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Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Slovenia

Authors: Marko Milosavljevic, Romana Biljak Gerjevic and
Blaž Petkovic

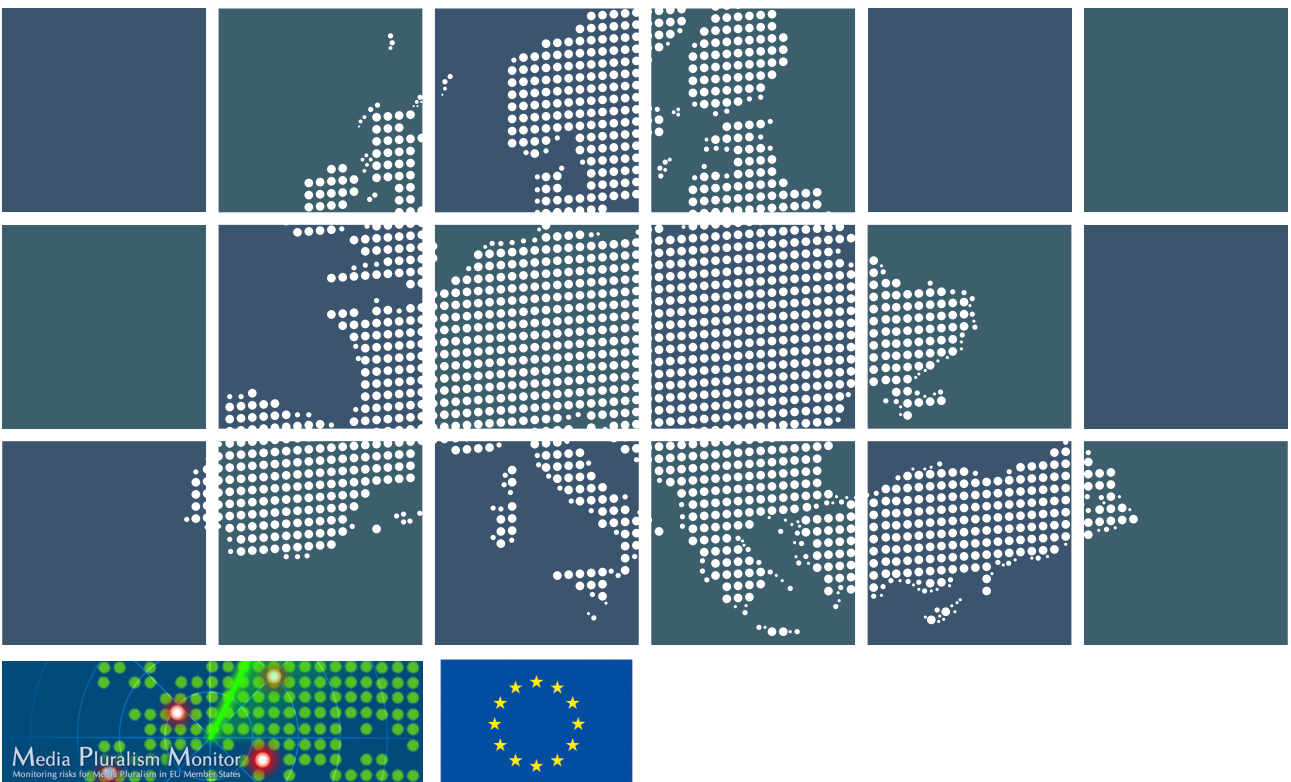




TABLE OF CONTENT

1.	About the Project	1
2.	Introduction	2
3.	Results from the data collection: assessment of the risks to media pluralism	4
3.1.	Basic Protection (35% - medium risk)	5
3.2.	Market Plurality (60% - medium risk)	7
3.3.	Political Independence (69% - high risk)	9
3.4.	Social Inclusiveness (65% - medium risk)	11
4.	Conclusions	13
	Annexe 1. Country Team	14
	Annexe 2. Group of Experts	14

1. ABOUT THE PROJECT

1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and December 2017.

In Slovenia, the CMPF partnered with Marko Milosavljević, Romana Biljak Gerjevič and Blaž Petkovič, who conducted the data collection and annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Figure 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk. For more information on MPM methodology, see the CMPF report “Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey”, <http://cadmus.eui.eu/handle/1814/46786>



Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with MPM2016 ones. For more details, see the CMPF report on MPM2017, soon available on <http://cmpf.eui.eu/media-pluralism-monitor/>

2. INTRODUCTION

Slovenia borders Italy, Austria, Hungary and Croatia and it has a bit more than 2 million inhabitants. It was part of former Yugoslavia until 1991, when it gained its independence. The official language in the country is Slovene. There are three officially recognised minority groups: Hungarian, Italian and Roma group. However, also other officially non-recognized minorities from the former Yugoslavia live in the country, such as Serbs, Bosnians and Croats. The minorities, which are not recognised by law, have been recently striving to pass a new law on the cultural rights of members of nations of the former Yugoslavia in discussion and in 2017 they also sought for support for a change in the constitution to get the status of a minority. However the law was not passed also due to resignation of government in spring 2018.

