and it is quite determined to boldly control the constitutionality of the decisions and activities of the Parliament, government, public administration, judiciary, and will of the people expressed by referendums or other forms of direct democracy.

Nevertheless, the Constitutional Court faces the problem of being overloaded. Some constitutional scholars have prepared various proposals to significantly relieve the Court, and a new draft law that would bring this about is before the Parliament. Some highly important Court rulings have not been enforced yet, as the Parliament has not amended the statutes subject to the Court’s rulings.³⁸ For instance, the Court passed three decisions on the government’s treatment of the “erased,” dubbing it unconstitutional, but these decisions have yet to be honored. Respect for and enforcement of Constitutional Court decisions within Slovenia’s political culture are low.

Reform of the Slovenian penal code has been effective, and the presumption of innocence is assured by the Constitution and respected by authorities. Procedural rights are upheld and judges acquit if there is a lack of evidence. Sometimes this is misunderstood by journalists who seem to forget that once we lived in a different system, where procedural rights had little or no value. Now, however, procedural rights such as safeguarding rule of law, and fairness, are of elemental importance for the rule of law. If there is a lack of evidence and a criminal must be acquitted, it is not a problem of procedural technicality. Rather, it is often the correct result of the burden of evidence (perhaps owing to a problem of the quality of work of the police or prosecutors, when collecting evidence, interrogating, investigating, or writing the indictment). Slovenia’s Constitution, legislation, and legal practices assure access to a fair and public trial and an independent public defender, who may be appointed pro bono if necessary. The legal system guarantees the independence of prosecutors. The Slovenian judiciary

employs a continental system of jury trials (a combination of professional judge and nonprofessional jurors).

Suspects and prisoners are protected from arbitrary arrest, searches without warrants, detention without trial, torture, and abuse. Nevertheless, extensive delays in judicial process persist, and this remains the key problem for the judicial system (as it is in other EU countries). The current ruling coalition and judicial authorities have promised to make reducing delays a priority. Approximately 300 Slovenian claims have been filed with the European Court of Human Rights on the basis of failure to adjudicate within a reasonable time frame, and the number of judgments from Strasbourg against Slovenia is, not surprisingly, on the rise.

Judges are appointed in a fair and unbiased manner; they are nominated by the Judicial Council and elected by the Parliament. Judicial training is intense in both theory and practice, and candidates are expected to pass the bar exam after graduating from a faculty of law and completing two years of legal practice. After passing the bar exam, candidates must have at least three years of experience to be elected to a judicial position (and four years of practice to become an advocate). Once a candidate is elected, the office is permanent, according to Article 129 of the Constitution.

Judges must rule in a fair and impartial manner, and their judgments must be free from political influence. Nevertheless, the executive branch still has some influence on the appointment of the presidents of local and district courts, higher courts, and the Supreme Court. During 2006, judges' salaries became the subject of a very controversial public debate involving politicians, judges, lawyers, and the public, after the minister of public administration, Gregor Virant, introduced a draft amendment to the Law on Civil Service that was seen by judges as a move to lower their salaries. The unwillingness of and lack of incentive for the younger generation of lawyers to become ordinary court judges remains an important problem. High workloads and low salaries are considered to be the main reasons.

Before the local elections in fall 2006, three Supreme Court judges publicly gave their support to a mayoral candidate in Ljubljana, who also had the support of the SDP, a leading parliamentary party. One of the three gave a public explanation, outlining his understanding of the ethical code for the judiciary. Most legal experts who expressed a view on the matter agreed that this act did not create a positive public impression of the impartiality and autonomy of the judiciary and emphasized the importance of such public impressions.

Another problem for the judiciary is the lack of willingness among ordinary judges to answer constitutional questions or to file requests for such questions to be answered by the Constitutional Court. This may be seen as a consequence of the country's past (Socialist) legal history, orthodox legal tradition, and positivistic and dogmatic legal logic.

