

# Report on illiberal democracy trends in Croatia, Slovenia, Hungary and Latvia



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## **Report on illiberal democracy trends in Croatia, Slovenia, Hungary and Latvia**

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## Introduction

In recent years, we have seen the rise of the anti-liberal democracy politics in Eastern European EU member states. In the meantime, those trends are becoming visible in some Western European Countries but also USA. The situation in Poland and Hungary is maybe the best example of such politics where citizens are giving support to political parties whose political objectives are against the EU rule of law principles and against some fundamental human rights. Recent refugee crisis has also deepened those concerns. This is a clear sign that the citizens of Eastern European EU member states are willing to give up of some of the fundamental human rights values such as freedom of expression, freedom of assembly, free media, civil society or independent judiciary. Those trends are seriously harming EU rule of law principles but also are derogating human rights and democratic standards.

### What is illiberal democracy?

The main idea behind the illiberal democracy model is narrowing down the concept of the democracy to the multiparty system only. Other fundamental components of democracy: freedom of expression, freedom of assembly and freedom of association are attacked by the governments. Those attacks are particularly directed towards the independent media, watch dog NGOs/CSOs, independent artists and independent judiciary. Overall idea of illiberal democracy governance is to silence down all critical voices and independent/watch dog institutions who can challenge government decisions. By that, the leading party can maintain the power for longer period. This can result with captured state and violations of human rights. More radical illiberal governments are also openly attacking opposition parties (police raid, imprisonment of opposition leaders etc). However, those trends are still not visible within EU countries.

### About the report

In this report, we have focused on four target countries: Croatia, Slovenia, Hungary and Latvia. In each of the countries, we were trying to detect illiberal trends in societies. In Hungary, as already well-known established ill democracy country, we have detected those trends which transformed the country into the absolute model of governance. In Croatia, a country that was exposed to ill democracy for 6 months (Jan –June 2016) under the Orešković-Karamarko government, it was interesting to spot the consequences of ill democratic ruling. Finally, in Slovenia and Latvia – as two states that still have not experienced ill democracies, we were trying to detect ill democratic trends which can be understood as an early warning signals for transformation of liberal into illiberal democracy. This report is not classical human rights report. It narrows down to illiberal trends which we define through the political attacks on three fundamental human rights (freedom of expression, right to assembly and right to freedom of associations) and visible on four social groups (civil society, media, independent art and judiciary). More about this concept find in the following methodology chapter.

## Methodology

For the purpose of this report on illiberal democracies, we have focused on violations on three fundamental rights:

1. Right to freedom of expression
2. Right to assembly
3. Right to freedom of associations

Those rights are the most powerful rights needed for independent and critical balance of political powers. Additionally, it has also been noticed that illiberal trends are taking LGBT, sexual and reproductive rights as well as refugees/migrants rights as a potential platform for mobilization of citizens against democratic and human rights values. This is why we horizontally looked into the threats to those rights in our countries.

We shall look for reduction on those rights within following social groups:

1. Civil society organizations – focus on watch dog and fundamental rights organizations
2. Media – focus on critical and independent media (online media, TV stations, magazines, daily newspapers)
3. Art – independent and critical political art
4. Judiciary

All of those groups are vital for oversight and critical examinations of political powers in democratic societies.

The report covers time period: Jan 1 2017 – Dec 31 2017. The report was created based on questionnaire, which was developed by CROSOL and Human Rights House Zagreb. Full questionnaire is at the end of the report. We see report questions as important indicators for ill democratic trends in our societies. This is why those questions may serve as early warning mechanisms for ill democracy and are usable across Europe. The data for the report were collected from following sources: media articles, government documents–policies–laws–decisions, statements from politicians and interviews with stakeholders. Each country adjusted the answers on the questions towards the country specific situations. At the end it is up to reader to estimate the “state of ill democracy trends” in every presented country! We have provided some potential measures that can be taken into the account to resist ill democracies in Europe.

# CROATIA

## Civil society / NGOs

### 1. Has there been reduction of state/local government funding to watch dog / fundamental rights CSOs?

In 2017 we have not notice further cutting of state funding to watch dog organizations. However in 2016, during the 6 months of strong illiberal government<sup>1</sup>, the key institution responsible for the distribution of funding to watch dog CSOs experienced strong cuts. The illiberal government in 2016 decreased percentage of lottery revenues dedicated to the civil society development from 14.21% to 6.88 %, civil society organizations active in the field of human rights, democratization and development of civil society have launched the Initiative for a strong civil society to warn the government and public how this decision will harm civil society in Croatia. Platform 112 – a network of the most visible human rights and democratization NGOs in Croatia has also condemned this reduction, and has characterized it as an attack on freedom of association, expression and assembly and as an attack on the liberal democracy concept. The new government that took office in October 2016 has increased the percentage for civil society development to 11.18%, but didn't return the percentage to the initial 14,21%. Moreover, it took 8 months to the new Government to approve new Steering Committee of the National foundation for development of civil society that has to name a new Foundation director. This has paralyzed the work of the National foundation and the funding for civil society. The new Steering Committee was appointed in June 2017. Very soon, we could see the results of the new Steering Committee work.

On December 21st 2017, the NFCSD announced its decisions on the three-year institutional support grants for civil society organizations (only available in Croatian) – the long-term, grant program of vital relevance for civil society sustainability in Croatia. For the very first time, a middle size three-year grant of a total of 417.000 hrk (cca 50 000 EUR) was awarded to the “In the Name of the Family”, the religious fundamentalist NGO led by Željka Markić - the leader of the homophobic referendum in December 2013 that managed to impose a heteronormative discriminatory definition of marriage into the Croatian Constitution. Ever since, “In the Name of the Family” has acted as the forerunner of anti-LGBTIQ, anti-choice, Islamophobic, xenophobic and chauvinistic campaigns and media bashing of independent artists, journalists and human rights defenders, including the current offensive on the ratification of the Istanbul Convention, undermining the national policy of gender equality

<sup>1</sup> <http://www.kucaljudskihprava.hr/2017/12/19/objavljena-je-komparativna-studija-slucaja-otporom-prema-krnjim-demokracijama-europe-razumijevanjem-scenarija-neliberalnih-vlasti-uspjesnijeg-otpora/>

(demonizing it as a “gender ideology”) and national anti-discrimination policy, depicting transgender people as deviant, dangerous, going as far as denouncing them as sexual predators. Their news portal [www.narod.hr](http://www.narod.hr) is one of the key media generators of hate speech, as evidenced by GONG’s hate speech monitoring reports and complaints submitted to the Agency for Electronic Media including its recent glorification of the indicted war criminal Slobodan Praljak (who committed suicide in the Hague tribunal courtroom immediately after the verdict to him was delivered) as the national hero and martyr, which represents a violation of the National Criminal Code (Art. 325, para. 4). The organization’s main position on human rights is that the Croatian, Catholic, heterosexual majority’s rights should be protected from ethnic, religious and sexual minorities. Moreover, “In the Name of the Family”, just like its ultraconservative allies, did not provide the public with any information on its sources of funding, membership and leadership structure, until January 2018 (i.e. after it received the public funding grant) which should have been enough to eliminate its application for institutional grant support, had the Foundation respected its own transparency criteria<sup>2</sup>. Particularly, they openly refused to publish the name of the donors for homophobic referendum they have initiated. Regardless of the relatively small size of the grant, the decision of the NFCSD to award institutional support to the leader of the extreme clerical right populist movement in Croatia closely tied with the global anti-choice movement (World Congress of Families, European Dignity Watch, currently lobbying in support of the homophobic referendum initiative in Romania) is an act of legitimization of anti-human rights mobilization as yet another stream within a pluralist civil society.

Due to the fall of the government in June 2016 (which was ruling for only 6 months) and a new government appointed in October 2016, there was a delay in on-time preparation of documentation needed for release open calls for NGOs projects financed through the European Social Found. This has resulted in a delay of open calls. Some calls announced for 2016 are still not opened. Moreover, in February 2017 media reported that the government had withdrawn from the final adoption procedure, of the already finalized draft of National plan for combating discrimination . Human rights NGOs reported that this was due to the pressure of radical right wings groups who complained that the draft National plan reduced the rights of citizens who are believers and who respect family values. The adoption of the Plan was one of the conditions for the government to access EU Operational fund Competitiveness and cohesion 2014 – 2020 and it has to be adopted by June 2017. Having in mind that the last National plan was developed over a period of 2 years, the media has expressed their concern that the government will not be able to meet the EU deadline and will lose 6,88 billion euros from the EU funds. Part of that funding would also be dedicated to civil society projects. The withdrawal of the draft National plan was orchestrated by former Minister of Foreign and European Affairs mr. Davor Ivo Stier who wanted to delete from the Plan measures related to the protection of LGBT and women rights. Due to the public pressure, he resigned in June 2017<sup>2</sup>, and National *plan* was later adopted in original version. However, the ESF funds were delayed in 2017.

## 2. Has there been change in legislation which is making the watch dog role for CSOs more complicated?

<sup>2</sup> <https://www.jutarnji.hr/vijesti/davor-ivo-stier-vise-nije-ministar-vanjskih-poslova-podnio-sam-ostavku-na-mjesto-sefa-diplomacije-da-se-mogu-posvetiti-poslu-tajnika-i-zastupnika/6228496/>

No.

### 3. Has there been open threats / hostile naming by politicians or other extremists groups to watch dog NGOs?

Most of the threats towards human rights and watch dog CSOs came from extremists groups or individual members from the political parties. For example, member of Croatian Democratic Union (ruling party) from city of Split mr. Hrvoje Marušić called on his Facebook profile *for execution of the activist from Youth Initiative for Human Rights*<sup>3</sup>. After the police investigation has been carried out, the Split County State Attorney's Office dismissed the complaint against mr. Marušić for the criminal offense of Public Encouragement of Violence and Hate. Numerous of personal threats are recorded on social networks, dominantly Facebook. Threats were directed towards the women rights activists (as they were defending the ratification of Istanbul convention), LGBT and human rights activists.

By the end of 2017, we have also detected hostile statements from the representatives of Ministry of Interior regarding the work of NGOs who are active in the protection of refugees rights. After several NGOs has named the police to use the violence against refugees/migrants<sup>4</sup> and does not enable to refugees to ask for asylum in Croatia, the head of the police as well as the minister of Interior started to frame in their public statements "some NGOs" as the ones who are maybe collaborating with the smugglers. Although they were asked to provide evidences for such accusations, they never did. The watch dog NGOs perceived those statements as a threats to their work.

