

Slovenia

by Damjan Lajh

Capital: Ljubljana
Population: 2.0 million
GNI/capita: US\$26,230

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	2.00	1.75	1.75	1.50	1.50	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	2.00	2.00
Independent Media	1.75	1.75	1.75	1.75	1.75	1.50	1.75	2.00	2.25	2.25
Governance*	2.25	2.50	2.25	2.25	2.00	n/a	n/a	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	2.00	2.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	1.50	1.50	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	1.50	1.75
Corruption	2.00	2.00	2.00	2.00	2.00	2.00	2.25	2.25	2.25	2.50
Democracy Score	1.88	1.88	1.83	1.79	1.75	1.68	1.75	1.82	1.86	1.93

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

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

EXECUTIVE SUMMARY

Slovenia is a relatively young state, having proclaimed its independence in 1991. In the period from the end of the 1980s to the start of the 1990s, Slovenia underwent many parallel transformations – it changed its economic and political system, and became an independent state on June 25, 1991. Slovenia joined the United Nations in 1992 as an internationally recognized state, the Council of Europe in 1993, and the European Union (EU) and NATO in 2004. On January 1, 2007, the Slovenian tolar was replaced by the euro, and at the end of December 2007 Slovenia entered the Schengen zone. Between January and July 2008 Slovenia held the Presidency of the Council of the European Union, the first of the 12 new EU member states to do so.

National Democratic Governance. In the first half of 2008, Slovenia held the Presidency of the Council of the European Union, marking a symbolic peak in the country's social and political transformation that began in the 1980s. A dispute between the president and government over the appointment of ambassadors was resolved by year's end. The Social Democrats won national parliamentary elections in September. *Slovenia's rating for national democratic governance remains unchanged at 2.00.*

Electoral Process. Social Democrats led by Borut Pahor won the national parliamentary elections in September, taking power from the central-right government of Janez Janša, who had managed the state for the previous four years and steered the Council of the EU for six months in the first half of 2008. Zares–New Politics became the third strongest party in the National Assembly. The electoral campaign, while free and fair, was marked with the so-called Patria corruption affair. *Slovenia's rating for electoral process remains unchanged at 1.50.*

Civil Society. With almost 21,000 non-governmental organizations, civil society in Slovenia is vibrant, but most NGOs are not involved in public affairs. A new agreement was signed between the Slovenian government and Slovenian non-governmental organizations to encourage efficient, interactive and transparent cooperation during the Slovenian Presidency to the Council of the EU. *Despite this agreement on cooperation, the majority of civil society remains outside the realm of public affairs, therefore, Slovenia's rating for civil society remains at 2.00.*

Independent Media. Media independence remained a point of controversy between the center-right government of Janez Janša and the center-left opposition

during 2008. At the outset of the Slovenian presidency of the EU council in January, the European Federation of Journalists accused the Slovenian government of trying to spin its way out of controversial claims of interfering with press freedom at home. Prime Minister Borut Pahor announced a change in the Public Media Act to ensure greater autonomy for journalists and editors, and to prevent the concentration of media ownership. *Slovenia's rating for independent media holds steady at 2.25.*

Local Democratic Governance. At the end of January 2008, the National Assembly rejected the Act Establishing Provinces, which suggested dividing Slovenia into 14 provinces. A consultative referendum on the issue of establishing provinces was conducted on June 22, 2008, but the legitimacy of the referendum was questioned due to poor turnout. While politicians and experts agree on the decentralization of Slovenia, the main issues remain the number and size of the proposed provinces. *Slovenia's rating for local democratic governance remains unchanged at 1.50.*

Judicial Framework and Independence. Despite strong opposition, a new penal code was adopted on November 1, 2008, introducing lifelong imprisonment, the reinstatement of a register of persons who have committed criminal sexual offences against juveniles, protection of workers' rights, and granting judges the power to sentence convicts to humanitarian or community-oriented work. Judges, dissatisfied with the new code signed a Collective Agreement for the Public Sector, and started a work-to-rule strike. *As a result of the adoption of the new penal code despite strong opposition and the veto of the national council, Slovenia's rating for judicial framework and independence worsens from 1.50 to 1.75.*