Corruption

Corruption allegations are quite significant in Slovenian political life and led to the right-wing ruling coalition's victory in the 2004 elections. In October of that year, the Law on Prevention of Corruption was adopted, and this seemed to usher in the most important government anticorruption initiative to date. The law requires the disclosure of all relevant financial data by those in the public sphere and prohibits conflicts of interest. The Commission for the

Prevention of Corruption appears to be an effective enforcer of this law and, indeed, an antagonist of public employees, particularly politicians.

The commission largely plays a preventive role and has five members confirmed by the Parliament: two proposed by the president of the Parliament (the Speaker), one proposed by the parliamentary Commission for Mandates and Elections, one proposed by the Judiciary Council, and one proposed by the government. Public officials are obliged to report their assets to the commission; some have yet to do so, and their names were disclosed to the media, who aid the anticorruption effort in this regard. The commission's main task is to ensure that officials do not abuse their public office for private business gain. The commission is also tasked with elaborating the new national anticorruption strategy but lacks investigative jurisdiction.

Just after the new parliamentary coalition was formed following the 2004 elections, the opposition SNS proposed amending the Law on Prevention of Corruption in order to shut down the commission and transfer its competences to a special parliamentary body. This initiative was supported by the parties of the ruling coalition, and some indications even suggest that the initiative was de facto prepared by the government (the ruling coalition) in order to remove an instrument that would control their activities. This would mean that anticorruption policy and control over the Parliament would be executed by the Parliament (the ruling coalition in particular) without any assurance of independence and objectivity. The proposed amendment was approved by the Parliament and the Commission for the Prevention of Corruption was shut down, but the Constitutional Court soon decided that the new draft law was unconstitutional, and the commission continued its work. Drago Kos, president of the commission and a respected public figure, is a thorn in the side of politicians and public officials and as such is one of the less popular persons in the political sphere, which a priori suggests he is executing his duties and privileges professionally and lawfully.³⁹

As previously stated, the Slovenian economy is not free from excessive state involvement. Some of the most important financial institutions and corporations (such as telecommunications, energy, and infrastructure) have yet to be privatized. Furthermore, the Pension Management Fund and Compensation Fund, which are controlled by the government, own a substantial stake in a large number of the country's major companies. But in 2005, the Pension Management Fund and Compensation Fund sold 29 percent of their stock in the biggest Slovenian company, Mercator, without issuing a public share offer, and according to assessments by some economists, the shares were sold at an unusually low price. The Securities Market Agency has still to investigate the matter.

The participation of government officials in Slovenia's economic life is substantial. Deputy ministers, other government officials, members of the coalition parties, important party supporters, and ex-parliamentary deputies continue to occupy positions on the supervisory boards of numerous major companies, including the two largest Slovenian banks, Telekom Slovenije, the Slovenian Post Office, the Pension Management Fund, Slovenian Railways, the Slovenian Motorway Company, and the Port of Koper. Even if strict regulations prohibit the state from conducting business with companies owned by parliamentary deputies, high-ranking state officials occupy positions on the boards of key Slovenian companies. Sometimes the same people occupy positions on more than one supervisory board of different companies.

The Slovenian public displays a high level of intolerance for official corruption, according to public opinion surveys. The last survey shows 36 percent of citizens questioned think that

corruption has increased, and only 14 percent think there is less corruption. Transparency International's 2006 Corruption Perceptions Index improved Slovenia's position by three places, moving it from 31 to 28 (out of 163 countries surveyed).⁴⁰

Investigations and reported allegations of corruption receive extensive media coverage. Nevertheless, it appears that Slovenian anticorruption activists play a relatively insignificant role in public life. Journalists who investigate and report on corruption are discouraged (owing in part to the unsuccessful investigation into the attack on Miro Petek), even if they formally enjoy legal protection. A few years ago, the government established a special group of prosecutors investigating more complex forms of crime, but it operated for only a short period. There is an expectation that a similar group will be created in the near future. The Law on Witness Protection was passed in December 2005 and is expected to have a positive impact on the fight against corruption.