The functions of the Slovenian media landscape and the terms of state ownership and political control of the media have been influenced by the economic and political restructuring of the former socialist society. Since the beginning of the independent years, there has been a typical political left wing / right wing divide, with some new central liberal and further left and right parties entering the arena in the recent years, always following the »new face in politics« trend. The last elections in 2014 were won by such new party that branded itself as a party with a strong moral code, social state and strives to eliminate corruption. However, the measures, they have been executing were more similar to those executed by more conservative parties, including setting a barbed fence on the country's border, deporting refugee families in great distress, making the procedure for obtaining asylum stricter and worsening the dialogue between major unions of the public sector, which resulted in a wave of protests in 2018¹.

The government also undertook changing the Mass Media Act, which has been a procedure lasting for a few years already with a public debate on different topics, a big number of them on the implementation of music quotas. The government officially announced that a Strategy of Media Development will be prepared as a basis for changes in Mass Media Act and Public Broadcasting Act already in 2015. Still the law remains unchanged, with the government and Ministry of Culture announcing in late 2017 that no law and no strategy will be prepared during this mandate. Significant regulatory gaps remain, particularly within the Mass Media Act, and some played a part in the recent acquisition of Pro Plus, the largest commercial TV production company and broadcaster. The main media regulatory bodies are the Media Inspector and Directorate of Media within the Ministry of Culture, which supervise the implementation of the Mass Media Act and the Agency for Communication Networks and Services of the Republic of Slovenia. Media concentration is high and regulatory bodies usually do not have the autonomy or drive necessary to change that, even though the media legislation is in some fields restrictive. Media ownership – especially in the recent years – has been changing with a fast pace, recently involving more and more foreign actors, including those from China and Hungary with links to regime of Victor Orban. Majority of the print outlets have been sold to new owners, due to poor financial conditions, bad management and the need for so called restructuring. In this process a lot of journalists were laid off and this is a trend which continues. Working conditions in media in general are not improving and still mostly remain precarious. The only public broadcaster is the Radio-Television of Slovenia (RTV), the main private broadcasters are Pro Plus channels, TV3 and Planet TV.

The economic crisis in 2008/2009 affected the Slovenian economy as a whole. The media sector in particular has demonstrated the weaknesses of the existing market model of media financing, particularly when faced with weak or slow reactions from regulatory authorities. After the crisis, most of the media companies were left weaker and more exposed to different pressures, including both political and advertising pressure from owners and other actors in society.

Combined with the rise in internet usage, there have been a lot of changes in the media landscape, especially with daily print rapidly losing its circulation and readership. From the technical point of view, digitalization has been quite painless for Slovenia, as was the spread of digital media. Almost all of the population is covered by broadband, while

1 At the time of writing (mid-April 2018), the country is facing early parliamentary elections, because the prime minister of the ruling party of the centrum resigned; a number of new parties and movements have developed also at this election.



around 70% have a cable and fixed broadband access at home². Over half of the advertising income goes to television, while print media share is around 3%³. According to data from 2016, 75 percent of the Slovenian population gets informed mainly through watching television news. Second most important source of information is the internet and social media and only after that radio and print, which is primarily used by a third of the population. This is inconsistent with the European average, where print is the second most important source of information, followed by radio and after that online⁴.

2 Broadband Coverage in Europe in 2013: http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=8239.

3 European Journalism Centre: http://ejc.net/media_landscapes/slovenia.

4 Standard Eurobarometer 86, national report:file:///C:/Users/Admin/Downloads/eb86_nat_si_si.pdf.



3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM



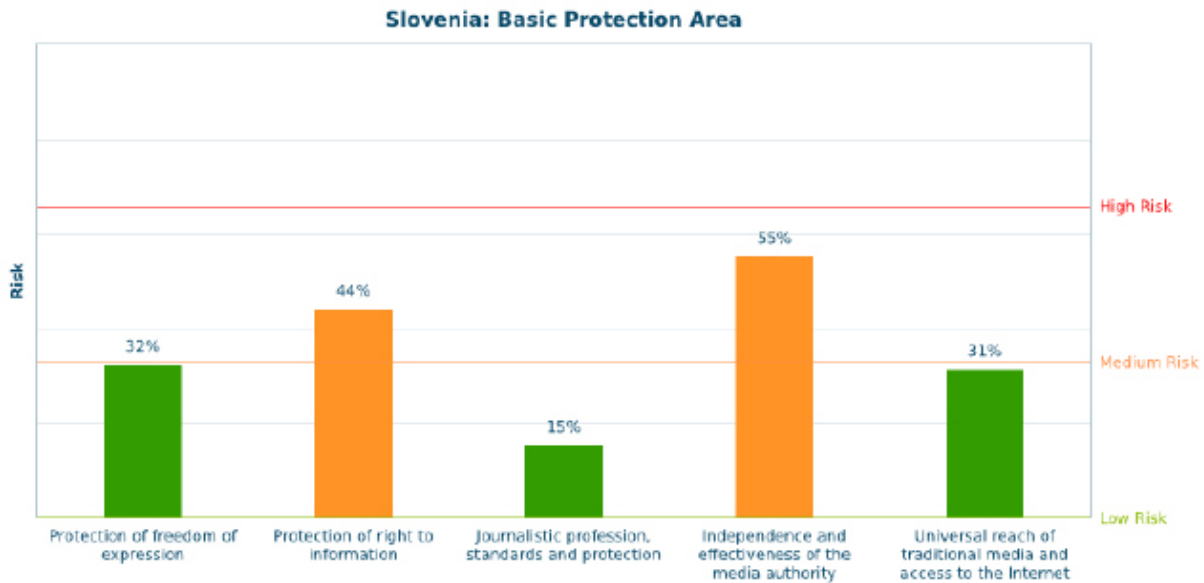
Media pluralism is in general, in quantitative terms, in a good state in Slovenia. Regulations for ensuring media pluralism are mostly clearly defined by laws and legal acts, and there are authorities that monitor compliance with the rules. However, implementation is often weak and monitoring and sanctioning is ineffective and slow. There are some very high risks in certain areas of media pluralism, particularly regarding politicization of control over media outlets, media ownership concentration, working conditions in the media (enabling so-called media capture), independence of PSM governance and funding and independence of news agencies and other traditional or digital content providers. State regulation of resources and access to media for women present the highest risks.