Corruption. In 2008, unproven claims surfaced that Slovenian officials had been bribed by the Finnish company Patria to help finalize the purchase of armored personnel carriers for the Slovenian army. The affair reached its peak during the electoral campaign, just three weeks before elections. Being connected with the affair at the time, Prime Minister Janez Janša brought charges against a journalist from Finnish National Television and several Slovenian contributors to the broadcast that broke the story. In 2008, the Commission for the Prevention of Corruption fought serious financial problems, which resulted in the National Assembly approving the lowest budget in the Commission's history. *The scandal surrounding the Patria affair lowers Slovenia's rating for corruption from 2.25 to 2.50.*

Outlook for 2009. During 2009, the media and its ownership will remain a point of controversy between the center-left government and the center-right opposition. The Slovenian government will be challenged with adopting appropriate measures to minimize the impact of the global economic crisis in Slovenia, including the rising rate of unemployment. Slovenian tycoons will be under great pressure to pay back enormous bank debts. The agreement between the government and judges about the salary system should be reached. Elections to the European Parliament in 2009 will be an evaluation of the government's work in its first eight months.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	2.00	2.00	2.00	2.00	2.00

According to the Constitution, Slovenia is a democratic republic based on the rule of law (Article 2 of the Constitution). The division of powers is provided through checks and balances among the legislative, executive, and judicial branches. The country's system of government has achieved stability without coercion, violence, or other abuse of basic rights and civil liberties. Citizens may participate in decision-making processes, and referendums have become a stable feature in Slovenian politics, although some experts have argued that referendums in Slovenia are most often used in an undemocratic and illegitimate manner.

The Slovenian Parliament consists of the National Assembly and National Council. Owing to the rather limited powers of the National Council, the Parliament is referred to as a “one-and-a-half-chamber system,”¹ and there are many discussions about the future necessity of the National Council. The National Assembly has 90 members, among which 2 seats are fixed for representatives from the Italian and Hungarian national minorities. In general, the National Assembly is effective but overburdened, and there have been proposals to increase the number of members to 120 to ease the workload of individual deputies and to decrease the number of working bodies in which individual deputies are members. At the same time, abolishment of the National Council continues to be debated, primarily as the council is not seen as a real chamber of the Parliament, and in functioning, it blocks decisions previously reached by the National Assembly.

Parliamentary documents and sessions are available to the public via the National Assembly's Web site, which also posts transcripts of parliamentary debates. All parliamentary sessions, except those of the Commission for Supervision of the Intelligence and Security Services, are open to the public. Additionally, the parliamentary events and general information about government activities are available on Channel 3 of Slovenian national television. According to legislation, the military, civil security services, and police are subject to the democratic supervision of a special parliamentary commission.

As part of the executive, the president of the republic has limited decision-making powers. The president's role is thus largely ceremonial, while the prime minister steers the ship of state. In the second half of 2008, the issue of nominating new ambassadors caused a dispute between the president and the government. In accordance with Article 17 of the Foreign Affairs Act, ambassadors are appointed and recalled by the president of the republic at the proposal of the government

as prepared by the Foreign Ministry. At the beginning of June, the government relieved several ambassadors whose mandates had expired or who would assume new offices. The dispute over the nominations emerged when President Danilo Türk announced that he would not endorse the appointment of new ambassadors prior to the September national parliamentary elections. The Foreign Ministry argued that there was no connection between the selection of ambassadors and the preelection period, as ambassadors represent not parties or coalitions, but the country. Prime Minister Janez Janša intervened and asserted that all candidates were career diplomats and that their appointments were not political. President Türk withheld the appointments until the beginning of November, saying he had not received enough data to determine whether the candidates had met the legally defined conditions for appointment. In the end, the president accepted only some of the nominees.