Andraž Teršek is assistant professor and the Chair for Theory and Sociology of Law at the University of Ljubljana's Faculty of Law. He is the author of numerous articles, essays, and research papers on legal topics, and has authored initiatives for constitutional review. He is coauthor of the books Civil Society and the Freedom of Public Communication and Human Rights in Legal and Judicial Processes and was recently elected secretary of the Association for Constitutional Law of Slovenia.

¹ In the last few years, the discussion of possible introduction of e-democracy in Slovenia increased and became serious. See Simon Delakorda, "First Attempts of Digital Democracy," *Theory and Practice* no. 3/2003, <http://www.e-demokracija.si>; for a review of what is already possible as e-democracy from the standpoint of public administration, see <http://e-uprava.gov.si/e-uprava/edemokracija.euprava>.

² See Ivan Bernik and Samo Uhan, "How Much Dissatisfaction Can Young Democracy Bear?" and Matej Makarovič, "Political Participation in a Decade of Democratization," in Niko Toš and Ivan Bernik (eds.), *Democracy in Slovenia: First Decade*, Ljubljana, CRJMMK, Faculty for Social Science, 2002, pp. 65–87, 113–138.

³ This can be surmised from publicly accessible decisions of the commissioner and his reports. See also Senko Pličanič (ed.), *Commentary on the Act on Access to Information of a Public Nature*, Ljubljana, Institute of Public Administration at the Faculty of Law in Ljubljana, 2005; Nataša Pirc Musar, Mojca Prelesnik, and Sonja Bien, *Regulations on the Protection of Personal Data and Access to Information of a Public Nature: Introductory Remarks*, Ljubljana, GV Publishers, 2006; Nataša Pirc Musar and Simona Rodež, *Come In, Access Is Free!*, Ljubljana: Information Commissioner, 2006; and Andraž Teršek, "Doctrinal Range of the Right to Access to Public Information," *Legal Practice* no. 38/2005, p. 8.

⁴ See Constitutional Court Decision No. Up-555/03-41 in Up-827/04-26, where the Court annulled decisions by ordinary courts, all of them rejecting a complaint against the work of special uniformed police forces and against an investigation into their work, claiming it was not objective and impartial. When police entered the complainant's residence, the oldest member of the family died because the police officers forcing him to the ground did not respond to a warning that the man had asthma, could not breathe, and had requested medical assistance. The deceased was not even the subject of the police investigation, and the police found none of the evidence it was looking for.

⁵ "J'Accuse! President Accuses the Government of Trying to Subordinate Economy and Media: Is He Right?," *Mladina*, August 5, 2006. In Politbarometer's Public Opinion Survey (Center for Public Opinion), some 50 percent of citizens questioned think that politics has an increasing presence in the economy, and only 13 percent think that such presence is decreasing. See http://cjm.si/sites/cjm.si/files/File/raziskava_pb/Politbarometer%20-%20november%202006%20inet.pdf.

⁶ In Politbarometer's Public Opinion Survey (Center for Public Opinion), 51 percent of citizens questioned expressed dissatisfaction with the state of democracy in the country, but 39 percent of them are satisfied. Social situation seems worse for 55 percent of citizens questioned, and only 9 percent think it's better. Citizens are most critical in spring and in late autumn. See [http://cjm.si/sites/cjm.si/files/File/raziskava_pb/Politbarometer%20-](http://cjm.si/sites/cjm.si/files/File/raziskava_pb/Politbarometer%20-%20november%202006%20inet.pdf)

[%20november%202006%20inet.pdf](#). Social research into public opinion reveals that dissatisfaction with the evolution of democracy in Slovenia increases every year. See Niko Toš and Veljko Rus, *Values of Slovenians and Europeans*, Ljubljana, Documents of SJM Slovenian Public Opinion, 2005, pp. 306–307. On the other side, Slovenians are predominantly satisfied with their lives (pp. 24, 28–29). For an overview of responses to social issues, see chapter 2. Slovenians consider a worse social position the result of “unfair society” and not so much a result of laziness or lack of ability.