Indirect pressure experienced also the environmental NGO Green Action. They have run public campaign against corruption in the one foreign investment project related to the building of golf course in Croatia. The billboard campaign, which was financially supported by EU through one of the EU projects, took a lot of public attention. It also took attention of the Prime Minister of Croatia who intervened into the State agency responsible for distribution of EU funds. The Agency conducted several inspections over the Green Action project but didn't find anything irregularities in the implementation of the project. However, this intervention was perceived as a pressure to the Green Action work. After that, the private company which is in the charge of this "golf project" conducted the legal charges against Green Action for defamation. The legal representative of the company is a law firm owned by mr Marjan Haženковиć, who also owns leading daily news media in Croatia "Slobodna Dalmacija". It didn't take a long time that an hostile article aganist Green Action was published in „Slobodna Dalmacija“ daily<sup>5</sup>. The legal case is still pending before the court.

On December 5 2018, exteme right wing member of the Croatian Parliament Glasnović in parlamanet discussion stated: *"I would like all these, this trojan horse of non-governmental organizations, these traitors and monarchs, to persecute them from the Croatian state, judging them first for betrayal and fornication (...) it is horrible that such people are still walking in Croatia (...) who are networking*

<sup>3</sup> <https://www.vecernji.hr/vijesti/hdz-strijeljanje-prijetnje-hrvoje-marusic-inicijativa-mladih-za-ljudska-prava-1185937>

<sup>4</sup> <http://welcome.cms.hr/wp-content/uploads/2017/01/Izvje%C5%A1taj-o-nezakonitim-i-nasilnim-protjerivanjima-izbjeglica-iz-RH-AYS-i-Inicijativa-Dobrodo%C5%A1li.pdf>

<sup>5</sup> [http://zelena-akcija.hr/hr/programi/pravo\\_okolisa/slobodna\\_dalmacija\\_nepodnosljiva\\_lakoca\\_manipuliranja](http://zelena-akcija.hr/hr/programi/pravo_okolisa/slobodna_dalmacija_nepodnosljiva_lakoca_manipuliranja)



with foreign lobbyists and enemies of the Croatian state, and act as a foreign body in the tissue of the Croatian people".<sup>6</sup>

#### 4. Has there been media attacks on watch dogs NGOs?

Small scale, on-line, extremist right wing media almost regularly are attacking human rights organizations. For example, extremist portal *dnevno.hr* published the article "The Center for Peace Studies should be proclaimed as an enemy and traitor organization"<sup>7</sup>. CPS is a very visible human rights organization working with the refugees and on other human rights agenda. Some extreme right wing media are also framing NGOs as *George Soros mercenaries*, but this discourse is not visible in the mainstream media.

Apart from *dnevno.hr* another leading hate *speech fundamentalist* media in 2017 was *narod.hr* owned by fundamentalists NGO *In the Name of the Family*. They regularly publish articles against human rights activists and human rights NGOs, *spreading fake news and hostile arguments*. The portal was convited at least two times through private court complaints of human rights activists and public figures. However, they are continuing with they work. Moreover, this NGO has received institutional financial supoprt from national foundation for developemnt of civil society as it was explained under question 1.

*Slobodna Dalmacija*, one of the leading daily newspapers published an article on attacking Green Action – environmental NGO from Zagreb because of their public resistance towards the foreign investment project on golf<sup>8</sup>. Green Action detected numerous of corruptive end environment danger practices in this investment and disclosed those information to the public. They have also launched national billboard campaign against this investments. Since the investor is coming from Israel, the newspapers called the Green Action "anti-Semitist" organization".

Majority of verbal attacks on human rights activists and watchdog NGOs are conducted by private persons on the Facebook. Some of the threats were reported to the police.

#### 5. Has there been physical attacks on watch dog NGOs or activists? How the state has reacted?

No.

#### 6. How you estimate the influence of watch dog NGOs to government policies? Does government (or some parts of the government) takes criticism from NGOs to improve

<sup>6</sup> <http://www.kucaljudskihprava.hr/2017/12/10/povodom-medunarodnog-dana-ljudskih-prava-sustavni-napadi-na-kriticko-misljenje-i-slobodu-udruzivanja/>

<sup>7</sup> <http://www.dnevno.hr/vijesti/hrvatska/cms-treba-proglasiti-neprijateljskom-petokolonskom-organizacijom-1096933/>

<sup>8</sup> <http://zelena-akcija.hr/hr/programi/pravo-okolisa/slobodna-dalmacija-nepodnosljiva-lakoca-manipuliranja>

**their policies? Are there formal mechanisms developed by the government to include NGOs in policy process (formal consultations, expert groups, public discussions)**

Watchdogs are very active in criticizing and proposing public policies. Some of the proposals from watchdogs are accepted. All draft Act, before are submitted to the parliament procedures for the adoption, according to the Right to Access Information Act has to be send in on-line public consultation. Through the internet portal *Public Consultations*<sup>9</sup> every citizen or legal body may sent the comments to the proposed draft. Comments may be accepted or not by the state authority responsible for the particular legislation draft.

**7. Has there been bans of public demonstrations organized by NGOs?**

No.

**8. Are LGBT, gender, refugee related NGOs specially threatened (from political, financial or any other perspective)?**

In 2017 we have especially detected attaccks on NGOs dealing with womens rights and refugees rights. This is due to the high visibility of those topics in public. The most prominenet attack was conducted by the former minister of Foreign and European Affairs mr. Davor Ivo Stier. Although it was not part of his portfolio, minister Stier has decided to redifine the measures from National antidiscrimination plan (see answer 1). It was obvious that ha was targeting measures related to the protection of LGBT and gender rights, as well measures related to the protection of womens sexual and reporductive rights. Moreover, in 2016. he has appointed mr Ladislav Ilčić – right wing extremist politician as a human rights adviser. Mr. Ilčić is very known in Croatian public as a homophob also having racists statemnts against refugees and migrants. Those decissions of mr Stier contributed to the massive mobilization of citizens on March 8th 2017 – Internatioanl Womens Day. The big protest agains Stier and Ilčić was organized in zagreb. After numerous of public and political pressures, mr. Stier resigned in may 2017, same as mr. Ilčić. Unfortunately, mr. Ilčić was apointed again as an adviser in a Minsistry of culture in November 2017 due to the ruling coalition agreement. However, his work in Ministry of culture remained silenced and invisible.

**Media**

**1. Has there been reduction of state/local government funding to independent media?**

The funding for independent media has been cut during *the 2016 in the ruling of 6-month iliberal government. The special funding for independent media within Ministry of Culture has been deleted and it was not recovered by the new governemnt in 2017. This has strongly reflected to the work of*

<sup>9</sup> <https://savjetovanja.gov.hr/>

*investigative independent media portals* who started to fundraise through the crowdfunding campaigns.

**2. Has there been change in legislation which is making the independent media role more complicated?**

No.

**3. Has there been legal charges against journalists due to the critical articles published by them?**

There have been private court complaints submitted against number of journalists. Apart from private persons, the ultra-conservative organization such as “In the name of the family” also tried to win anti-discrimination case against the journalist of news portal index.hr on the grounds of discriminating Catholic majority through their writings. However, they lost the case before the court. Legal prosecution of journalist from state attorney was not recorded.

**4. Has there been open threats / hostile naming by politicians or extremists groups to independent journalists?**

Croatian Journalist Association has released more than 60 press statements relates to verbal, physical or political attacks on journalists during 2017. Several journalists have received death threats through the social media from private profiles. This was the case with N1 journalist Nataša Božić<sup>10</sup>, but also many threats were given to Maja Sever during the closer of her TV show “Croatia Live”. One of the leading columnist of “Jutarnji list” daily Jurica Pavičić has also received threats, same as TV journalist Aleksandar Stanković. Mr. Stanković in his talk show compared “homeland war” with civic war. This has initiated many hostile reactions against him, including the reaction of Croatian National Television which did not protect their journalist bur rather official distanced from him. Mr. Stanković was threatened also by MP Ivan Pernar, who was not satisfied with the talk-show and claimed how once his party will be in power in Croatia they will kick off mr Stanković from Croatian Television.<sup>11</sup> Deputy prime minister and minister of defence mr. Damir Krstičević verbally attacked journalist Nenad Jarić Dauenhauer from the news portal index.hr after the journalist has published the story on possible plagiarism in minister graduation thesis. After this reaction, journalist has received more threats via social media. Extremely hostile was organized public burning of Serbian national minorities weekly *Novosti* on September 2 2017. The burning was organized in front of the *Novosti* editorial in the centre of Zagreb by extreme right wing marginal political. The MEP Ruža Tomašić commented this act as “*everyone who bought newspapers have a right to burn them*”<sup>12</sup>.

Physical violence from political figure against journalist was documented in the case when Požega city mayor Vedran Neferović physically attacked local newspaper journalist mr. Mladen Mirković.

<sup>10</sup> <http://hnd.hr/hnd-pozdravlja-privodenje-osobe-koja-je-prijetila-smrcu-novinarki-natasi-bozic-saric-i-upozorava-na-prijetnje-novinaru-jurici-pavicicu1>

<sup>11</sup> <http://hnd.hr/hnd-osuduje-prijetnju-zastupnika-ivana-fernara-novinaru-hrt-a-aleksandru-stankovicu1>

<sup>12</sup> <https://www.telegram.hr/politika-kriminal/ruza-tomasic-dugo-nije-bila-ovako-skandalozna-ako-je-netko-kupio-novosti-ima-ih-pravo-spaliti/>

Mr Nefirović was not satisfied with one article published by Mr. Mirković and attacked him in his mayor office.

### **5. Has there been cases of closure of some independent media? From which reason?**

We have not seen the closure of the whole media, but rather of one critical TV show. Croatian national television for many years is running a TV show called “Croatia Live” which has become one of the most popular TV shows which exposes social injustice, corruption, violation of human rights and inequalities in Croatian society. The TV show is sometimes very critical towards official state policies related to minorities, workers, refugees, persons with disabilities etc. Croatian television, under the political pressure has decided to remove the show from the program. Although a majority of the public expressed support to “Croatia Live”, the show was abolished in September 2017.

## **Art**

### **1. Has there been a ban of street performances or any other related cultural event? On which grounds?**

In November 2011 one of the war veterans associations demanded the postponement of a national event *European Theatre Night (ETN)*. *ETN* is a European manifestation when one day in a year all theatres are playing performances free of charge for citizens. In 2017, theatre night was predicted for November 1st – the date when Croatia also commemorates the fall of the city of Vukovar and Škabrnja from the 1991 war. War veterans association protested and requested to postpone *ETN* due to the commemoration of the fall of Vukovar. *ETN* was postponed.