Slovenia took over the Presidency of the Council of the European Union (EU) in the first half of 2008, but the Slovenian government had already begun organizational preparations to hold the presidency in early January 2005. Many argued that holding the position represented a symbolic peak in the country's social and political transformation; Slovenian foreign minister Dimitrij Rupel compared the "achievements in the foreign policy area with the period of Slovenia's democratization and independence, only now Slovenia has changed its role: less than two decades ago it was the subject of the 'Spring,' whereas now it is directing and coordinating it."²

During the presidency, Slovenia decided on five main priority areas: 1) the future of the EU and the timely entering into force of the Lisbon Treaty; 2) the successful launching of the new Lisbon Strategy cycle; 3) climate and energy issues; 4) the strengthening of the European perspective on the Western Balkans; and 5) intercultural dialogue. It must be emphasized that although Slovenia did have its own national program, it harmonized it to a large extent with two other interrelated agendas: the "inherited Council of the EU agenda and the common 18-month program of the so-called presiding trio—Germany, Portugal, and Slovenia." In accordance with the budget memorandum, Slovenia allocated €62 million (US\$88 million) for holding the EU presidency.

On January 25, 2008, excerpts of a discussion between Slovenian and American diplomats appeared in the Slovenian newspaper *Dnevnik*. The article entitled "Slovenia Receives a Secret List of Demands for Its EU Council Presidency from the U.S." contained parts of the discussion providing information, statements, and assessments of diplomats that were intended not for the public, but as a basis for directing political decisions made by Slovenia. Although with some exceptions this diplomatic awkwardness did not attract significant attention abroad, it did spark controversial debates in Slovenia.

In national parliamentary elections conducted in September 2008, the Social Democrats took over the government that had managed the state for the previous four years and that had steered the Council of the EU for six months. Borut Pahor's Social Democrats gained one seat more than Janez Janša's Slovenian Democratic Party in the National Assembly. Pahor was asked by President Türk to form a new

government coalition. On November 7, 2008, the National Assembly endorsed Pahor as the leader of the next government, making him the sixth prime minister of independent Slovenia.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2.00	1.75	1.75	1.50	1.50	1.50	1.50	1.50	1.50	1.50

The will of the people in Slovenia is expressed by regular, free, and fair elections conducted by secret ballot. The electoral system is multiparty based, where political parties have equal campaigning opportunities, and the public's choice is free from domination by specific interest groups.

National parliamentary elections were held in 2008. Deputies to the National Assembly are elected on the basis of proportional representation with a 4 percent threshold. Two hundred signatures are required to establish a political party, and few barriers hinder political organization, registration, and participation in elections; nonparliamentary parties and independent candidates must obtain 50 signatures from eight electoral districts to participate in elections. According to the Constitution, professionals in the defense forces and the police may not be members of political parties. Similarly, members of the Office of the State Prosecutor and the judiciary may not hold office in a political party, as they are supervised by the Constitutional Court.

In 2008, a gender quota for the composition of candidate lists was introduced for the first time in national parliamentary elections. In 2004, a gender quota was already introduced for European Parliament elections; and in 2006, it was introduced for local elections. The formally defined gender quota is 35 percent, but during the 2008 elections it was defined as 25 percent.

Practically all parliamentary parties, except the Slovenian National Party, have cooperated in some form with the government. The majority of Slovenian parties have faced splits and mergers, but the party system has achieved a high level of consolidation and stability through party competition without major electoral engineering. Following the 2004 elections, seven parties managed to enter the parliamentary threshold, but at the end of the term, nine deputy groups existed in the National Assembly as a result of splits within the Liberal Democracy of Slovenia and the Slovenian National Party. Continually declining voter turnout indicates that the public has been politically less engaged in recent years than during the late 1980s. In National Assembly elections, voter turnout declined from 85.8 percent in 1992 to 60.6 percent in 2004, yet at the last general elections in September 2008, turnout increased slightly to 63.1 percent.