⁷ The prime minister received 33 percent support by public and the president 29 percent. See “Government Support Stays the Same, SDP Still Well Ahead,” *E-Delo and Slovenian Press Agency*, September 22, 2006, http://www.delo.si/index.php?sv_path=41.35.160573&src=rp. According to the latest Politbarometer’s Public Opinion Survey (Center for Public Opinion), 47 percent of the public supports the government and 43 percent does not. The highest general support is still given to President Drnovšek (3.22/5), with the prime minister coming second (3.18/5). See http://cjm.si/sites/cjm.si/files/File/raziskava_pb/Politbarometer%20-%20november%202006%20inet.pdf.

⁸ See Constitutional Court Act, *Official Gazette of the RS*, no. 15/1994, Article 68. See also ECHR Judgment in the Case of *Refah Partisi (the Welfare Party) and Others v. Turkey*, 31 July 2001 and 13 February 2003. Political parties are also forbidden from functioning as a military or armed association. See Political Parties Act, *Official Gazette of the RS*, no. 13/1998, 100/2005, Article 3. One can become a member of political party when one reaches the age of 15 (Article 6). A foreigner can become only a honorary member of a political party (Article 7).

⁹ See http://www.rtvlo.si/modload.php?&c_mod=static&c_menu=1092120085.

¹⁰ Niko Toš, Ivan Bernik (eds.), *Democracy in Slovenia: First Decade*, Ljubljana, CRJMMK, Faculty for Social Science, 2002, pp. 65, 74–75, 84–85. It should be mentioned that elements or prepositions for higher participation in political process at the local level may have negative effects. The reasons for that may be a lack of instrumental understanding of democracy, xenophobia, egoism, particularity, and so forth. See p. 74, fn. 2. At the same time, the level of membership in political parties is not an indicator of democratic evolution and stability (p. 75).

¹¹ See <http://volitve.gov.si>.

¹² Vlado Mihelj, “Bookkeeping Troubles of the Left,” *Dnevnik, Objektiv*, 28 October 2006, p. 9.

¹³ See Constitutional Court Decision no. U-I-49/06-30.

¹⁴ In 2004, there were 19.246 associations. See http://www.mnz.gov.si/si/splosno/vstopna_stran/za_drzavljanedunz/drustva/.

¹⁵ Matej Makarovič, “Political Participation in Decade of Democratisation,” in Niko Toš and Ivan Bernik (eds.), *Democracy in Slovenia: First Decade*, Ljubljana, CRJMMK, Faculty for Social Science, 2002, pp. 65–86. See also *Report of the National Workshop Civic Society Index 2003/2005 in Slovenia*, analyzing necessary and foreseen measures for strengthening the role and functioning of civil society, <http://www.pic.si>. See also Vlasta Jalušič, “The State as Inn, Civil Society as Cleaning the Backyard?,” *Mladina*, 19 February 2001. She anticipates “discursive rotation” of Slovenian civil society; Marko Hren, “How to Sail Through the Rough Waters of NGO Management?,” suggesting that key weakness of civil society are “cooperation and solidarity,” not perhaps “knowledge, technical support, staff, money, or structure.” He makes a presumption that government will soon realize how it could benefit from cooperation with civil society and that civil society will realize her power is in synergy and that allies must be found in economy and politics, church and secular employees. At <http://www.radiostudent.si/projekti/ngo/teksti/Hren.html>.

¹⁶ See <http://volitve.gov.si/lv2006/index.html>; <http://e-uprava.gov.si/e-uprava/poslovneSituacijeStran.euprava?dogodek.id=172>.

¹⁷ Political parties and politicians are daily exposed in the media (Radio, Television, Press), regardless of what they do or say. Reporting on political life seems to become a purpose by itself. In such circumstances, politics is using media in self-promoting manner and is without constructive, responsible, and useful work that would benefit citizens, assuring itself of media attention with the use of populism, verbiage, and exciting the citizens’ passions. I use the expression *political machismo* to mark this problem. See Polona Pičman Štefančič and Andraž Teršek, *Preludium of Democracy: Civil Society and Freedom of Public Communication*, Ljubljana, Manet, Faculty of Law University in Ljubljana, 2005, pp. 239, 258.