### **2. Has there been public naming of independent artists by politicians or extremist groups?**

After the numerous attacks on Croatian theatre director Mr Oliver Frlić in 2016, the situation against him remained hostile in 2017. Although Mr Frlić has resigned as artistic director of Rijeka National Theatre and moved abroad for work, attacks continued. War veterans associations organized the protest against his performance “Your violence, our violence” which played in Split in April. They also threaten him with criminal proceedings because he *is humiliating Christian tradition*<sup>13</sup>. Before the performance, three members of an extreme right wing party entered the theatre and tried to obstruct the play. Police removed them out of the theatre. In December 2017 media started to report how Mr Frlić is preparing a new theatre play in Croatia which will have its opening in January 2018. The extreme right wing media immediately started to attack Mr Frlić.

<sup>13</sup> <https://www.tportal.hr/kultura/clanak/branitelji-kazneno-prijavili-frljica-predstava-je-degutantna-i-vulgarna-20170424>

### **3. Has there been physical attacks on independent artists? How the state has reacted?**

No. Although the above described atmosphere before the Oliver Frlić theatre show “Your violence, our violence” was on the edge of physical violence.

### **4. Has the funding for independent art been reduced?**

No.

### **5. Has any new legislation been introduced which makes independent artist more difficult to work?**

No.

### **6. To what extent “moral – national proud” arguments were used against the artists?**

As it was explained, when war veterans were critical towards the artists, they were regularly using “national pride” arguments. Religious groups were calling more for defending the “Christians values”.

## **Judiciary**

### **1. Do you see evidences on political pressures towards independent judiciary in your country?**

There have not been detected open and direct political pressures on judiciary. However, there is a perception in public that politics is influencing judiciary. One example is legal proceeding against former Chief of Staff of Croatian Prime Minister Mr Saucha. He was a member of Socio-democratic party and state attorney has initiated legal proceeding against him due to the financial fraud during his position in Prime Minister cabinet. After the new election, Mr Saucha was elected in the Parliament (elections were held before the public information on possible fraud) and Croatian Democratic Union formed new government. Mr Saucha supported conservative government (CDU) in the Parliament and has left socio-democratic party. After his support to the conservative government the legal procedure against him has rapidly slowed down, and recently the court has return the indictment against him to State Attorney for further work, because it was not professional enough. All that time, Mr Saucha is supporting the tiny government majority in the Parliament. Although there is no clear evidence of interference of government to the judiciary, the correlation between mr Saucha and new government is perieved in the public as a potential pressure to the courts.

### **2. Has the government introduced legislation that makes judiciary less independent?**

No.

**3. Do you see the trends of interference of government in the judges appointment process?**

No.

**Independent institution (ombudspersons, media regulatory bodies)**

**1. Do you see evidences on political pressure towards ombudsperson office? (Rejecting ombudsperson report, financial cuttings, public naming etc.)**

In 2017 Croatian Parliament didn't re-elect Ombudswomen for Children<sup>14</sup>. This was clear attack on her independence and on her work. In May 2016, the former Parliament did not accept her yearly report (which is non-confidence vote) but she was not removed. After the new Parliament was formed in September 2016, the Constitutional Court delivered the judgment claiming that 12 years old Act on Ombudsperson for Children was accepted (12 years ago) in the Parliament with majority, but not with the absolute majority of votes and because of that is unconstitutional. The new Act was adopted in the Parliament in July 2017<sup>15</sup>, but the majority appointed also new Ombudsperson for Children. The former Ombudswomen claimed that she was removed due to the political reasons<sup>16</sup>.

**2. Do you see evidences on political pressure towards independent media regulatory bodies (if such body exists in your country)?**

No.

<sup>14</sup> <https://www.jutarnji.hr/globus/Globus-politika/zasto-je-pravobraniteljica-za-djecu-maknuta-s-duznosti-nakon-moje-smjene-hdz-u-je-cilj-ukinuti-sve-pravobranitelje-za-njih-smo-mi-dosadne-ose/6387740/>

<sup>15</sup> [https://narodne-novine.nn.hr/clanci/sluzbeni/2017\\_07\\_73\\_1764.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_73_1764.html)

<sup>16</sup> <https://www.jutarnji.hr/globus/Globus-politika/zasto-je-pravobraniteljica-za-djecu-maknuta-s-duznosti-nakon-moje-smjene-hdz-u-je-cilj-ukinuti-sve-pravobranitelje-za-njih-smo-mi-dosadne-ose/6387740/>

# SLOVENIA

## Civil society /NGOs

“Slovenia has an extensive civil society, with relatively high levels of volunteering. There are institutionalised processes to involve CSOs, particularly trade unions, in policy-making in several fields; however, guidelines that relevant CSOs should always be involved in policy formulation seem to be ignored more than they are respected. CSOs also experience ongoing problems of limited financial and human resources.”<sup>17</sup>

In its recent assessment from April 2017 CIVICUS, the global civil society alliance who runs CIVICUS Monitor, based on several sources of constantly-updated data on civic space, rated Slovenia as an open civic space country.<sup>18</sup> The state both enables and safeguards the enjoyment of civic space for all people. Levels of fear are low as citizens are free to form associations, demonstrate in public places and receive and impart information without restrictions in law or practice. The authorities are tolerant of criticism from civil society groups and provide space and platforms for open and robust dialogue with members of the public. As a rule, the police protect public protestors, and laws governing the freedom of peaceful assembly adhere to international law and standards. There is a free media, online content is uncensored and citizens can access government information easily.

### **1. Has there been reduction of state/local government funding to watch dog / fundamental rights CSOs?**

According to Goran Forbici, director of CNVOS (Centre for information service, co-operation and development of NGOs, national NGO umbrella network) there has not been any reduction of state/local government funding to watch dog / fundamental rights CSOs in the past year. Nevertheless, he stressed in an interview for this report, Slovenia has never generously funded advocacy and other activities of NGOs. “We basically don’t have this, especially in the field of human rights.” Majority of funds the NGOs obtain from the foreign funders. However the funds of Ministry for Public Administration, through EU Social Fund, for advocacy activities are increasing.

<sup>17</sup> <https://monitor.civicus.org/country/slovenia/>

<sup>18</sup> <https://monitor.civicus.org/country/slovenia/>



In July 2017 the amendments to the Budget Implementation Act 2017-2018 entered into force, which increases the possible advances for annual projects of non-governmental organizations from 30% to 70%, in the case of co-financing of up to € 20,000, and in the case of projects or programs are fully implemented in one calendar year. This tackles the problem of smaller NGOs, which are now required to advance the funds, although as non-profit organizations they do not have a surplus of funds from previous years. In particular, municipalities will now be able to send advance payments up to 70% of the total contract value immediately after the signing of the co-financing agreement (taking into account the highest threshold of funding, which is still possible, that is, a maximum of 13,999.99 euros). NGOs will then be able to provide proof of the eligible use of funds after the completion of the project (and therefore not within 180 days of instalment, as was the case now), and then receive the remaining funds. These changes apply to both the state and the municipalities. Since the calls for 2017 are closed, we are expecting positive effects from this change in the coming year.<sup>19</sup>

## **2. Has there been change in legislation which is making the watch dog role for CSOs more complicated?**

There haven't been any changes in legislation that would make the watch dog role for CSOs more complicated in the past year.

According to EU MEPs whistleblowers acting in the public interest deserve adequate protection and support. At an EU Parliament plenary session in Strasbourg in late October 2017, they adopted a resolution calling for the introduction of European rules for the protection of whistle-blowers and their rights to inform citizens directly. Slovene MEP Igor Šoltes stressed that whistleblowers discover more than 40 percent of all financial fraud cases, and are therefore a very important factor implementing the right-to-know principle. He also called on the European Commission to take appropriate legislation to protect them as soon as possible – the one that can be approved by the European Parliament, thereby preventing new victims and new scandals<sup>20</sup>.

Transparency International in the report Whistleblowers in Europe: "Although Slovenia does not have a special law protecting whistleblowers, a significant part of the recently adopted anti-corruption law provides protection for employees both in the public and private sectors. Thus, Slovenia is one of the few countries in the world with a specific legal protection for both the government and employees in companies." Despite the fact that Transparency International estimates that Slovenian legislation

<sup>19</sup> <http://www.cnvos.si/article/id/15593/cid/74>

<sup>20</sup> <http://www.delo.si/svet/evropa/evropski-poslanci-za-zascito-zvizgacev-po-vsej-eu.html>

regarding the whistleblowers is at the highest level, since it gives whistleblowers specific legal protection, the situation in practice is quite different. Whistleblowing is a warning against the abuse and illegality, while preventing bad people from reaching positions. But if the media is reluctant to publish the information that the whistleblowers bring, their legal protection is ineffective.<sup>21</sup> Protection is not always a matter of protecting identity, but also for helping whistleblowers in mobbing, retaliatory measures and other embarrassments they face when disclosing, says Alma M. Sedlar<sup>22</sup>, author of the book *Whistleblowers, media and corruption* published in November 2017<sup>23</sup>. Whistleblowers risk their own security for the public interest, therefore the regulation of their protection is of key importance for the further disclosure of economic crime, tax evasion and corruption.<sup>24, 25</sup>

### **3. Have there been open threats / hostile naming by politicians or other extremists groups to watch dog NGOs?**

In late December 2016 twelve content-based NGO networks, including the platform SLOGA<sup>26</sup>, together with CNVOS (Centre for information service, co-operation and development of NGOs, national NGO umbrella network), sent a public letter to the Prime Minister Miro Cerar<sup>27</sup> regarding the statements made by Minister of Economic Zdravko Počivalšek, who publicly labelled civil society organizations and public services protecting the environment as ecoterorists<sup>28,29</sup>. We pointed out violation of government's code of ethics and to unacceptability of the use of extreme words, and urged the Prime Minister to inform the public about the Government's position on the minister's behaviour and what the Government has done in this regard. The signatories call on the Government of the Republic of Slovenia to call for the immediate termination of the use of hate speech that is not acceptable to a democratic society and is contrary to universal values and ways of behaviour and behaviour that enhance public confidence in the integrity of officials and state authorities. Media responded to the name-calling and shrinking of civil space<sup>30</sup> and NGOs were asking to whom the

<sup>21</sup> <https://www.portalplus.si/2153/zvizgaci/>

<sup>22</sup> <https://krog.sta.si/2459375/za-zvizgace-kljucna-ureditev-njihove-zascite>

<sup>23</sup> [http://www.bukla.si/?action=books&book\\_id=27486](http://www.bukla.si/?action=books&book_id=27486)

<sup>24</sup> <https://www.vecer.com/alma-sedlar-kdo-si-iskreno-zeli-uspesnega-boja-proti-korupciji-6347204>

<sup>25</sup> <https://siol.net/novice/slovenija/sedlarjeva-zascita-identitet-zvizgacev-kljucnega-pomena-za-njihovo-varnost-453000>

<sup>26</sup> <http://www.sloga-platform.org/nevladne-organizacije-ostro-proti-sovraznemu-govoru-ministra-pocivalska/>

<sup>27</sup> <http://www.sloga-platform.org/wp-content/uploads/2016/12/poziv-vladi-k-spremembi-diskurza21122016.pdf>

<sup>28</sup> <http://www.delo.si/gospodarstvo/podjetja/inovativnost-drzave-pri-izmisljanju-bedarij-je-neizmerna.html>

<sup>29</sup> <http://www.sloveniatimes.com/daily-vecer-magna-investment-hostage-to-political-games>

<sup>30</sup> <http://www.mladina.si/177739/nadlezni-ekoteroristi/>

minister - he used this term himself - is provoking: his government, an environmentally sensitive civil society or activists who are in the way of the plans he represents<sup>31</sup>. In early 2017 follow-up letter was sent with no official reply and measures taken.