Domestic observers declared the 2008 Slovenian elections free and fair and have not called for international election monitoring. Seventeen political parties competed in the elections, and 7 passed the 4 percent threshold to the National

Assembly. The Social Democrats' victory meant the center-right government led by Janez Janša from 2004 to 2008 was replaced by a center-left government. Of the parties that did not cross the 4 percent threshold, only two received more than 1 percent of the vote; the New Slovenia–Christian People's Party (NSi), which had formed the previous government, received 3.40 percent, and Lipa received 1.81 percent. All other parties received less than 0.60 percent of the votes.

A large part of the electoral campaign was marked by the “Patria corruption affair,” in which Slovenian officials were allegedly bribed by a Finnish company to finalize the purchase of armored personnel carriers for the Slovenian army. Additionally, topics related to neighboring Croatia were not at the forefront of campaign activities, as they had been in the 2004 electoral campaign. In the pre-election period, only one preelectoral coalition was formed—that of the Slovenian People's Party and the Youth Party of Slovenia. At the end of the electoral campaign, the ideologically linked center-left parties (the Social Democrats, Zares–New Politics, and Liberal Democracy of Slovenia) formed a so-called triplet—an informal coalition—and recorded a joint advertisement. Just prior to the election, the “triplet” received public support from two eminent persons: Milan Kučan, former president of the republic, and Zoran Janković, seated mayor of the capital, Ljubljana. Despite winning the elections, the grouping could not form a government alone.

Following the elections, Zares–New Politics became the third strongest party in the National Assembly. Surprisingly, the formerly second largest government party, NSi, did not pass the 4 percent threshold for the National Assembly. As a result, Andrej Bajuk, minister of finance and president of NSi, resigned as party president, and member of the European Parliament, Ljudmila Novak took his place. The Slovenian National Party, led by Zmago Jelinčič, took fewer votes than expected considering preelection public opinion polls and Jelinčič's impressive showing in the 2007 presidential election. A split within the party in the beginning of 2008 when three party deputies left Jelinčič and established a new party, Lipa, likely contributed to their weak showing. Nonetheless, the Slovenian National Party managed to pass the 4 percent threshold, while the newly established Lipa was left outside of the National Assembly (with 1.81 percent of the votes). In mid-November, a new coalition was formed between the Social Democrats, Zares, the Liberal Democracy of Slovenia, and the Democratic Party of Pensioners of Slovenia.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.75	1.75	1.50	1.50	1.50	1.75	1.75	2.00	2.00	2.00

In Slovenia, the right to assembly and association is guaranteed in Article 42 of the Constitution, which states that the right of peaceful assembly and public meeting is guaranteed and everyone has the right to freedom of association. Legal restrictions

of these rights are permissible when required for national security or public safety and against the spread of infectious diseases.

The development of Slovenian civil society remains vibrant. Of the almost 21,000 nongovernmental organizations (NGOs) in Slovenia, the majority are organized as local-level associations in sports, culture and art, and fire brigades or as foundations or private institutes. Advocacy and service provision organizations are active primarily at the national level. Slovenian civil society is fighting a personnel deficit, and most NGOs are not involved in public affairs.

The Center for Information Service, Cooperation, and Development of NGOs (CNVOS) was established in 2001 to empower NGOs to participate in public affairs through publications and an informational Web site. In 2005, the government established an interministerial working body to facilitate cooperation with NGOs, yet cooperation remains poor, and the expectation that NGOs would become more engaged in public affairs following Slovenia's membership in the EU remains unmet.

In September 2007, CNVOS and the Office of Government Communication signed an agreement defining relations between the two offices, which experts hope will stimulate better relations between the government and NGOs in the future. The first test of these relations was the Slovenian Presidency of the Council of the EU in the first half of 2008. The Slovenian government and (primarily) Slovenian NGOs signed a special Agreement Between the Government Communication Office and the Web portal *Predsedovanje.si* about Communication Before and During the Slovenian Presidency of the EU to encourage efficient, interactive, and transparent cooperation.³ The agreement defined two ways of involving NGOs in the Slovenian EU presidency: information and consultation. To this end, the Web portal *Predsedovanje.si* established an electronic means of notifying NGOs of activities and events organized during the presidency, but also allowed NGOs to become engaged through e-participation tools; an online forum was established, including moderated e-discussions and e-consultations as well as a system of e-petitions, e-surveys, and e-actions. As a result, the viewpoints of NGOs were forwarded to the relevant ministries and other public administration bodies. However, these e-participation tools did not bring radical changes in cooperation between the government and civil society.