Freedom of expression in the country is at a medium risk, violations can be demonstrated mainly via the prosecutions of journalists who disclose classified documents or data in the public interest and also online, mostly through offensive statements from public personas. Online is poorly regulated. Concentration of media ownership in print, radio and audiovisual media is also at a medium risk. The Top4 owners of audiovisual media almost completely own the market, while newspapers and radio channels have in the past years been in the process of intense mergers and takeovers, which were not prevented by the relevant authorities. However high level of concentration is also a consequence of a small market where significant market limitations regarding economies of scale and profitability exist, leading to takeovers of weakened companies and mergers, for example in so-called networks of radio or TV stations. Transparency of media ownership is also at high risk.

The Radio and Television Corporation of Slovenia Act imposes rules on fair and balanced representation of political viewpoints on PSM channels, however these rules can sometimes cause an unfair representation, because some voices are included just on the basis of being balanced, without minding the content.

3.1 BASIC PROTECTION (35% - MEDIUM RISK)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector; and the reach of traditional media and access to the Internet.



As regards the legal **Protection of freedom of expression**, Slovenia has almost a medium risk (32%).

Although it has effectively implemented international regulatory safeguards, legal standards on restrictions upon freedom of expression are not always followed. The system for providing legal protection of freedom of expression as a sub-variable in this area has a medium risk. It is semi effective: the regular remedies and instances are all costly and have long lasting procedures and can also be misused by politicians. Cases of violations of freedom of expression have been noted mainly in the prosecution of journalists who disclosed classified documents or data that were in the public interest. Violations of freedom of expression online have also been noted in previous years, especially regarding freedom of expression on social media. In one example a TV journalist was fired due to her comments on Twitter about a TV show. A PR person was fired by his company due to his comments on government politics (not related to his company). There is a low risk considering filtering or monitoring online content in an arbitrary way. Defamation, slander, calumny, malicious false accusation of crime and insult are criminalised, however, cases regarding defamation, slander, calumny and malicious false accusation do not always lead to criminal prosecution, especially when they involve politicians.

Protection of right to information presents a medium risk (44%), which is in percentage higher than in 2016, when it presented low risk with 25%. Protection of right to information is explicitly recognized in the Constitution, as well as in laws, however restrictions to freedom of information on grounds of protection of personal privacy are not narrowly defined. Although appeal mechanisms and procedures for denials of access to information are in place and decided by the Information Commissioner, they have little effective control, but in general there are not many cases of violations of right to information in Slovenia, although obtaining information can be quite a long process for journalists or the public. In addition, the access to the information on public figures and bodies is often prevented with a protection of their privacy quoted by authorities as the reason. There is no regulatory framework in place to protect whistleblowers, as well as there have not been any real cases of whistleblowing in Slovenia – there have only been a few people, who started exposing problems of corruption in some spheres, like health or construction business, but no action with larger consequences.



The indicator on **Journalistic profession, standards and protection** indicator reached a low risk (15%). Access to the profession is open on paper as well as in practice. Journalists are represented in three different professional associations, although these are only partially effective in guaranteeing independence and respect for professional standards, as they do not have real levers of power. The protection of journalists, as a sub-indicator, acquires a medium risk, due to some rare cases of attacks on the property of journalists (cars, etc.), but it is not clear whether these were professionally motivated attacks or not. Some threats via e-mail or similar channels, usually anonymous and hate speech were reported. Recently, a user threatened a RTV Slovenia journalist, saying he would gladly run over him with a car. Offensive tweets against journalists are still regular, mainly used by representatives of conservative parties. The leader of SDS Janez Janša and the mayor of Koper Boris Popovič both had to pay a legal fine for offensive comments towards the same journalist on Twitter. In general there is a high risk in the working conditions of journalists mainly due to owners with semi-legal or illegal practices, which put journalists in precarious working positions with high job insecurity. Most of the media are continuing with reducing the number of journalists and quantity of reporting in general. Protection of journalistic sources is explicitly recognised by the Mass Media Act, but there have been some infringements in the past.