“I understand the defamation of civil society, which was authorized by the minister Počivalšek as the strategy of the ministry and the government, which is preparing and has already implemented some changes in legislation, which enables the industry to carry on with environmental pollution and negative effects on human health”, stressed Erika Oblak, from Ecologist without borders<sup>32</sup>.

#### 4. Have there been media attacks on watch dogs NGOs?

Regarding the attacks on NGOs, a major case has happened in 2017, resulting in media, political, economic attack and attacks from general public towards specific NGOs and NGO sector as such – the Magna Steyr case.

In October 2017 the Ministry of the Environment and Spatial Planning has issued a building permit for a paint shop, to be built by the Austrian subsidiary of the Canadian automotive giant Magna in the municipality of Hoče-Slivnica near the city of Maribor<sup>33</sup>. The goal is to set up a comprehensive auto facility in the vicinity of Maribor airport that would supplement Magna Steyr's location near Graz in Austria.

Before obtaining the building permit, Magna Steyr managed to obtain environmental consent from the Environment Agency despite some serious reservations by environmentalists, which, however, the investor was willing to take into account. Pressure has been increasing towards environmental NGOs to refrain from challenging the environmental consent<sup>34</sup>.

In August 2017 Magna Steyr has announced it will build a rail track at its paint shop to address environmental impact concerns amid mounting tensions regarding its project<sup>35</sup>. Umanotera, one of 12 third-party participants in the environmental consent procedure, has been highlighting the impact of traffic emissions on air quality and public health and had announced it would challenge the environmental consent. The public commitment by Magna Steyr has made it change its mind, even

<sup>31</sup> <http://www.delo.si/sobotna/ali-bodo-nas-ekoteroriste-onemogocili-z-okoljsko-protiteroristicnimi-ukrepi.html>

<sup>32</sup> <http://ebm.si/zw/o/2016/ekoterorizem-neslana-sala-ali-dobro-premisljena-poteza/>

<sup>33</sup> <http://www.sloveniatimes.com/auto-giant-magna-gets-construction-permit-for-paint-shop>

<sup>34</sup> <http://www.varuh-rs.si/media-centre/work-and-news/news/detajl/ombudsman-intervenves-amid-tensions-in-magna-steyr-case/?L=6&cHash=c165cf9b9b77d5d9d9b410fc94eb56b7>

<sup>35</sup> <https://www.vecer.com/magna-se-je-zavezala-da-bo-zgradila-industrijski-tir-ze-v-prvi-fazi-6298714>

though the NGO reiterated its concerns about the investment's compatibility with a sustainable development model and the sacrificing of quality farmland for the project.<sup>36</sup>

Environmental NGO Alpe Adria Green also condemned the pressures being put on NGOs. It said that these were made by politicians<sup>37</sup>, local bigwigs, chambers of commerce, trade unions, as well as Magna itself, which threatened to move its investment to Hungary<sup>38</sup> to prevent Slovenia from enforcing the rule of law and the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters.

The environmental organization Umanotera reported the comments and threats they received on social media to the police<sup>39</sup>. "If I was bragging my colleagues in Brussels six months ago that in Slovenia we are not yet in the throes of growing populism, which, for example, is faced by our colleagues in Hungary, we have now clearly seen that we are not immune either," stressed Andrej Gnezda in September 2017<sup>40</sup>.

Gorazd Marinček, from the Slovenian E-Forum, went one step further, asking for police protection for himself and his family due to threats he received. He decided for this step following the Facebook profile "Magne ne damo", where among other things, the address of his residence, phone number was published alongside a call for physical violence<sup>41</sup>.

"The most vulnerable were threatened with death, threats to their families, some were very seriously thought to apply for police protection," dr. Dušan Plut from TRS movement commented. "Since the first half of the 1980s, I have not witnessed such a fierce attack against representatives of environmental organizations who expressed exclusively normal environmental protection requirements deriving from Slovenian legislation." The source of all the evil is according to him, the statement by the Minister of Economy labelling environmentalists as ecoterorists.<sup>42</sup>

The pressures on NGOs were so tremendous, even Human Rights Ombudsman Vlasta Nussdorfer has intervened. In September 2017 she issued a statement strongly condemning the pressure being put on NGOs and civil society for challenging the environmental approval for Magna Steyr<sup>43</sup>. The media

<sup>36</sup> <http://www.sloveniatimes.com/magna-promises-ind-rail-track-to-assuage-environmental-concerns>

<sup>37</sup> <http://www.sloveniatimes.com/magna-investment-approval-might-not-be-challenged-by-ngo>

<sup>38</sup> <http://www.sloveniatimes.com/magna-paint-shop-set-to-get-environmental-clearance>

<sup>39</sup> <https://www.dnevnik.si/1042783031>

<sup>40</sup> <http://www.mladina.si/181670/ekotriler/>

<sup>41</sup> <https://www.dnevnik.si/1042783031>

<sup>42</sup> <http://www.mladina.si/181670/ekotriler/>

<sup>43</sup> <http://www.varuh-rs.si/media-centre/work-and-news/news/detajl/ombudsman-intervenves-amid-tensions-in-magna-steyr-case/?L=6&cHash=c165cfeb9b77d5d9d9b410fc94eb56b7>

has been reporting violence, threats and attacks with the aim of influencing NGOs and environmentalists and prevent them from participating in the procedure of obtaining *environmental consent*. "This sort of behaviour is a violation of the personal integrity and dignity of the individual who was the target of these attacks. It undermines the democratic legal regime, which was founded on cooperation between all interest groups and citizens in decision-making procedures," the ombudsman's office said. It added that the right to a healthy living environment is a constitutional right and its implementation is essential for the health of individuals today and in the future. "This makes it even more important to ensure socially responsible behaviour from all those involved in the decision-making procedures related to interventions in the environment and public spaces."

The Ombudsman said that any restrictions in cooperation are unacceptable, so she expects that the competent authorities will respond to the threats and attacks made on NGOs and their members.<sup>44</sup>

The Commission for the Prevention of Corruption also reported that the current situation around the Magna project creates a number of corrupt risks: "The Commission therefore invites all participants to act as transparently and constructively as possible without any undue influence. It recognizes in particular that in the current situation the pressure on NGOs is high, as they have become a tongue on the balance between strictly defending the public interest in the field of environmental protection and, on the other hand, by creating new jobs."<sup>45</sup>

In a press release, CNVOS (Centre for information service, co-operation and development of NGOs) stressed that (poorly) hidden pressures in recent months on environmental NGOs to forget about everything they are usually taking a stand for, bow their heads, and unconditionally support the environmental consent for Magna, turned into open extortion and public prosecution, which we have not experienced in Slovenia since independence, and which very much reminds us of the current state-of-the-art attacks on civil society in neighbouring Hungary and autocratic countries of the former Soviet Union. "Everybody is involved in the orchestration - the state policy is predictably slightly more sophisticated and with persistent public repetition of the spin that environmental protection organizations will be exclusively responsible for the eventual withdrawal of Magna, the Podravje local authority with the Maribor deputy mayor Saša Pelko at the forefront, reveals the assistance of the local paper Večer frank and hostile calls and judgments about who is no longer welcome in

<sup>44</sup> <http://www.varuh-rs.si/media-centre/work-and-news/news/detajl/ombudsman-intervenves-amid-tensions-in-magna-steyr-case/?L=6&cHash=c165cf9b77d5d9d9b410fc94eb56b7>

<sup>45</sup> <https://www.zurnal24.si/slovenija/glede-magne-se-je-oglasila-tudi-kpk-295944>

Maribor and Styria and who should be banned and punished.” CNVOS strongly condemned flat-rate and unargued incitement to non-governmental organizations and strongly opposes the general (political and media) spreading of populist falsehoods that do not merely show the elementary misunderstanding of the process of obtaining environmental consent, the role of complaints in it and the statutory place of environmental NGOs in that, but are at the same time simply misleading and false<sup>46</sup>.

In mid-September 2017 business paper Finance posted a question in its commentary if bureaucracy will be more effective after Magna case. It is not wrong that Magna Steyr was given all permits and consents for its planned paint shop near Maribor so fast, it is very wrong that all others need to wait two years on average to get all permits.<sup>47</sup> “When Magna was threatening to leave, it was wrong to put pressure on environmental NGOs. Instead, people should have been appalled with the slow and ineffective bureaucratic apparatus”, paper stressed.

Environmental organizations will need a long time to recover from the pressure and loss of faith in their legitimate position in society. The public, which is usually quite easy to convince with the arguments about environmental protection, this time, with a lot of media support, turned to the other side, paper Mladina noted. “In fact, this is a complete victory of corporate capital, which first forced its own legislative procedure, and then with unbelievable pressure organized a consensus in which the opposition became a hostile act,” the situation analysed the environmental philosopher dr. Luka Omladič. “We can’t condemn environmental NGOs that they have withdrawn from this unbearable pressure. However, we can conclude that every green political force has completely given up, if it still exists in Slovenia. Non-governmental organizations, along with a symbolic lynch, were left alone, completely without political support.”<sup>48</sup>

##### **5. Have there been physical attacks on watch dog NGOs or activists? How the state has reacted?**

There were no physical attacks on watch dog NGOs or activists in the past year.