As of 2008, there were 43 religious communities registered in Slovenia, according to the Office of Religious Communities. In the past, much attention had been dedicated to the Islamic community's ongoing endeavor to build a religious and cultural center in Ljubljana. Construction of the center will likely begin in 2009 with funds collected by members of the Islamic community.

Minority rights discussions on the "erased" and the Roma population were put on the back burner in 2008, and were almost completely overlooked during the national parliamentary elections campaign. However, just two days prior to the elections, the Constitutional Court published decision No. U-I-380/06 establishing comparatively high and undisputed constitutional protection of the right of national minorities to use their language in public life as an "official" rather than a "foreign" language.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.75	1.75	1.75	1.75	1.75	1.50	1.75	2.00	2.25	2.25

According to the Ministry of Culture, there are 915 printed media in Slovenia, including 7 dailies, 43 weeklies, and 57 biweeklies. Excluding the national radio station and the 3 largest commercial stations, there are 62 radio stations and 36 private TV stations in Slovenia.

Between 2005 and 2007, problems arose in relation to controversial media regulation developments and takeovers of several daily newspapers and public service radio and television stations, as well as the national press agency. Governing bodies, managers, editors, and reporters in these media outlets were in many instances replaced by individuals loyal to the ruling political parties. The issue of media independence reached its peak in October 2007, when 570 journalists signed a petition of protest. Soon after, at the outset of the Slovenian presidency of the Council of the EU in January 2008, the European Federation of Journalists and the European regional group of the International Federation of Journalists accused the Slovenian government of not addressing controversial claims that it is interfering in press freedom at home. The European Federation of Journalists declared that political interference with media in Slovenia had cast a shadow over Slovenia's presidency, claiming that the government attempted to focus public attention on foreign media to divert attention from its domestic troubles.

The government has consistently argued that it does not control the media, does not have ownership shares in media companies, and does not impose censorship. According to the Government Communication Office, between August and October 2007, as many as 1,580 negative articles were written about the government and its work, while only 689 such articles appeared during the Rop government (August 2003–October 2003). The government also claimed that it did not directly own shares of printed media and only indirectly owned small shares in *Večer*, *Dnevnik*, and *Primorske Novice*. With the exception of the public broadcaster RTV Slovenia, the Slovenian government does not have shares in any radio station. Similarly, with the exception of the public broadcaster RTV Slovenia, the government does not own shares in digital media.

The appearance of free-of-cost journals has marked the Slovenian media space in the past few years. Prior to the elections, the establishment of the journals *Slovenski Tednik* and *Ekspres* received significant attention as it was claimed that they had been established by center-right leaders. The president of the Slovene Association of Journalists, Grega Repovž, has been especially critical of the journals, saying they demonstrate a developing trend of media as a publicity tool in the hands of politicians.

Media independence certainly remained a point of controversy between the center-right government of Janez Janša and the center-left opposition during 2008. Throughout the election campaigns, Prime Minister Borut Pahor consistently argued

that without free media there is no free society. The Social Democrats prepared an alternative government program on media policy to ensure greater autonomy for journalists and editors in relation to owners, and to prevent the concentration of media ownership and consequential influences on media. These new measures suggest that when media concentration has reached a set limit, owners must sell some of their shares.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	1.50	1.50	1.50	1.50	1.50

Slovenian municipalities are self-governing local communities formed pursuant to the Law on Local Self-Government, adopted in 1994, and following a referendum on the establishment of municipalities. The Law on Local Self-Government sets criteria for defining municipalities, including the minimum infrastructural capacities of the area of a municipality, which may not have fewer than 5,000 residents. Yet of the 147 municipalities initially formed, more than one-third had fewer than 5,000 residents, while approximately one-fifth of the municipalities retained the territorial boundaries of the former communes and consequently exceeded the residential limits.⁴ Since then, a majority of the “larger” municipalities separated into smaller municipalities, and to date the total number of municipalities has grown to 210, while the number of municipalities with fewer than 5,000 residents has also increased. As a result, the vast majority of municipalities in Slovenia are quite small, with very limited financial and political power and inadequate staffing.