As regards the **Independence and effectiveness of the media authority**, the risk is medium (55%), but only slightly below high. While there are some legal guarantees for the independence of the media authority, the appointment procedures are not satisfactory (quite loose and therefore not always effective in safeguarding independence mostly from political influence). The highest key function of the authority is named by the government, which may result in a strong political bias at the head of the organisation. The same goes for appeal mechanisms – they can be very slow, inefficient and easily delayed, especially once the disputes reach higher courts. The authority's powers are not always used in the interest of the public, as there were reports⁵ on the potential abuse of its power for personal reasons. At the same time, there are frequent complaints about the slowness and ineffectiveness of regulatory bodies (Inspectorate for the Media, Agency for the Protection of Competition, Agency for Electronic Communications) with some key decisions taking even years, and without adequate mechanisms for supervision of these bodies, effectiveness and decisions themselves. The government can at times arbitrarily overrule decisions by the media authority. The media authority does not publish information about its activities on a regular basis.

Universal reach of traditional media and access to the Internet presents a low – almost medium – risk (31%). The former is guaranteed by law and the public broadcaster provides good coverage of the territory and the population with signal of its TV and radio channels. There are no official data on the coverage of the PSM though. As regards the internet, 98,4 % of the population is covered by broadband. According to the recent Point Topic research for the European Commission, in 2016 DSL coverage in rural areas of Slovenia reached 86.7% of rural households and at 21.5%, the reach of cable networks in rural areas remained above the EU average. DSL was the most widespread fixed broadband technology with DSL networks covering 95.9% of households⁶. The TOP 4 ISP's share 87 percent of market shares in the country. There are some regulatory safeguards regarding net neutrality.

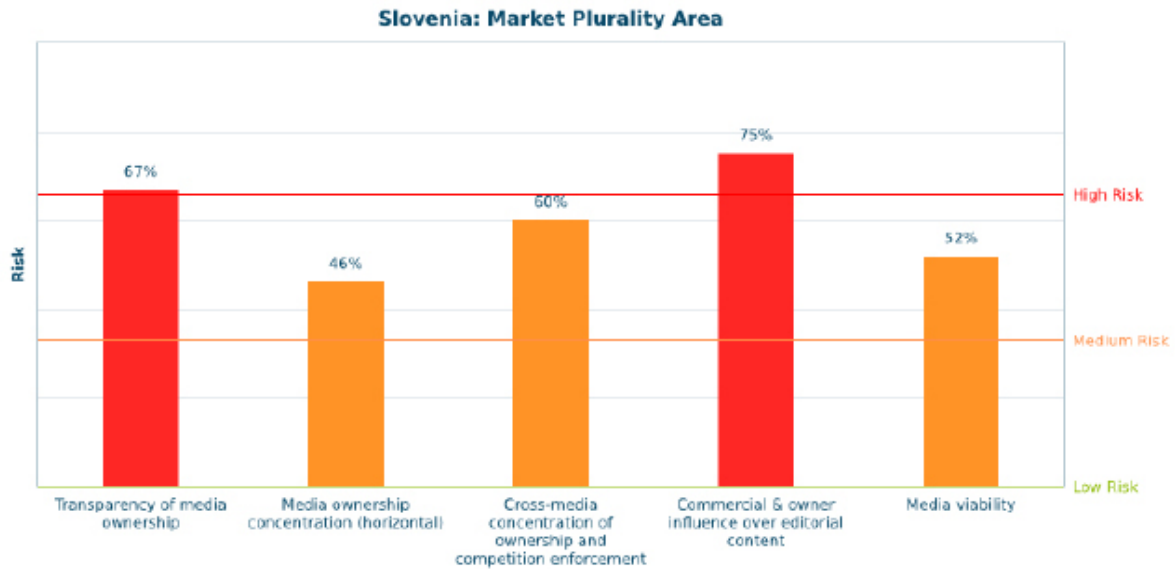
5 Delo 2016, 9th of December: <http://www.delo.si/novice/slovenija/apek-si-drazbo-frekvenc-predstavlja-drugace-kot-vsi-ostali.html>.

6 Broadband Coverage in Europe 2016: <https://ec.europa.eu/digital-single-market/en/news/study-broadband-coverage-europe-2016>



3.2 MARKET PLURALITY (60% MEDIUM RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media owners and advertisers, influence editorial decision-making.



Transparency in media ownership presents a high risk (67%), while in the report for last year it presented a low risk. The main change for this increase in risk is the fact that media companies have the duty to disclose information on their ownership structures to the Ministry of Culture and it is published in the Media Register, which is accessible to the public but does not show the detailed ownership structure for every media. A lot of times the ownership structures get very complex and the information the register is collecting is just not detailed enough to reveal the real owner, who is hidden behind a number of so called paper companies. Among others, owners use them to hide the scale of their media monopoly and there have been examples of that in the Slovenian media landscape. Recently, an association responsible for authorship payments SAZAS tried to collect high unpaid commitments from a radio station and the owners transferred and handed over their company to foreign owners after being fully indebted.