##### **6. How you estimate the influence of watch dog NGOs to government policies? Does government (or some parts of the government) takes criticism from NGOs to**

<sup>46</sup> <http://www.cnvos.si/article/id/15673/cid/74>

<sup>47</sup> <http://www.sloveniatimes.com/will-bureaucracy-be-more-effective-after-magna-case>

<sup>48</sup> <http://www.mladina.si/181901/javnomnenjski-kirurgi/>

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**improve their policies? Are there formal mechanisms developed by the government to include NGOs in policy process (formal consultations, expert groups, public discussions)**

Not assessed.

**7. Have there been bans of public demonstrations organized by NGOs?**

There were no bans of public demonstrations organized by NGOs in recent year.

**8. Are LGBT, gender, refugee related NGOs specially threatened (from political, financial or any other perspective)?**

While the law prohibits discrimination based on sexual orientation, societal discrimination is present. According to a 2014 survey, almost 50 percent of gay and lesbian respondents reported experiencing homophobic violence at least once in a lifetime. The law considers crimes against LGBTI persons to be hate crimes and prohibits incitement to hatred based on sexual orientation. In 2015, two LGBT rights NGOs conducted a survey on the needs of transgender persons in the country. The results indicated that 48 percent of respondents experienced discrimination on a daily basis due to their sexual identity. According to an NGO specializing in LGBTI rights, 49 percent of LGBTI individuals had at least once experienced violence or discrimination based on their sexual orientation; approximately 44 percent of these experienced violence or bullying in schools.<sup>49</sup>

Some 1,500 joined in the 17th annual **Pride Parade** through the streets of Ljubljana in June 2017 to call for an end to discrimination against LGBTIQ+ persons and dignity for all. In her address to the event, Pride Parade association president Simona Muršec said this year's festival sought to get beneath the seeming comfort and social achievements. By bringing into focus intersex people, remembrance for victims of fascism, peer violence at schools, homophobic regimes and the institutions' ignorance of the needs of the weakest, the festival has penetrated to the very pores of a social system that condones and legalises discrimination, she said. The Pride Parade is according to her a warning of lingering discrimination in Slovenia's society but also an opportunity to demand change and equality for everyone. Their message is that there is no excuse for failure to legally recognise transgender persons, for allowing referenda on human rights and for jeopardising the health of transgender and

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<sup>49</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265474>

intersex people.<sup>50</sup> The crowd was also greeted by the head of the European Commission Representation in Slovenia Zoran Stančič, National Assembly Speaker Milan Brglez, Ljubljana's Deputy Mayor Aleš Čerin. The first pride parade was held in Ljubljana in 2001 as a reaction to the refusal of a Ljubljana bar to let a gay activist enter.

At the beginning of February 2017, the Ministry of the Interior sent a letter to all administrative units in the Republic of Slovenia asking the latter to take into account the Ministry of Health's response, in which it was stated that the certificate of the competent doctor or competent medical institutions, "which shows that the identity of a male sex is confirmed in the female person, or vice versa, or the assurance that the individual has changed sex on the basis of medical treatment is not equivalent to the certificate that the person has changed sex as required by the legislation." TransAction Institute pointed out the requirement to certify that a person has changed the biological gender is a violation of Article 8 of the European Convention, which speaks of respect for the right to private life. The letter from the Ministry contradicts Article 35 of the Constitution of the Republic of Slovenia, which states that the inviolability of human physical and mental integrity, its privacy and personality rights is ensured.<sup>51</sup>

An increase in hate speech against migrants, refugees and members of Islamic religion since the beginning of the refugee crisis was also observed at the registration point for the reporting of illegal Internet content Spletno oko. Of the allegedly illegal cases of hate speech, last year, 52 percent were those where the speech was directed against the mentioned social groups. Because of the frequent expression of prejudices and insults to minorities in the public and the still widespread expression of violent hostile speech on web portals and social networks, it may seem that the public itself does not see any problems in these phenomena. That is not accurate, answers to questionnaire from the Faculty of Social Sciences indicate. As many as 90 percent of the respondents answered they find the hostile speech on the Internet disturbing.<sup>52</sup>

<sup>50</sup> <http://www.sloveniatimes.com/pride-parade-demands-dignity-for-everyone>

<sup>51</sup> <http://www.mladina.si/179723/zahteva-po-potrdilu-da-je-oseba-spremenila-bioloski-spol-je-krsitev-pravice-do-zasebnosti/>

<sup>52</sup> <https://www.arnes.si/sovrazni-govor-na-internetu-v-sloveniji/>



## Media

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Reports of political pressures on the media continued. In the recent interview Manica Janežič Ambrožič, an acknowledged journalist, editor and presenter of news at Slovene national Television - RTV Slovenia, stressed Slovenia has a small and delicate media landscape that is constantly under pressure. “They come from different stakeholders. The problem is because we are small, we know one another, in one way or another, and we are connected. Unfortunately, some decisions are not affected by the importance of a topic, but its background. Also problematic is the fact that separation of Slovenian society is also reflected in the media. It is sad that viewers, readers, media listeners are perceived as "ours" and "theirs". I wonder whether we, journalists, are doing enough to overcome these differences. I see the role of the national public media in helping to bridge this divisiveness. And this enables responsible and quality journalistic work. This is necessary. We are turning around in a vicious circle. And therefore, as a society, we are not making progress. In our media space, however, the presence of hostile speech on all sides is also alarming. And becoming immune to it and being too tolerant.”<sup>53</sup>

According to the human rights report by the US State Department published in March 2017<sup>54</sup> The Slovenian Association of Journalists and media analysts observed that standards of journalistic integrity suffered because of economic pressure; nonstandard forms of employment, such as freelance or student status; and reduced protections for journalists, leading some to practice self-censorship in order to maintain steady employment. Journalists noted efforts to investigate and publish stories about local corruption cases was particularly challenging because of economic and political pressure. Dr. Marko Milosavljević, an associate professor at the Faculty of Social Sciences, an expert in the field of journalism, new media and regulation, and a consultant to the European Commission in the field of culture and audio-visual media also similarly outlined the situation in one of the interviews<sup>55</sup>.

<sup>53</sup> <https://www.vecer.com/manica-obzaluje-da-se-je-po-pogrebu-tako-hitro-vrnila-v-sluzbo-6367292>

<sup>54</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265474>

<sup>55</sup> <http://www.spehnakruhu.com/academia/marko-milosavljevic>

In July 2017 The United Group, which is owned by the Kohlberg Kravis Roberts (KKR) investment fund and the European Bank for Reconstruction and Development (EBRD), has acquired the media portfolio of the Central European Media Enterprises (CME) in Slovenia and Croatia, which includes Slovenian commercial POP TV. Media expert and professor at the Ljubljana Faculty of Social Sciences Marko Milosavljević commented on the deal, saying that the connection between the United Group and Pro Plus was probably the biggest and most important merger of the kind in the Slovenian media space since independence. According to him market regulators will have a tough job in examining the impact of the deal on several markets." Such a corporation, such a conglomerate can influence the advertising market, subscribers and providers on at least ten relevant markets," Milosavljević assessed, adding that the case required a detailed analysis because of its complexity<sup>56</sup>.

In October 2017 United Group, a US media conglomerate, has received the green light from the Culture Ministry to take over Pro Plus, the operator of the largest commercial TV channels in the country, POP TV and Kanal A. Culture Ministry declared it is not competent to decide on the motion since Pro Plus is not entered in the media register as the publisher of a TV programme, rendering formal approval unnecessary. Newspaper Delo reported the decision is unusual since the media act clearly defines associated persons, a definition that makes it clear Pro Plus, POP TV and Kanal A are associated persons. The ministry told the paper it did not have a legal basis to expand the decision to associated persons. The takeover is seen as problematic in terms of competition, as it would give United Group control of a huge slice of Slovenian media<sup>57</sup>. The Association of Journalists has also expressed concern and urged the regulators to carefully weigh up all the dimensions of the proposed tie-up. The Competition Protection Office will now weigh in as well<sup>58</sup>.

The biggest opposition party held a congress in May 2017, which featured an address by Hungary's Viktor Orban at Janez Janša's invitation, the re-elected leader of the Democrats (SDS) since 1993<sup>59</sup>. In July 2017 Hungarian media companies linked to Hungarian Prime Minister Viktor Orban and his Fidesz party bought the company that issues Democracy (Demokracija), the party's SDS newspaper,

<sup>56</sup> <http://www.sloveniatimes.com/pop-tv-operator-acquired-by-united-group>

<sup>57</sup> <https://siol.net/posel-danes/novice/kaj-prodaja-pop-tv-in-kanal-a-pomeni-za-slovenski-trg-444835>

<sup>58</sup> <https://www.rtvsllo.si/gospodarstvo/padla-se-ena-ovira-za-prevzem-pop-tv-in-kanala-a/434548>

<sup>59</sup> <http://www.sloveniatimes.com/sds-expected-to-re-elect-jansa-as-president-orban-among-guests>

after they have already taken over the majority stake in the Nova24TV project earlier this year.<sup>60, 61,</sup>

<sup>62</sup> They invested 1.43 million euros. Some media are critical of the deal and are questioning Orban's real motives for investing in Slovenian media<sup>63</sup>. In September 2017 a news tabloid called Škandal24 (Scandal24) was issued for the first time. Newspaper Večer published a response from Igor Vobič of the Department of Journalism at the Ljubljana Faculty of Social Sciences. According to him in the last 25 years in Slovenia, political circles and political parties have been hiding their influence on the media, although they have been constantly pursuing it through various mechanisms through media owners, advertising and the drafting of legislation, and tried to co-create, through the narrowed autonomy of journalistic editorial offices, in accordance with their own narrow interests, what journalists should write about and how. "The tabloid weekly Škandal24 together with the Nova24TV television with its open party ownership and the unclear composition of the editorial office represents a new stage in the subordination of journalism as a public responsibility activity, as evolved in the century after the fall of the political press. This new element of Slovene media normality is, in the long run, degrading the credibility of the media and professional journalism, and through the flows of social networks deepening confusion in modern communication, which is significantly defined by the permeable dividing line between truth and lie."<sup>64</sup>

In October 2017 journalist guild expressed solidarity with colleagues of Catalan public television, TV3, public radio and the news agency, to which the Spanish government threatened with the deprivation of independence.<sup>65</sup>

For the third year in a row, Politico Europe has published a list of twenty eight personalities that have already proven their work in the past, but will also significantly mark the coming year. Among the most influential personalities for 2018, Delo's journalist Anuška Delić was ranked sixth. She got recognized with the project titled "The MEPs Project", which draws attention, among other things, to the lack of control over the payment of "pocket money" to EU members<sup>66</sup>.