In accordance with Slovenian legislation, the territory of a municipality comprises a settlement or several settlements bound together by the common needs and interests of the residents. The competences of a municipality consist of local affairs that may be regulated by the municipality autonomously and affect only the residents of the municipality. With the prior consent of the municipality or wider self-governing local community, the state may by law vest specific duties within the state jurisdiction in the municipality if the state provides financial resources for this purpose, whereas state authorities supervise the proper and competent performance of work relating to matters vested in the local community bodies by the state. In principle, a municipality is financed from its own resources. Municipalities unable to provide completely for the performance of their duties owing to insufficient economic development are assured additional funding by the state in accordance with principles and criteria provided by law.

Slovenia has no historical tradition of regional government, and thus its political-administrative regionalization has been no simple task. The country’s administrative regionalization was not completed in 2008, and provinces as administrative-political entities were not yet established. The introduction of political-administrative provinces should close the gap between small municipalities and the state, which

is excessively centralized. Currently, the gap between the more developed urban region of central Ljubljana and the rest of Slovenia is growing. Such is the case for three-quarters of the country's territory, though it was one of the few countries (if not the only one) in the Socialist bloc to base its development on polycentrism.

In November 2007, the government proposed the Act Establishing Provinces, which suggested dividing Slovenia into 14 provinces, but the National Assembly rejected the proposed act in January 2008. Fifty deputies voted for the proposal and 27 against; thus the act failed to reach the two-thirds majority needed to pass. An agreement could not be reached on the number of proposed provinces; coalition parties indicated that the proposed number was viable and supported by a majority of mayors, but oppositional political parties and many political experts argued that the proposed number of provinces was too large. After the act was rejected again on June 22, a consultative referendum on the issue of establishing provinces was conducted at the proposal of the government, despite efforts by oppositional deputies to stop it from going forward. Residents of each "province" were asked whether they agreed on the establishment of a new territorial province for their region. They were also provided with a list of all municipalities that were to form individual provinces. Only two provinces rejected the establishment of a new province in the referendum.⁵ The legitimacy of the referendum came under question owing to the lack of communication about, and cultural slant of, the referendum procedure. The turnout was extremely poor—less than 11 percent.⁶ Slovenian political and public experts agree on the need for decentralization, but the main problem remains the question of the number and size of provinces.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
1.50	1.50	1.75	1.75	1.75	1.50	1.50	1.50	1.50	1.75

The Slovenian judicial system includes 44 local courts, 11 district courts, 4 courts of appeal, the Supreme Court, and the Constitutional Court. The Supreme Court is the highest public court, while the Constitutional Court has the special function and judicial role of protecting fundamental rights and liberties. Judges are independent and may not belong to any political party. They are elected by the National Assembly on the proposal of the Judicial Council. The National Assembly elects five persons on the proposal of the president of the republic from among university professors of law, attorneys, and other lawyers, whereas judges holding permanent judicial office elect six members from among themselves. The Constitutional Court is composed of nine judges, elected on the proposal of the president of the republic by the National Assembly. The president of the Constitutional Court is elected by judges from among their own ranks for a term of three years. Despite reform efforts, the judicial system remains overburdened, with long delays in trials.

On November 1, 2008, Slovenia enforced a new penal code that modified more than half of the articles of the previous code and introduced many novelties. Unquestionably, the most important change was the introduction of lifelong imprisonment intended for acts of genocide, crimes against humanity, war crimes, and for two or more convictions of criminal offenses of premeditated murder. Also, the new code reinstated a special register of persons who have committed criminal sexual offenses against juveniles. Data from this register will be available to all institutions and associations involved in teaching, education, and auspices of children and youth. The protection of workers' rights are emphasized by the new penal code: attempts to interfere with female employees' reproductive rights will be considered a criminal offense, and harassment in the workplace will now be sanctioned with up to three years' imprisonment. The new code also enables judges to forgo prison-based sentences for convicts who can instead carry out humanitarian or community-oriented work.