Media ownership concentration (horizontal) is under medium risk (46%). Media legislation contains a specific threshold for ownership concentration (20%) after which the approval of Ministry of culture is needed in order to prevent a high level of horizontal concentration of ownership. There are several public bodies that actively monitor compliance, including the ministry, which also has sanctioning powers. Violations still happen as the ownership is easily hidden using paper companies. The radio sector has seen an intense process of concentration and takeovers in the past years. As for newspapers, the authorities have also been quite ineffective in preventing controversial takeovers. Internet content providers are not mentioned in the law regarding ownership and concentration. A high level of horizontal concentration of ownership can be prevented through the provisions of the Mass Media act, but there is still need for a stronger control and more decisive control of relevant authorities. Top 4 owners almost completely control audiovisual market in Slovenia, the same goes for newspapers.

Cross-media concentration of ownership and competition enforcement is presenting a higher risk (60%) than in the recent years. Media legislation contains measures to prevent a high degree of cross-ownership between different media and there are monitoring bodies designated to monitor those provisions. They can refuse giving a license, although these powers are not always used. Specifically some recent cases show that cross-media concentration is developing more, although it is officially prohibited by the Mass Media Act, showing inefficiencies or passive (on purpose?) behaviour of regulatory bodies. The issue was particularly raised when the telecommunications company Telekom Slovenije was allowed to establish a TV station Planet TV in 2012 and there are a lot of other companies that practise multiple media activities at the same time and continue to gain licences without being in accordance



with the law. There are no specific rules on merger control or prevention of concentration that takes into account the specificities of the media sector. A number of cases in the past are still debated whether the competition authority decided appropriately and whether its powers were not used in the interest of the consumers (see for example the merger of broadcasters Pop TV and Kanal A or the recent acquisition of Pro Plus by the United Group, which also owns second-largest telecommunications and cable operator, Telemach – here the completion authority didn't accept any decision yet, however Ministry of Culture decided that they themselves are irrelevant in this case, preventing any media-specific measures to protect pluralism to be taken). There is no reliable data on the market share and relevant media-related revenues in relation to all media actors. The issue is also whether to include PSMs in these measurements as their income mostly overshadows all other media actors and show a different picture if not included in the overall market analysis. There is also no authority overseeing whether state funding has exceeded what is necessary to deliver the public service, or hearing relevant complaints.

The indicator on **Commercial and owner influence over editorial content** scores a high risk (75%). There are no provisions in the Media Act and there is no specific act that includes journalist's right for protection in cases of changes of ownership or editorial line. The Union of Slovenian Journalists offers free legal support and professional associations also offer support, however not everybody is a member. There are also no regulatory safeguards, including self-regulatory instruments, which ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. However, there is an article in the Code of Ethics, which states that journalists should "avoid real or perceived conflicts of interest" and the Mass Media Act states that journalists and hosts should not be connected with advertising. There is a legal prohibition of advertorials; however the law is not effectively implemented, as there are many recent cases of advertorials and subliminal advertising, mostly in print and online media. The risk of commercial influence on editorial independence is therefore high (75%).

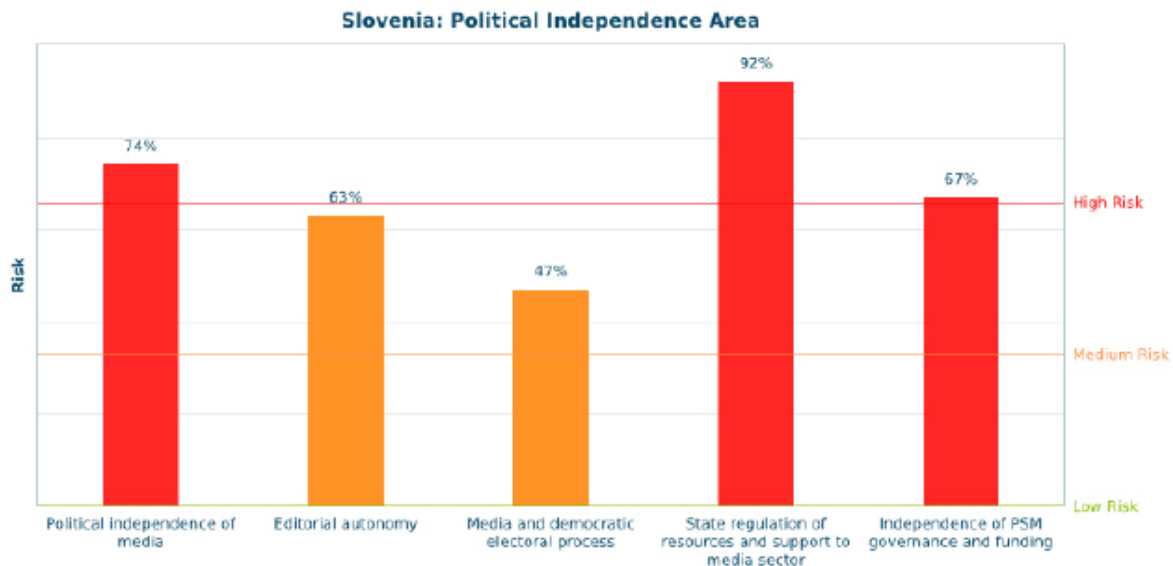
The indicator **Media viability** scored medium risk (52%). The advertising revenues are falling due to the increase in the digital sector and the same is happening in the newspaper sector. The media organizations are developing some new sources of revenue, however not always successfully. A lot of new online media outlets are trying to use crowdfunding as a source of income and offer free content. Established print media outlets are focusing more and more on online and create a viable model of subscriptions for specific content (such is Dnevnik, Delo, Mladina, Večer, Slovenske novice). Some limit free access only to specific content (commentaries, reviews, longer articles but not everyday news), while some limit free access to everything except for short news for a week and then make it free of charge. There were also attempts to create a unified payment system called Piano; however it did not include all of the bigger media houses. In the end it brought a small number of subscribers and a very low income for the media involved (as is explained in the article named Piano in Slovenia: little music for little money⁷). By law the state should provide funding for media; however in practice the support schemes failed to facilitate market entry or to enable media organizations to overcome financial difficulties, as the amount of funding was very small. Mostly new media can apply for temporary grants and public calls, which usually get a lot of applications, so only few are considered.