<sup>60</sup> <https://siol.net/posel-danes/novice/strankarsko-glasilo-sds-v-roke-madzarskega-tabloida-445381>

<sup>61</sup> <https://www.vecer.com/demokracija-nova24tv-in-skandal24-jansevi-stali-in-obstali-z-orbanom-6305092?comments=newest>

<sup>62</sup> <https://www.dnevnik.si/1042778773>

<sup>63</sup> <http://www.mladina.si/181293/sds-v-orbanovem-objemu/>

<sup>64</sup> <https://www.vecer.com/demokracija-nova24tv-in-skandal24-jansevi-stali-in-obstali-z-orbanom-6305092?comments=newest>

<sup>65</sup> <https://www.vecer.com/slovenski-novinarji-solidarno-s-katalonskimi-kolegi-6335218>

<sup>66</sup> <http://www.delo.si/svet/evropa/med-najvplivnejšimi-tudi-anuska-delic.html>

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.<sup>67</sup>

## **6. Has there been reduction of state/local government funding to independent media?**

State companies are trying to hinder the public in various ways, also by charging undue costs. In February 2017, the SDH - Slovenian State Holding Company asked the journalist to pay legal fees. According to the law on access to information of public character SDH, the newspaper Delo demanded access to certain contracts. Holding rejected the request, Delo complained to the Commissioner and the appeal was granted. She ordered the SDH that the matter should be re-decided and that, among other things, it should include all the participants in the procedure (co-signatories of the contracts) and allow them to protect their rights. SDH did this and again rejected Delo's request, while they ordered the journalist to pay EUR 342 for the costs of lawyers' services. Since the law only provides for the charging of material costs (for example, for copying ...), it is an attempt to transfer costs to the applicant of public information, which can mean financial pressure, which will discourage journalists from obtaining information. The Slovene Association of Journalists also stated the payment of lawyers' fees charged by the SDH to the applicant's request for information has no grounded legal basis, since there are no material costs in the game. "This leads to a well-grounded conclusion that it is in fact only a (financial) form of pressure on journalistic work while researching into specific topics, thus trying to directly restrict journalistic activity and indirectly influencing on further decision-making while reporting on the topics", said the Association President Petra Lesjak Tušek<sup>68</sup>.

## **7. Has there been change in legislation which is making the independent media role more complicated?**

In January 2017 parliament adopted changes to the law that continued a quota requirement for Slovenian music on the radio<sup>69</sup>. The amended law requires that a majority of the quota be filled during daytime hours, with a quarter of it dedicated to music less than two years old. Private radio station owners were critical of the changes.

<sup>67</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265474>

<sup>68</sup> <http://www.delo.si/novice/slovenija/sdh-financno-pritiska-na-novinarko-dela.html>

<sup>69</sup> <http://www.spehnakruhu.com/academia/marko-milosavljevic>

## 8. Have there been legal charges against journalists due to the critical articles published by them?

The president of the football club Olimpija Milan Mandarić is suing the journalist of the only Slovenian sports journal Ekipa SN, which they see as one of the attempts to censure the freedom of the press and expression. President Olimpija decided to sue the journalist personally for something he did as a work obligation. Mandarić from the journalist of the SN Team in addition to the usual things (corrections, publication of apologies in the newspaper and on the web) also requires financial compensation for the mental pain that he experienced due to the defamation of good name and honour<sup>70</sup>.

In December 2017 a court process against RTV's journalist Vesna Zadavec sued by businessman Stojan Petrič has begun. The cause of the lawsuit is the television news that was released more than a year ago, in March 2016<sup>71</sup>.

In December 2017 a court trial against the publicist Igor Kršinar and photographer Primož Lavre began in the district court, about their writing in the Reporter about the former leader of the (communist) State Security Administration or UDBA, Janez Zemljarič. Zemljarič is suing the journalist for defamation, as he is supposed to encroach upon his honour and good name. In his defence, Kršinar insisted that the records were objectively verifiable facts<sup>72</sup>. Kršinar said in an interview with Radio Ognjišče that such pressures do not affect him in the sense that he would fear to write about these topics in the future, but even encourage him to explore the operation of the former UDBA. Kršinar was also supported by the president of the Association of Journalists and Publicists Tino Mamić, which marks the trial as an absurd situation as it is a restriction of the constitutionally protected media freedom<sup>73</sup>.

Lawyer dr. Rok Lampe requires a good 20.000 euros compensation for violation of the constitutionally guaranteed right to privacy and for the suffering of mental pain from the newspaper

<sup>70</sup> <http://ekipa.svet24.si/clanek/nogomet/prva-liga/5939022f76627/mandariceva-tozba-proti-novinarju-ekipe-sn-razlog-vsebina-zahteve-pricakovanja-in-nas-jasen-odgovor>

<sup>71</sup> <http://www.delo.si/novice/kronika/petric-zahteva-opravico-novinarke.html>

<sup>72</sup> <https://www.primorske.si/2017/12/04/krsinar-na-sodiscu-vztrajal-da-gre-pri-trditvah-o>

<sup>73</sup> <http://radio.ognjisce.si/sl/197/aktualno/25801/>

Dnevnik. He claims that Dnevnik keeps two articles containing information allegedly interfering with his privacy on websites longer as permitted by the law on the protection of personal data<sup>74</sup>.

## 9. Have there been open threats / hostile naming by politicians or extremists groups to independent journalists?

Igor Pirkovič resigned from the post of editor of *Tednik* on RTV Slovenia as he says, because of unbearable pressures after he made an interview with Croatian singer Marko Perković Thompson<sup>75</sup> following the ban of his concert in Maribor. Some journalist colleagues<sup>76</sup>, the Guardian of the rights of the spectator at RTV Slovenia<sup>77</sup>, and the RTVS Program Council considered the conversation to be incorrect, biased and non-credible. General director of RTVS was "surprised" with the interview (and also wanted some other editors to resign<sup>78</sup>)<sup>79</sup>. Pirkovič says that he would record the same conversation once again<sup>80</sup>, as it is not biased and he did not do anything wrong. He has only concerns about people around him who suffer from these pressures. He is still working in RTV Slovenia. Some media (*Domovina*<sup>81</sup>, *Nova24TV.si*<sup>82</sup>, *Demokracija*<sup>83</sup> ...) see his resignation as a result of political pressures on a journalist, stating he was the only one who wanted to present Thompson non-biasedly<sup>84</sup>.

In January 2017 Domen M. Čampa Marinč, public relations officer in the municipality of Ribnica, coincided with the press release of the local newspaper *Rešeto*, replacing the reader's letter and the

<sup>74</sup> <https://www.dnevnik.si/1042794262>

<sup>75</sup> <http://4d.rtv slo.si/arhiv/tednik/174471597>

<sup>76</sup> <http://www.mladina.si/180170/o-nekriticnem-pogledu-na-thompsona/>

<sup>77</sup> <http://www.mladina.si/180148/notranja-razprava-o-prispevku-o-thompsonu-na-tv-slovenija-bi-bila-nujna/>

<sup>78</sup> <http://www.mladina.si/180603/pirkovic-ni-dovolj/>

<sup>79</sup> <https://siol.net/novice/slovenija/zaradi-thompsona-odstopljeni-pirkovic-prispevek-je-bil-korekten-hoteli-so-mojoglavo-442489>

<sup>80</sup> <https://siol.net/novice/slovenija/zaradi-thompsona-odstopljeni-pirkovic-prispevek-je-bil-korekten-hoteli-so-mojoglavo-442489>

<sup>81</sup> <https://www.domovina.je/intervju-s-thompsonom-odnesel-urednika-tednika-igorja-pirkovica-se-en-politici-poseg-v-rtv/>

<sup>82</sup> <http://nova24tv.si/slovenija/politici-pritiski-na-televiziji-slovenija-so-bili-prehudi-urednik-tednika-igor-pirkovic-je-zaradi-prispevka-o-thompsonu-odstopil/>

<sup>83</sup> <http://www.demokracija.si/fokus/igor-pirkovic-pojasnjuje-pac-pa-je-odstopil-zaradi-zelo-hudih-pritiskov.html>

<sup>84</sup> <http://nova24tv.si/slovenija/politici-pritiski-na-televiziji-slovenija-so-bili-prehudi-urednik-tednika-igor-pirkovic-je-zaradi-prispevka-o-thompsonu-odstopil/>

editor's comment with an invitation for a carnival procession. Since this is an interference with the editorial autonomy and independence of the newspaper, editor Tina Mihelič resigned.<sup>85</sup>

In March 2017, Television Slovenia refused an ad for the Reporter magazine, saying that the content of the 15 seconds ad was inappropriate for airing. As a result, they decided not to broadcast it. Although it was the trailer of the new issue of the magazine, the TV Slovenia Marketing Service listed four elements, which allegedly violated the professional criteria and principles of journalistic ethics.<sup>86</sup> On the other hand, almost the same ad was regularly rotated on two national radio programs.<sup>87</sup>

In May 2017 at the rally of Odbor 2014 in front of the Supreme Court in Ljubljana, the opponent physically attacked a journalist of Demokracija Petra Janša<sup>88</sup>. The journalist wanted to photograph the opponents of the event, one of whom grabbed her hand and injured her. Four police officers present at the scene allegedly did not intervene in the act, which the police leadership denies. The attack was condemned by all associations of journalists. The Slovene Association of Journalists again pointed out that the journalists are in an already overheated and impatient social climate on a daily basis increasingly subjected to pressures in the form of slander and insults, and occasionally also attacks, which is inadmissible.<sup>89</sup>

In August 2017, Radio and television Slovenia refused to publish and air an ad for the Reporter magazine again. Reporter claims the violated the contract by refusing to air the ad in its original form and that decision was brought by RTV's editors because the magazine include the article about Eugenija Carl, one of RTV's journalists<sup>90</sup>.