The new penal code has been heavily criticized by the opposition. The arguments of many legal experts were not taken into consideration prior to the adoption of the new code, which was also delayed briefly by a veto from the National Council. Despite obstruction by the opposition, the National Assembly successfully adopted the new code with 49 votes in favor. Critics of the new code argue that the previous code was more than sufficient. The Government Office for Legislation stated that in every comparable legal system it would be quite extraordinary to put in motion an amendment for a new penal code after only 13 years with the previous. However, most of the criticism focused on the introduction of life imprisonment sentences, which replaced the previous code's highest sentence of 30 years' imprisonment. Minister of Justice Lovro Šturm argued that Slovenia is obliged to accept lifetime imprisonment owing to the provisions of the ratified Rome Agreement, but legal experts proved that such an argument was incorrect, as provisions derived from Article 80 of the Rome Agreement do not require implementation of a life sentence.

After six years of negotiations between public sector unions and the government representatives on the Collective Agreement for the Public Sector, in June 2008 an agreement was finally reached. However, many civil servants, especially judges, have expressed their discontent. The question of judicial salaries was generally held to be a constitutional question, concerning Article 2 (separation of powers) and Article 125 (independence of judges) of the Constitution. According to the decision of the Constitutional Court, constitutionally defined independence of judges ensures them material independence as well. Judges launched a three-day warning strike demanding a wage increase and a status comparable to that of deputies in the National Assembly and government ministers. Minister for Public Administration Gregor Virant, who served as the government's main negotiator, asserted that the protest would not extort a solution that would gain the judges any privilege. According to Virant, judges were adequately placed on the salary grade and indisputably a part of the public sector, as they received their salaries from public funds and provided public services. Since their demands had not been met,

the judges launched a “work-to-rule strike,” which they vowed to continue until changes are made to the salary system. Roughly, one-third of the pending lawsuits remain unresolved, while others were postponed.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2.00	2.00	2.00	2.00	2.00	2.00	2.25	2.25	2.25	2.50

Slovenia adopted the Law on Prevention of Corruption at the end of 2003. In summer 2004, the first Slovenian anticorruption strategy, the Resolution on the Prevention of Corruption in the Republic of Slovenia, was adopted. This strategy included 172 measures to eliminate the conditions for the appearance and spread of corruption in the areas of politics, state administration, investigative, prosecutorial, and judicial bodies, business, NGOs, the media, and the general public. In October 2004, the Commission for the Prevention of Corruption began operations. The commission has five members, two of whom are proposed by the Speaker of the National Assembly, one by the parliamentary Commission for Mandates and Elections, one by the Judicial Council, and one by the government. The commission’s main tasks are mostly preventive, to ensure that officials do not abuse their public office for private business gain. Although the commission continuously fights problems such as the threat of its abolishment, it remains an effective enforcer of the Law on Prevention of Corruption and a confident watchdog of public employees. According to the president of the commission, Drago Kos, the National Assembly approved the lowest budget in the commission’s history in 2008, causing serious financial problems, including shortfalls in the salaries of its members as well as other material costs.

In 2008, the biggest corruption affair in Slovenia’s history broke—unproven claims of bribery of Slovenian officials by the Finnish company Patria to help finalize the purchase of armored personnel carriers for the Slovenian army. This political controversy reached its peak during the electoral campaign, just three weeks prior to the elections, when Finnish national television, YLE, published an investigation on corruption implicating several Slovenian civil servants, including Slovenian prime minister Janez Janša. YLE, in a broadcast entitled *The Truth About Patria*, reported that Patria paid a total of €21 million (US\$29.87 million) in bribes in Slovenia. According to the journalist, the recipients included several civil servants within Slovenia’s Ministry of Defense, politicians, and “J,” allegedly the Slovenian prime minister, Janez Janša, indicating that the Finnish state-owned Patria bribed the prime minister of Slovenia.