¹⁸ In the latest Politbarometer’s Public Opinion Survey (Center for Public Opinion), 67 percent of the public thought that Minister Janez Drobnič should resign from office. An important aspect of this negative judgment

was his attempt to lower the degree of protection of the right to an abortion as a constitutional right with the burden of payment for its exercise.

¹⁹ See http://www.uvs.gov.si/si/seznam_prijavljenih_verskih_skupnosti/.

²⁰ See Constitutional Court Decision no. U-I-111/04-21; and for the commentary and evaluation of this decision, see Andraž Teršek “Constitutional Limits of Referendum Democracy—On the Decision of the Constitutional Court of the Republic of Slovenia U-I-111/04-21 and the ‘Mosque Case,’” *REVUS-European Constitutionality Review* 5/2005.

²¹ That was not the case before the independence, when civil society played a very important role and was quite vibrant. In the last two centuries, civil society in Slovenia played key role as a substitute for national state and made it possible for Slovenians to keep a relatively high degree of social and political cohesion. See Niko Toš and Veljko Rus, *Values of Slovenians and Europeans*, Ljubljana, CRJMMO, Faculty for Social Science, 2005, pp. 88, 94–95 (membership in associations), international cooperation (pp. 104–105), trust in associations like church, media, and trade unions (p. 107), openness and socialization (p. 115).

²² See Official Gazette of the RS, no. 65/05, 6705.

²³ See *SIQRD, Slovenian Queer Resources Directory*, Ljubljana, ŠKUC, <http://www.ljudmila.org/siqrd/index.php?id=392>.

²⁴ The ombudsman stated that moving the Roma family Strojani from Ambrus to Postojna in this manner represented “the end of the rule of law” in Slovenia. See http://www.varuh-rs.si/index.php?id=106&tx_ttnews%5Btt_news%5D=1829&tx_ttnews%5BbackPid%5D=1&cHash=72e776c03f.

²⁵ See *Dnevnik*, November 31, 2006, pp. 1–3. TV Slovenia in its public address isolated itself from deputy’s expressed words and claimed he was asked not to use intolerant language and hate speech before and during the show. The program was recorded, but the clip was removed from all files of TV Slovenia the next day. See <http://www.dnevnik.si/novice/slovenija/215000/>. President Drnovšek made critical remarks on the deputy’s public appearance and compared it to Nazism. See <http://www.dnevnik.si/novice/slovenija/215396/>. On special internet pages, one can get insight into commentaries on behalf of the Strojani family, chronology of some events, and some video documentation; see <http://cigani-strojani.mojforum.si/>. In a survey on November 17, 30 percent of citizens questioned thought the public response to the Strojani issues represented general intolerance of Slovenians against people who are different, minorities, and Romas, while 13 percent of them thought this was an isolated incident. See http://www.dnevnik.si/novice/arhiv_anket?date=2006-11-17. In a survey on November 2, 27 percent of citizens questioned answered that they did not want to have Roma for their neighbors, 4 percent did not want to have homosexuals as their neighbors, 2 percent said Jews, 44 percent drug addicts, and 23 percent said none of these groups. For general intolerance in last decade in Slovenia, see Niko Toš and Veljko Rus, *The Values of Slovenians and Europeans*, Ljubljana, CRJMMO, Faculty for Social Science, 2005, p. 112. Politbarometer’s Public Opinion Survey (Center for Public Opinion) shows 44 percent of citizens questioned agree with villagers from Ambrus, who opposed the return of Strojani family, and 42 percent did not. More than 50 percent think government did not act properly, and only 15 percent think it did. See http://cjm.si/sites/cjm.si/files/File/raziskava_pb/Politbarometer%20-%20november%202006%20inet.pdf.