Late August 2017 in the case of the RTV Slovenia journalist Mojca Šetinc Pašek, the local court in Velenje also rejected the proposal of SDS President Janez Janša. It is a matter in which he has to pay damages of 6000 euros for offensive tweet<sup>91</sup>. Similarly, the court ruled in July in the case of her

<sup>85</sup> <http://www.delo.si/novice/slovenija/grobo-vmesavanje-politike-v-lokalni-casopis.html>

<sup>86</sup> <https://vezjak.com/2017/03/20/reporter-in-cenzura-napovednika-na-tv-slovenija/>

<sup>87</sup> <http://novice.svet24.si/clanek/novice/slovenija/58c7e162bb7cd/video-na-tv-slovenija-zavrnili-oglas-za-novo-stevilko-revije-reporter>

<sup>88</sup> <https://www.dnevnik.si/tag/Petra%20Jan%C5%A1a>

<sup>89</sup> <http://novice.svet24.si/clanek/novice/slovenija/5915c68cd4e66/obsodbe-napada-na-novinarko-petro-jansa>

<sup>90</sup> <http://reporter.si/clanek/slovenija/spet-cenzura-reporterja-na-rtv-kaj-skusajo-prikriti-o-novinarki-rtv-eugeniji-carl-531104>

<sup>91</sup> <https://www.vecer.com/sodisce-tudi-v-primeru-novinarke-setinc-paskove-zavrnilo-jansev-predlog-6297040>

journalist colleague, Eugenija Carl<sup>92</sup>. Both journalists filed criminal charges against Janša as well. At pre-trial hearings in criminal cases at the Celje District Court in April 2017, Janša did not confess guilt over the controversial tweet: "On some FB profile of public house cheap services from discarded prostitutes Eugenija C and Mojca PŠ are offered. One for 30 euros, the other for 35 euros. #PimpMilan."<sup>93</sup> While reporting from court Janša again tweeted labelling the process as "A holiday of journalistic prostitution".<sup>94, 95</sup> Janša has in the past labelled many media houses as brothels and journalists (especially women) as prostitutes<sup>96</sup>.

In late November 2017, the Slovenian Journalists' Association reported that it was paying close attention to the attempts of discreditation of the weekly newspaper Mladina<sup>97</sup> by the Investigative Commission of the National Assembly for the determination of the political responsibility of holders of public office, which were taking part in the preparation and implementation of the procurement procedure in the field of procurement of vascular stents. Association saw the matter as an abuse of the Commission's competence in order to exert pressure on the Mladina's publisher and journalists, which they regarded as a deterrent to journalists' pressures as an inadmissible pressure on freedom of speech. If the Commission of Inquiry continues to exert pressure on Mladina, the Association of Journalists of Slovenia will inform international journalistic associations on the matter", they added.<sup>98</sup>

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At the end of November, the Slovene Association of Journalists awarded this year's watchdog journalist award. The Association of Journalists and Publicists was not impressed by the winners, because they believe that the prize is expected to be collected exclusively by journalists of regime media, loyal to left political option. They claim that there are no "real" journalists among them, rather just regime "scribblers for hire". They labelled this year's recipients of the debut awards for achievements of young journalists as the regime recruits<sup>100</sup>.

<sup>92</sup> <http://www.mladina.si/181054/jansa-izgubil-se-eno-sodno-bitko-proti-novinarki/>

<sup>93</sup> <https://www.zurnal24.si/slovenija/sodisce-janezu-jansi-ni-ugodilo-293836>

<sup>94</sup> <https://www.dnevnik.si/1042768861>

<sup>95</sup> <http://reporter.si/clanek/slovenija/jansa-o-novinarskem-porocanju-s-sodisca-praznik-medijske-prostitucije-507081>

<sup>96</sup> <http://www.mladina.si/173301/medijska-prostitucija-jagodni-izbor/>

<sup>97</sup> <http://novinar.com/10665>

<sup>98</sup> <https://www.dnevnik.si/1042793036>

<sup>99</sup> <http://www.mladina.si/183030/drustvo-novinarjev-obsoja-politichni-pritisk-na-mladino/>

<sup>100</sup> <http://nova24tv.si/slovenija/poglejte-kako-so-si-rezimski-mediji-med-seboj-razdelili-medalje-za-novinarske-dosezke-drustvo-novinarjev-slovenije-nagradilo-dnevnik-pop-tv-rtv-kaj-pa-nova24tv/>



In December 2017 the Ljubljana District Court prohibited Reporter Media from publishing information from the private life of the Login family, who became known to the public through the development and sale of company Outfit7, making them the richest Slovenians<sup>101</sup>. Reporter's editor Silvester Šurla said that they wanted to devote the next edition of Reporter Magazine, issued several times a year, to Login family. The day before the sale of the magazine should began, the court issued an interim injunction, and the court threatened them with a fine of 100 000 euros, which, if actions repeated, would rise to one million euros. The judge decided on the prohibition although the article had not yet been issued. Such an order was issued by the Court solely on the basis of the words of Login's, which did not see the article either<sup>102</sup>. The Court even wrote in the explanation that the authenticity of the Login's notifications was not verified. Dr. Marko Milosavljević from the Faculty of Social Sciences stressed this is also a question of Slovenian case-law, he does not recall the case that an article was already defined as so controversial on the basis of sent questions that it required a ban. It is certainly difficult to precisely conclude on the content of the article if it is still in preparation and the opposite party or judge has not even seen it and concluded only on the basis of the journalistic questions posed to the actors of that story, he added<sup>103</sup>. Association of Journalists and Publicists expressed their indignation over the court's extensive intervention. According to them, the judge, set a standard that, after 27 years since the first democratic elections in Slovenia, has again abolished freedom of expression. "She spit on article 39 of the Constitution, which ensures this freedom, which is also a part of the freedom of the press," they wrote and added that they did not remember such a serious interference in this constitutional right for 30 years.

In an interview for this report Brankica Petković from Peace Institute stressed women are particularly subjected to pressure and slander, especially on social media. Women journalists are subjected to various forms of name-calling, indirect threats, slandering and male chauvinism. Due to various pressures a lot of journalists are forced to change careers.

Jelena Aščić renowned RTV journalist and editor has stated on numerous occasions she regularly receives angry calls and threats by companies and individuals she is reporting on of misconduct to

<sup>101</sup> <https://www.rtvsllo.si/gospodarstvo/reporterju-je-sodisce-prepovedalo-pisanje-o-zakoncih-login/440264>

<sup>102</sup> <http://nova24tv.si/slovenija/politika/skandal-okrajna-sodnica-grobo-posegla-v-novinarsko-svobodo-revije-reporter-zaradi-zakoncev-login-ob-dogodku-zgrozeni-tudi-v-zdruzenu-novinarjev-in-publicistov/>

<sup>103</sup> <http://reporter.si/clanek/slovenija/profesor-novinarstva-o-aferi-login-o-biografijah-uspesnih-poslovnezev-se-v-svetu-redno-poroca-611291>

migrant workers. She is also using her Facebook profile<sup>104</sup> to expose threats she receives via e-mail, SMS or Facebook messages.

#### **10. Have there been cases of closure of some independent media? From which reason?**

There has not been any closure of independent media in the past year.

### **Art**

#### **1. Has there been ban of street performances or any other related cultural event? On which grounds?**

The photo exhibition War and WWW - Kurds in Syria and social networks organized by curators Jan Babnik, Iza Pevec and Uroš Abram as part of the events dedicated to Lev Nikolajevič Tolstoy in Cankarjev dom was held at the Maribor Gallery EPEKA in early May 2017. However, it was withdrawn one week after its opening. Jan Babnik, editor of Photography magazine, defines the withdrawal of the exhibition as "apparent censorship by the Turkish embassy and an unacceptable subjection to Turkey's pressure by the leadership of the non-governmental organization EPEKA"<sup>105</sup>. The Embassy of the Republic of Turkey in Slovenia claimed that the symbols and pictures of the PKK terrorist organization - photographs of Abdullah Öcalan, the flag and other symbols were displayed. The PKK is included in the international list of terrorist organizations recognized by the European Union. The authors claimed the non-response to the events of the Slovenian authorities was due to the strategic EU – Turkey agreement, preventing the refugees to reach Europe.<sup>106</sup> Censorship of the exhibition has also been echoed in the Kurdish media.

The Administrative office of Maribor followed the proposal of the Maribor Police Directorate in connection with the performance of Marko Perkovič Thompson's concert in Maribor and the event was banned, as the concert with the intention of imposing and executing criminal acts could be attended by his radical followers.<sup>107</sup> With this decision, Slovenia has joined the European countries (Austria, Switzerland, Germany, Croatia, etc.) that have already banned Thompson's concert. The

<sup>104</sup> <https://www.facebook.com/jelena.ascic>

<sup>105</sup> <http://www.mladina.si/180410/cenzura-v-mariboru/>

<sup>106</sup> <https://www.vecer.com/mehka-moc-trdih-sil-6271893>

<sup>107</sup> <https://siol.net/novice/slovenija/mariborski-policisti-za-prepoved-thompsonovega-koncerta-441383>

organizer appealed to the Constitutional Court<sup>108</sup>, which will decide on the matter as a matter of priority. The Ministry of the Interior, which represents the state in the procedure, claims it can prohibit events, since they are not about the implementation of human rights. Experts do not agree with that position.<sup>109</sup> If the court decides that the ban of the concert of the Croatian singer Thompson was illegal, the state will have to pay compensation to the organizer, the musician and the purchasers of tickets.

**2. Has there been public naming of independent artists by politicians or extremist groups?**

No.

**3. Have there been physical attacks on independent artists? How the state has reacted?**

No.

**4. Has the funding for independent art been reduced?**

At the press conference in February 2017, Asociacija, the association of non-governmental organizations and independent creators in the field of culture and art, presented an analysis of the state of culture in the field of non-governmental organizations and self-employed<sup>110</sup>. Although this year the indicators are not encouraging, they find that, despite the difficult conditions, the sector still provides quality public interest in culture.

In analysing the state of the culture in Slovenia<sup>111</sup>, the Asociacija used the latest available data from 2015. The gap between the movement of the general budget of this year (which grew by more than 3%) and the budget for culture (which fell by a good percentage in the same year) continues. The cultural sector thus records the largest cut after 2012.

NGOs in culture were already on the line in 2012 (25 % cut) and 2014 (15 % cut), so that they raise the balance in 2015 only to the previous level. The Ministry of Culture devotes only about 4.5 million euros to the NGO creativity. Of this, 1.66 million euro is spent on programs and projects of NGOs in the field of music. 1.54 million euro is for staging arts, visual ones receive a good million, and intermedia half a million euros.

<sup>108</sup> <https://siol.net/novice/slovenija/prepoved-thompsonovega-koncerta-ze-na-ustavnem-sodiscu-446897?image=1>

<sup>109</sup> <https://siol.net/novice/slovenija/pravniki-o-zadevi-thompson-drzava-ljudem-zanika-osnovne-pravice-445465>

<sup>110</sup> <http://www.asociacija.si/si/2017/02/06/po-novinarski-konferenci-analiza-kulture/>

<sup>111</sup> <http://www.asociacija.si/si/2017/02/06/po-novinarski-konferenci-analiza-kulture/>

The share of the budget for culture in municipalities in 2014 was 9.97%, and in 2015 it fell to 6.66%. Although it is not possible to closely follow the scrutiny for NGOs from the available data, it is estimated that it has decreased from 1.4% to 0.87%. The proportion of funds is therefore halved. This is particularly worrying when the budgets of municipalities have been increased. The centralization of funds allocated by the Ministry of Culture to culture declined by 2007 and then stagnated by 2010, when we notice an increase in the centralization of funds for culture, which is again at the level of year 2002.