The Slovenian government and Prime Minister Janša rejected all accusations. The Slovenian government responded that the Finnish journalist accused Janša in the broadcast without producing any evidence. In his defense, the Finnish journalist noted that the documents were verified from multiple reliable sources and that

the documents were intended for publication upon completion of the police investigation. The Slovenian government claimed that the decision to buy armored personnel carriers was made under the former government. Janša's government, more precisely the new minister of defense, Karl Erjavec, issued an international tender for the procurement of military equipment. Between two bids, the Finnish company Patria was deemed more cost-effective and was selected for the €278 million (US\$395.40 million) contract. An anticorruption clause was incorporated in the contract that would enable the annulment of the agreement should any claims of corruption be proven. The Slovenian government communications office asked the director of Finnish television to air a follow-up broadcast including viewpoints from other people involved to effectively negate the claims made in the original broadcast, but this request was declined. The Slovenian Foreign Ministry, in an unusual gesture, sent two diplomatic notes to the Finnish government, calling on the country to enable the disclosure of documents relative to the investigation in order to shed light on the issue. The Finnish government has maintained a neutral stance, and Finnish foreign minister Alexander Stubb answered that the government will not intervene in the freedom of the press.

The Finnish police have launched a serious investigation into the case, and two Patria employees have been arrested for questioning; only one of the employees was released by the end of the year when the investigation stalled. Recently, Slovenian police also began an internal investigation as to why a notification from the Austrian police and Interpol service of suspected money laundering and suspicious transactions in relation to the Patria case went ignored for more than a year.

In the meantime, Janša's government claimed it was not a coincidence that this broadcast was shown just a few weeks prior to the national parliamentary elections, asserting that the broadcast aimed to damage the electoral result of the government coalition, especially Janša's Slovenian Democratic Party. Although this affair marked the first part of the electoral campaign, there is no proof that the affair actually had any influence on the election results. Janez Janša also brought charges against the journalist of YLE and several Slovenian contributors to the broadcast, among them Drago Kos, president of the Slovenian anticorruption commission.

Transparency International's 2008 Corruption Perceptions Index ranked Slovenia 26th out of 180 countries surveyed. The index gives Slovenia a score of 6.7 on a 1–10 scale, where 10 is the best possible score (perceived as least corrupt), classifying it as comparatively less corrupt than Czech Republic, Hungary, Slovakia, and Poland.

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- ¹ Drago Zajc, *Razvoj parlamentarizma: funkcije sodobnih parlamentov* [Development of Parliamentarism: Functions of Contemporary Parliaments] (Ljubljana, Faculty of Social Sciences, 2004).
 - ² *Press Conference with Foreign Minister Dimitrij Rupel summing up the first half of the Slovenian EU Presidency*, Ministry of Foreign Affairs, Ljubljana, April 2, 2008, <http://www.mzz.gov.si/nc/en/tools/news/cns/news/article/3247/24265/>, accessed April 28, 2008.
 - ³ Dogovor med Uradom vlade za komuniciranje in portalom www.predsedovanje.si o komuniciranju pred in med predsedovanjem Slovenije EU, http://www.predsedovanje.si/files/dogovor_predsedovanje-ukom.pdf, accessed April 14, 2008.
 - ⁴ Janez Šmidovnik, "Local Government and State Administration," in: Danica Fink-Hafner and John R. Robbins (eds.), *Making a New Nation: The Formation of Slovenia* (Dartmouth, Aldershot, Brookfield USA, Singapore, Sydney, 1997), pp. 182–90.
 - ⁵ For referendum results see Electoral Commission, <http://www.dvk.gov.si/RefPokrajine2008I/index4.html>, accessed October 5, 2008.
 - ⁶ Electoral Commission, <http://www.dvk.gov.si/RefPokrajine2008I/index1.html>, accessed October 5, 2008.