7 Media watch: <http://mediawatch.mirovni-institut.si/bilten/seznam/43/splet/>.



3.3 POLITICAL INDEPENDENCE (69% HIGH RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



The indicator on **Political independence of media** presents a high risk (74%). The law does not regulate conflicts of interest between owners of media and the ruling parties. Especially in the local areas this conflict is very present: a lot of local small newspapers and publications are connected with major political parties and promote the ideas of the local mayor. In the second largest city, Maribor, a new free newspaper emerged; it is owned by a Chinese company RTS 24 and known to be a political project for the city mayor Andrej Fištravec. The Slovenian Democratic Party (SDS) of the current opposition is most present, as it very openly manages (members are co-owners) a TV station Nova24TV and has a strong party editorial support of at least two print and online political magazines (Reporter, Demokracija). All of them are national level media. As of 2017, the three biggest owners of Nova24TV are Hungarian companies, known to be in close ties with the Fidesz party. Also recently, the already politically controlled newspaper Demokracija was sold to the company Repost, which is one of the co-owners of the Hungarian web tabloid Repost, known to be a political project of the same Hungarian party. A new radio network joined by twenty radio stations started developing in 2017, many of the visible members of the network have been affiliated with the party SDS and its members in the past. Also a new weekly emerged called Škandal24, whose editorial board and ownership is connected to the SDS party, which goes to show that their media »empire« is growing and expanding abroad. Recently, a conflict of interest emerged also in the opposite direction, when a tabloid journalist, Bojan Požar, went on to start his own political movement and now runs for the national parliament, while still owning and editing his website Pozareport.si and hosting an evening TV news talk show on TV3.

The indicator on **Editorial autonomy** scores a medium risk (but nearly high – at 63%). There are no common regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief and there is occasional interference in these procedures in practice. A known case happened at newspaper Delo in 2005, when a member of the SDS party became chairman of the newspaper's supervisory board, which first changed the president of the board, who later changed the editor-in-chief, who dismissed all the other editors⁸. There are also cases when owners simply appoint a 'temporary' editor-in-chief, thus the journalist have no role in this and no power to prevent someone inappropriate from becoming editor-in-chief. This has been a situation at Delo, Dnevnik ..., and for a number of years. There have also been some cases of direct political influences on editorial content. The general Code of Journalism Ethics functions as a self-regulatory mechanism, however it is non-obligatory. There are no sanctions following incorrect usage of the code, there is no control body, which would have real powers and it does not mention editorial independence. As a self-regulatory measure it is not efficient. The largest media outlets don't have any of their self-regulatory measures implemented to guard editorial independence.