²⁶ For example, Delo, the largest publishing company in Slovenia, owns 20 percent of Večer, publisher of the daily newspaper by the same name; Večer, meanwhile, owns 6 percent of the Dnevnik publishing company. See Sandra Basic Hrvatina and Lenart Kucic, *Monopoly, Social Game—Dealing with Media*, Ljubljana, Maska, 2005, p. 207.

²⁷ Damijan Pavlin, *Violations of Personal Rights with Appeals to Freedom of Speech and Press*, Ljubljana, Revus-European Constitutionality Review working paper, 2006.

²⁸ Andraž Teršek, “Days of... Truth in Portorož?!” *Legal Practice* 13 (2006), p. 22.

²⁹ Constitutional Court of Slovenia Decision no. Up-422/02-18.

³⁰ Miran Lesjak, “Freedom of Written Word,” *Dnevnik, Objektiv*, October 28, 2006, p. 3. Mr. Lesjak is the *Dnevnik* newspaper editor, who claims he is getting daily requests to employ journalists who have been incapable of reporting or writing objectively and professionally for other media. The editorial board at *Delo* refused to print the translation of an article published in *The New York Times* and written by Richard Bernstein that was very critical of the new government and its influence on the media after elections. See http://www.mladina.si/tehdnik/200632/clanek/slo-tema—ali_h_zerdin.

³¹ Minister Bajuk took the right to correction in his own hands during an interview with Vida Petrovčič and talked about something that had happened a day before and not immediately answering her question. Mrs Petrovčič criticized this act at a later point when being interviewed herself and was suspended. "RTV 'Pulse': Suspension That Officially Does Not Exist, Remains," <http://www.direkt.si/domov/bulevar/27957/>; "Vida Petrovčič Asking Bajuk," http://www.delo.si/index.php?sv_path=41,35,174039&src=csa.

³² See www.sds.si/datoteke/KP.pdf.

³³ See Constitutional Court of Slovenia Decision no. U-I-49/06-30.

³⁴ See <http://volitve.gov.si>.

³⁵ In comparison with parliamentary elections in 1992, voter turnout dropped from 85 percent to 60 percent in 2004. Ali H. Žerdin, "Abstinenca," *Mladina*, November 4, 2002. Elections before independence in 1990: 81 percent; presidential elections in 1990: 83.5 percent; parliamentary elections in 1992: 85.6 percent; local elections in 1994: 61 percent; parliamentary elections in 1996: 73.7 percent; presidential elections in 1997: 68.3 percent; local elections in 1998: 58.3 percent; parliamentary elections in 2000: 70.1 percent; local elections in 2002: 72 percent; parliamentary elections in 2004: 60 percent; local elections in 2006: 58 percent.

³⁶ Vlado Mihelj, "Bookkeeping Troubles of the Left," *Dnevnik, Objektiv*, October 28, 2006, p. 9.

³⁷ Lovro Šturm (ed.), *Commentary of the Constitution of the Republic of Slovenia*, Ljubljana, FPDEŠ, 2002.

³⁸ See <http://www.ius-software.si/baze/lite/b/p615/2006/lite77741241t1868801144.htm?source=search>; *Constitutional Court 2005 Report*, <http://www.us-rs.si/media/letnoporocilo2005.pdf>.

³⁹ According to a public opinion survey conducted by the Center for Public Opinion of the Faculty for Social Science of Ljubljana University, 65 percent of those questioned who were informed about the abolition of the commission are against the proposal and 27 percent are in favor. See Politbarometer's Public Opinion Survey, October 2005, www.uvi.gov.si/slo/javno-mnenje/pdf/oktober-2005.pdf.

⁴⁰ See Politbarometer Public Opinion Survey at http://cjm.si/sites/cjm.si/files/File/raziskava_pb/Politbarometer%20-%20november%202006%20inet.pdf; see Transparency International report at www.transparency.org/news_room/in_focus/cpi_2006/cpi_table; see also some comments on corruption by President Drnovšek, at http://www.mladina.si/tednik/200632/clanek/slo-tema--ali_h_zerdin.