



**Contribution of the Republic of Slovenia
to the Questionnaire on freedom of opinion and expression and sustainable
development**

**Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression**

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Questionnaire of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Contribution of the Republic of Slovenia

1. In your view, how does the right to freedom of opinion and expression contribute to the achievement of the SDGs? Please provide examples, where possible, with concrete data relating to impact. Please also mention relevant laws, policies and other measures.
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2. Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?

Answer:

There are no such restrictions in Slovenia.

3. What factors affect the right to expression and information of women and girls, indigenous peoples and other poor and marginalized communities and their access to information and communications technology in your country? What legal, policy or other measures has the government taken to overcome these problems? How effective are these measures and what improvements would you recommend?

Answer:

Financial support measures (state subsidies for media content with the aim to ensure media pluralism) are set by the Mass Media Act,

Public Media Service (Radio and Television Slovenija) provides special programming (content) for marginalized communities, system of local, regional, and nonprofit radio and television programs (state subsidized),

Number of laws were adopted in Slovenia (to name a few):

- Law on Equal Opportunities for Women and Men,
- Protection Against Discrimination Act,
- Promotion of Digital Inclusion Act (digital vouchers).

4. What have digital companies done to promote safe and uninterrupted online access to timely and pluralistic information and communications of women and poor and marginalized communities? How can information and communication technology companies better engage with governments and communities to promote sustainable development?

Answer:

Digital companies should reserve a portion of their revenue or profit for financing promotion of media and digital literacy, audience building – including marginalized and poor communities and other activities that are important for the development of a (modern) democratic societies. The system for monitoring the disinformation and misinformation (ex, following fact checking systems) should be put in place, as well as proportionate and justified measures for removed content with aim to restore trust in media companies and credibility of media content.

Foster cooperation between young & older persons to mitigate the digital divide. Invest in technology that will enable better accessibility of the media services for persons with disabilities and older persons and help them to participate and be integrated in the social and cultural life of the society.

5. What laws, policies and practices exist in your country to facilitate public participation and access to information and data relating to sustainable development? Where have there been successes, or conversely challenges, with facilitating access to information and data relating to sustainable development in relation to a) governments and b) companies?

Answer:

Access to public information is (facilitated) regulated in a special law - Public Information Access Act (ZDIJZ). However, article 45 of the Mass Media Act (ZMed) specifically regulates the procedure for access to information for the media, namely by giving the media a special (more favorable) position in obtaining information of a public nature from the bodies that fall within the scope of ZDIJZ. The regulation ensures that information of a public nature, if requested by registered media, is provided within a shorter period (7 days) than the period specified in the ZDIJZ (20 days from the receipt of a complete request). The authority must respond within 7 days (the request must be filled in writing). In case that the authority intends to reject or partially reject the answer, it must inform the media in writing by the end of the next working day from the receipt of the question.

6. What role does the media play in promoting sustainable development in your country? What challenges and threats do journalists face in accessing public information or reporting on or criticizing development policies?

Answer:

Public Media Service (Radio and Television Slovenija) and nongovernmental organizations (civil watchdogs) are playing a crucial role in promoting sustainable development in Slovenia. For example: Mirovni inštitut (The Peace Institute – Institute for Contemporary Social and Political Studies) is an independent and non-profit research institution founded in 1991 by individuals who believed in peaceful conflict resolution, equality and respect for human rights standards. The Institute uses scientific research and advocacy activities aimed at creating and preserving an open society capable of critical thought and based on the principles of equality, responsibility, solidarity, human rights and the rule of law. Its most prominent media publication is Media Watch. It is based on the project bearing the same name. It focuses on the monitoring and analysis of the mass media in Slovenia. The project was launched at the end of 1997 with the first publication appearing in March 1998. It brings together media researchers, journalists and other individuals concerned with the quality and openness of the media space in Slovenia.

In past years several journalist organizations, journalist and media outlets who are dedicated to investigative journalism were object of strategic lawsuits with aim to discourage them from reporting about economical, political or cultural topics that would affect public life. An European act providing common rules on mitigating these acts will define specific procedures who to tackle this issue.

7. What laws, policies and other institutional measures exist in your country to protect investigative journalism and whistleblowing? How effective are they and what further measures should be taken to protect journalists and whistleblowers? Where possible, please provide concrete examples of investigative journalism or whistleblowing related to sustainable development, e.g. exposure of corruption or misuse of natural resources.

Answer:

Significant progress in the protection of investigative journalism and "whistleblowers" was achieved with the amendment of Article 260 of the Criminal Code (KZ-1) in 2015, which relates to the release of classified information (the Law on Amendments and

Additions to the Criminal Code (KZ-1C)). The amendment in question amended Article 260 by adding a third and fourth paragraph, which provides as follows:

"(3) A person who fulfils the elements of the offence referred to in paragraph 1 of this Article (release of secret information) shall not be punished if the information in question is secret information revealing unlawful interference with human rights or fundamental freedoms, other constitutional or statutory rights, serious abuse of power or authority or other serious irregularities in the exercise of power, public authority or the performance of a public service, and the act is not committed for reasons of expediency and does not endanger human life or have serious or irreversible harmful consequences for the security or legally protected interests of the Republic of Slovenia.

(4) Notwithstanding the provisions of paragraph 2 of this Article, no punishment shall be imposed on anyone who publicly publishes, acquires, transmits or possesses classified information with the intention of disclosing it to the public, if, in the circumstances of the case, the public interest in disclosing the classified information outweighs the public interest in maintaining its secrecy, and if the act does not directly endanger the life of one or more persons."

The amendment in question to Article 260 of the KZ-1 defines the circle of persons excluded from the field of punishment (they shall not be punished) quite broadly - it concerns any official or other person who is obliged to handle classified information in confidence (e.g., a contractor) - these are therefore protected. A "whistleblower" who wants a document containing classified information (or part of it) to be made public.