8 Mladina 2012, 28th of September: <http://www.mladina.si/116278/v-napad/>.



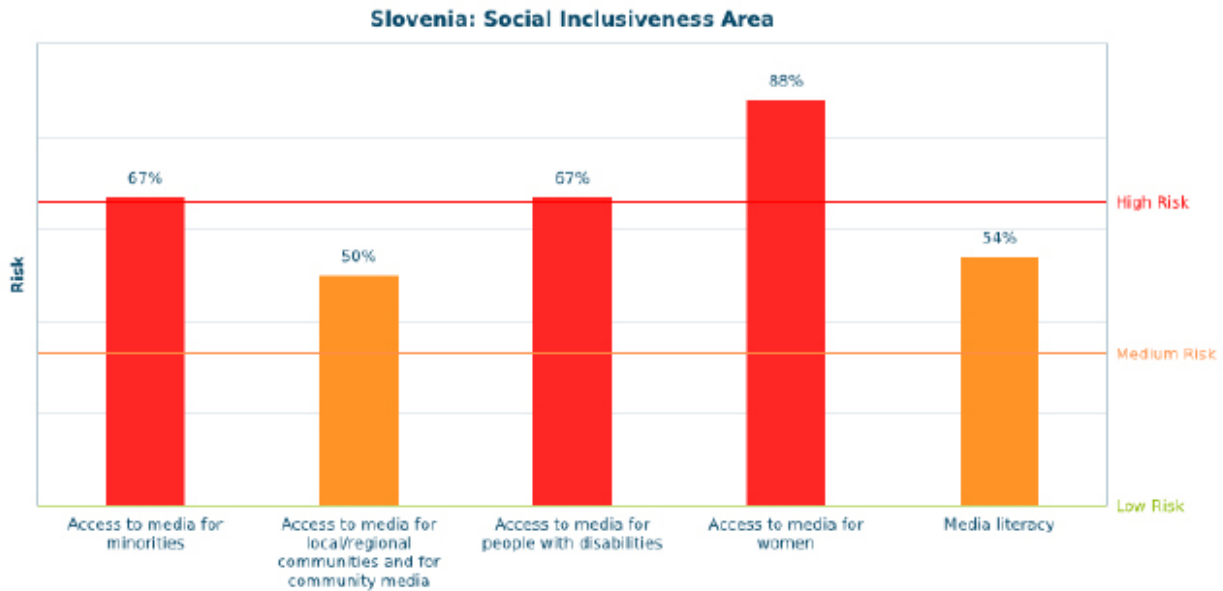
The indicator on **Media and democratic electoral process** scores a medium risk (47%). The media law does impose rules aiming at fair representation of political viewpoints in news and informative programmes on PSM channels and services; however, there is no designated body with effective enforcement powers that would overlook this representation. The “fair and balanced” approach by PSM is often very mathematical, looking for one representative of “the right” and one of “the left”, or “pro” and “contra”, which leads to relativism of issues. The PSM has very precise rules regarding the representation of the different groups of political actors. There are differences in coverage of parliamentary parties and non-parliamentary parties, which can lead to problems when a new party or movement is running the campaign, even if they are very popular in public-opinion polls. There are no laws to guarantee access to airtime on private channels and services for political actors during election campaigns. No law also prohibits or imposes restrictions to political advertising on PSM during election campaigns to allow equal opportunities for all political parties. There are no restrictions on allocation of advertising space. The conditions and prices are set. However, the stronger political actors can obtain more space than the new smaller ones as they have a better and more stable financial background, which in the end does not result in an equal territory for all political parties. There is also no regulation ensuring transparency of online political advertising.

The indicator on **State regulation of resources and support to media sector** scores the highest risk in this area, and in general (92%). There is a regulation on the allocation of radio frequency bands in Slovenia, which states that the allocation is done based on the yearly regulation of plan for frequency allocations. However, the provisions of the law do not ensure transparent allocation and so the allocation in practice is not transparent. There are no direct and transparent rules on the distribution of direct subsidies in the media sector, neither on the distribution of state advertising to media outlets, so both of these fields present a high risk. Direct subsidies are mostly given out in the form of public grants. There is a main annual public call for co-financing media programmes, of which criteria are known, but the allocation itself is not transparent enough and it can easily happen that a certain media outlet is given priority over the other based on personal relations. There is no regular reporting on the distribution of state advertising, however, there has been a slight decrease in the practise of non-transparent distribution, due to the further privatisation of state owned media companies in the 2010s. There are no indirect subsidies for the media sector.

Independence of PSM governance and funding presents a high risk (67%). Although the RTVS Act states that voting by the Programme Board shall in all matters be made public, the final appointed constellation is not that fair, mainly due to political interference. Out of 29 members, 21 are appointed by the National Assembly, while only three members are appointed among themselves by employees of RTV Slovenia. While members of boards chosen by political parties should take into account the relative representation of political parties in the National Assembly and should not be members of official bodies or hold positions in political parties, those rules are not strict enough to provide for independence of PSM boards. Although the government doesn't directly decide on the wages of PSM employers, wage levels are influenced by the austerity measures the government was implementing in the past years – reducing salaries of civil servants or generally in the public sphere. No measures for transparent and objective procedures to allocate funds to PSM are prescribed, there is also no law prescribing that the PSM needs to be consulted over the level of funding required to meet their mission and purposes.

3.4 SOCIAL INCLUSIVENESS (65% - MEDIUM RISK)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



The indicator **Access to media for minorities** scores high risk (67%). The Constitution of Slovenia protects two traditional national minorities, Italian (0,3 %) and Hungarian (0,1 %), as well as the Roma community. A number of big ethnic groups in Slovenia are not recognized as national minorities, namely the Croats (1,8 %), Serbs (2 %), Muslims and Bosniaks (1,6 %). Access to media for minorities is guaranteed on the PSM by the Radio and Television Corporation of Slovenia Act. In practise, most of the minorities have adequate access to airtime but there are some significant exceptions represented by minorities, which do not have an official status as a minority in our country. Despite their size, they do not enjoy any of the rights the official minorities hold, which puts them in an unequal position without harming official statistical representations of protecting national minorities. The Italian and Hungarian minorities represent only 6.8% of all minorities in Slovenia. Even if we include the Roma, that still means that more than 90% of persons belonging to minorities do not receive any collective rights, nor they have access to media. In 2017, Albanians, Bosnians, Montenegrins, Croats, Macedonians and Serbs living in Slovenia sought support for a change in the constitution to get the status of a minority and, amongst their demands, also stated the need to represent their minority in the media. Programming hours on audiovisual media and radio channels dedicated to minorities are overall not proportional to the size of their population in the country. Outside the PSM there is no regular access to airtime, in the form of specialised shows, informative programs in minority languages, perhaps with a few exceptions in the near-border areas. There is no official data on the number of newspapers dedicated to minorities and the proportionality with the size of the minority, however the country team estimates that the number is not proportionate.

The indicator **Access to media for local/regional communities and for community media** scores medium risk (50%). Although the access to both community and local/regional media is guaranteed by law and with two designated bodies monitoring compliance with sanctioning powers, there is no data on their effectiveness as the law is in the process of amendments. The law does not guarantee independence of community media. Many regional/local media suffer from insufficient funding, which results in a small number of staff members, they also face takeovers by bigger media companies or they just stop their work because there is not enough funds. The majority of local media still function as a propaganda outlet for the local mayor and his or her party. The PSM is not obliged to have a minimum proportion of regional or local communities involved, nor to have a balance of journalists from different geographic areas or to have news in local languages. In practice, the PSM regularly broadcasts local news programmes but the number of local correspondents has been reduced in the last few years and the trend is continuing. Community media is somewhat



present, but not always independent. There is no systematic political interference, however the content of community media is mostly interfered by unannounced budgetary cuts, which in the end also influence the content and quantity of production and pushes to program to be more commercial and less critical.

The indicator **Access to media for people with disabilities** scores high risk (67%). The state policy on access to media content by people with physical challenges is underdeveloped. The general media law is not precise enough and not up-to-date with changes in the media landscape, so especially private media channels are not committed to assuring access to their content for audiences with disabilities. The exception here is only the PSM, which is obliged to more developed policies by the Radio and Television Corporation of Slovenia Act. Subtitling and sound descriptions are available at public service television channels in different timings. However, a full service for people with hearing or sight impairments is still not available. Audio descriptions for blind people are not available and support services such as subtitles, signing and sound descriptions are available only on irregular basis or in the least popular scheduling windows for people with hearing impairments.

The indicator **Access to media for women** scores very high risk (88%). Although there is an Equal Opportunities for Women and Men Act⁹, there is no segment of it covering the media. The PSM does not have any kind of gender equality policy and women are also underrepresented in the PSM management structure with only about 20% of the members of the programme board being women. The majority of program directors and editors-in-chief are male. There is no other official and collected data on representation of women in media.

The indicator **Media literacy** scores medium risk (54%). Media literacy is often mentioned in different government documents related to the media, but there is a lack of consistent policy and programmes. The subject is present to a limited extent in formal and non-formal education. Media literacy is present in the primary education and secondary education curriculum, but only as an optional course or integrated in other courses (Slovene language, sociology, psychology, journalism). Media literacy activities are limited to the capital of Slovenia and some big cities. IT literacy activities are limited to certain groups of people, such as the older generations or students. 53 percent of the population has at least basic digital skills.

9 Mladina 2012, 28th of September: <http://www.mladina.si/116278/v-napad/>.



4. CONCLUSIONS

Slovenia is an example of a country where many aspects of media pluralism, including large numbers of media outlets in different sectors with frequently different, unrelated owners, are fulfilled. However this quantitative aspect is very often not supported from a qualitative aspect: the important issue of a lack of diversity of radio programming, for example, still exists – despite large number of radio stations, most of them offer similar if not outright identical programming and content, with very little variety of genres, specialization and other content, particularly types of music, which demand more attention from the listener.

This problem of diversity persists in other media sectors as well, but there are also many others, particularly issues of economic sustainability of quality content production and journalism. Public interest interventions by the state and its institutions are still mostly limited to the political aspects of “pluralism” which is very often defined or perceived almost exclusively in terms of political frictions and split between “left-wing” and “right-wing” politics.

Slovenian media policy needs to focus on the short-term and long-term actions in support of quality media and journalism. This includes (but is not limited to):

immediate measures by the Ministry of Culture and other potential ministries (for work, for example) to allocate funds and implement (new) measures for stable employment of journalists;

tax reductions for media or content that is particularly in the (defined) public interest;

transparent financial structure in the case of takeover or merger attempts.



ANNEXE 1. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2016 CT Leader (please indicate with X)
Marko	Milosavljević	Professor / Researcher/ Consultant	University of Ljubljana	X
Romana	Biljak Gerjevič	Assistant Researcher	University of Ljubljana	
Blaž	Petkovič	Journalist	Daily Večer/Journalistic Association	

ANNEXE 2. GROUP OF EXPERTS

First name	Last name	Position	Institution
Tomaz	Drozg	CEO	Adria Media/Chamber of Commerce
Tanja	Kerševan Smokvina	Regulatory expert	AKOS – Agency for Communication Services
Mojca	Pajnik	Researcher/ academic	University of Ljubljana/Mirovni inštitut
Cene	Grčar	Legal expert	Pro Plus TV/Association of Broadcaster