NGOs do not rely solely on revenues from state and municipal budgets, as they are very successful in obtaining European projects. According to CED Slovenia data, in 2015, 62 projects by 37 applicants were successful, and the assets acquired rose significantly from 2 million in 2014 to 2.9 million euros a year later.

Slovenia has two most important forms of tax relief for private investment in culture: tax relief on corporate income tax (0.3% for all charity organizations and an additional 0.2% for culture and humanitarian organizations only) and income tax donations.

Since 2009, we have seen a decline in the collected funds for corporate income tax. For income tax donation (0.5% for NGOs), 416 067 (27.5%) taxpayers decided in 2015. Of the 4,814 recipients, 370 are from culture (7%). Culture therefore collected 174,514 euros (or 14 271 donations).

At the end of November 2017, the Municipality of Ljubljana decided to sell Hostel Celica at the auction price of 2.34 million euros. The decision is strongly opposed by the authors of the project and the organizers of the program in it. As the head of the cultural program at the hostel Janko Rožič explained, the building of the former military prison, which has been a hostel for 14 years, has put Ljubljana on a global map of youth and cultural tourism. It was awarded with numerous top domestic and foreign prizes, and last year it was ranked among the top ten most prestigious hostels in Europe. Rožič emphasized that the change in the ownership of a building that operates in the public interest to private ownership is inherently problematic. Due to operating in the public interest, a vision and an artistic concept were created, and many valuable works of art were donated to the hostel. With selling it is not just a change of ownership, says Rožič. From the announcement on the tender it is clear that Hostel Celica is auctioned only as a real estate, business premises without equipment. The

separation of the building from the multi-layered content means that Celica as a global tourist attraction combining a modern hostel, cultural centre and museum is endangered<sup>112.113.114.115</sup>

The Society of Political Prisoners and Other Victims of the Communist Regime wrote in a press release that they also strongly opposed the planned sale of Hostel Celica<sup>116</sup>. In their opinion, this is an unacceptable attitude of MOL to history. Selling a hostel to anyone, which would only follow the logic of profit, would be a very likely destruction of this precious memory of the victims of absolutist and totalitarian regimes.

Ljubljana's Mayor Zoran Jankovič says that regardless of the ownership of the building, hostel activity will remain and the facility will be protected. He challenged the opponents of sales to buy the hostel by themselves.<sup>117</sup> At the first auction in the middle of December there was no buyer.

## **5. Has any new legislation been introduced which makes independent artist more difficult to work?**

The Ministry of Culture has begun renovating the existing cultural model. Asociacija estimates that for now the starting points are generic and merely identify the situation on the ground. In the part where materials describe NGOs and self-employed, for now, there are many superficial findings. The key starting points are the establishment of the Agency for the Arts and reforming of the Slovenian Cultural Chamber.

As far as the agency Asociacija is concerned, it is not possible, as long as there are no serious studies carried out, and a professional consultation is carried out to introduce this institution, which will completely change cultural relations. We only know that some of the domestic examples of agencies are far from expectations being fulfilled and are merely an example of bad practice. They expect the proposers of the agency will provide a serious study of this type of regulation.

<sup>112</sup> <https://www.rtv slo.si/lokalne-novice/v-hostlu-celica-ostro-nasprotujejo-njegovi-prodaji/439289>

<sup>113</sup> <http://www.delo.si/novice/ljubljana/hostel-celica-mora-ostati-v-javni-lasti.html>

<sup>114</sup> <https://radiostudent.si/politika/n-euro-moment/prodaja-celice-bo-za%C4%8Detek-konca-metelkove>

<sup>115</sup> <https://www.dnevnik.si/1042793104>

<sup>116</sup> <http://celicamestu.si/post/336060/izjava-clani-drustva-politcnih-zapornikov-in-drugih-zrtev-komunisticnega-rezima-smo-proti-odprodaji-celice-in-muzeja>

<sup>117</sup> <https://siol.net/novice/slovenija/mol-prodaja-nepremicnine-ne-matelkovi-454496>

Asociacija agrees with the Ministry of Culture in their finding that the Cultural Chamber of Slovenia does not work. Years ago, Asociacija proposed its restructuring to the Institute for the Research and Monitoring of Cultural Policies. They still insist on this, because they believe that the proposal of the ministry is in the direction of organizing the chamber according to the model of the Medical and Bar Chamber. This proposal is again condemned to failure, because art does not and cannot have its own professional code of practice, on the basis of which it would be organized.

Asociacija believes that it is crucial that the new cultural model recognizes NGOs and the self-employed as an equal part of the artistic and cultural production to public sector. Therefore, a new approach in cultural policy must give them stable funding. They also expect a serious reflection on the self-employed, as they believe that the Ministry of Culture's claims written up to date are unacceptable. Above all, they expect that the new cultural model will recognize the already written ideas, especially those that emerged in the dialogue with the profession in the framework of NGOs and self-employed dialogue groups<sup>118</sup>.

#### **6. To what extent “moral – national proud” arguments were used against the artists?**

Not assessed.

### **Judiciary**

The judiciary in Slovenia is one of the three constitutional branches of government and is independent of the other two. Judges enjoy a permanent mandate and are appointed by the National Assembly (Slovene: Državni zbor) after they have been nominated by the Judicial Council (Sodni svet), which itself is not part of the judicial branch of the government.

The task of the judiciary is to decide on the rights and duties of citizens, and charges brought against them. All courts in the Republic of Slovenia are regular courts, and act in accordance with the principles of constitutionality, independence and the rule of law. The unified system of courts consists of courts with general and specialised jurisdiction. Courts with general jurisdiction include 44 district,

<sup>118</sup> <http://www.asociacija.si/si/2017/02/06/po-novinarski-konferenci-analiza-kulture/>

11 regional, and 4 higher courts, and the Supreme Court, while specialised courts comprise 4 labour courts and a social court (they rule on labour-related and social insurance disputes), and the Administrative Court, which provides legal protection in administrative affairs and has the status of a higher court.

*Flash Eurobarometer 447: Perceived independence of the national justice systems in the EU among the general public*<sup>119</sup> from April 2017 showed Slovenia is among six EU countries where the majority of respondents (51%) rate the justice system in their country as bad, alongside Bulgaria (63%), Croatia (62%), Slovakia (59%), Spain (58%), Italy (57%). Interference or pressure from government and politicians explains why 86 % respondents think the independence of their national justice system is bad.<sup>120</sup>

In Slovenia 21% respondents say that in terms of the independence of courts and judges their justice system is very bad. This compares to just 2% in Denmark, Luxembourg, Finland, Estonia and Austria. However trends since 2016 show the largest movements are in a positive direction - respondents in Slovenia are less likely to rate the independence of their justice system as very bad (-11 pp) and more likely to rate it as fairly good (+7 pp).

In all Member States, except in Slovenia and Belgium, the majority of respondents who rated the independence of the justice system in their country as good, say a lack of interference or pressure from economic or other specific interests explains why they gave this rating.<sup>121</sup> Slovenia (52%) and Belgium (50%) are the only countries where at least half say a lack of interference or pressure from economic or other specific interests somewhat explains their good rating.<sup>122</sup>

Andrej Ekart, proclaimed best lawyer of the year 2017, states that Slovenians do not trust the justice system majorly due to pressures from economic and politics, factors judiciary has no direct influence on: »Low confidence in the judiciary is also the result of low confidence of Slovenians in the institution in general. This is not the situation only in Slovenia, but also elsewhere in Eastern Europe.

<sup>119</sup><http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/FLASH/surveyKy/2148>

<sup>121</sup> [http://www.mp.gov.si/si/medijsko\\_sredisce/novica/article/1328/7398/](http://www.mp.gov.si/si/medijsko_sredisce/novica/article/1328/7398/)

<sup>122</sup><http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/FLASH/surveyKy/2148>

We are not an island, similar processes are happening elsewhere in the countries of the new Europe.«<sup>123</sup>

**1. Do you see evidences on political pressures towards independent judiciary in your country?**

Political pressures towards independent judiciary are not explicit or very direct, it is more a question of how for example some nominations for positions in judiciary system go through political structures. Nominating members for Constitutional court is evident bargaining between political parties, nominating Slovene arbiters at the Hague court is again something that is predictably the question of political rather than professional support. There are cases when despite negative opinion of the Judiciary council, the minister responsible for judiciary, would nominate such person for a high judicial function (president of the Supreme Court), explained Katarina Bervar Sternad, director of Legal-Informational Centre for NGOs (PIC) in an interview for this report.

**2. Has the government introduced legislation which makes judiciary less independent?**

No legislations toward less independent judiciary have been introduced in the past year.

The proposal of the new Judicial Order<sup>124</sup>, which entered into force on 1 January 2017, brings a significant update of the organization of the internal organization and operation of the courts after 1995 and is a major step towards ensuring greater transparency of the Slovenian judiciary.<sup>125</sup>

The Judicial Council has experienced quite a few enlargements of its powers, which the present proposal of a completely new law transparently and clearly regulates in one place. The proposal follows the recommendations of all key international institutions, such as the European Networks of Councils for the Judiciary (RECJ) and the Consultative Council of European Judges (CCJE) in the Council of Europe, which advocate the protection of the independence of judges and the judiciary, while promoting the accountability, efficiency and quality of the judiciary.<sup>126</sup>

<sup>123</sup> <https://www.vecer.com/andrej-ekart-sodisca-so-zaradi-ljudi-in-ne-obratno-6334198>

<sup>124</sup> <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2016-01-3852?sop=2016-01-3852>

<sup>125</sup> [https://spvt.mp.gov.si/hitreje\\_do\\_pravice/](https://spvt.mp.gov.si/hitreje_do_pravice/)

<sup>126</sup> [https://spvt.mp.gov.si/hitreje\\_do\\_pravice/](https://spvt.mp.gov.si/hitreje_do_pravice/)



### 3. Do you see the trends of interference of government in the judges' appointment process?

As stated above, there have been trends of nominating judges not according to their professional expertise and skills but political affiliations. Damijan Florjančič, a new President of the Supreme Court from February 2017 stressed the importance of withdrawing the appointment of judges from the parliament. In the procedures for the appointment of judges politicians confirm or not confirm the candidates based on whether politicians agree with the decisions judges have taken in court proceedings.<sup>127</sup>

Dr. Jadranka Sovdat, President of the Slovene Constitutional Court, has been stating numerous times in the 2017 that changes of the Constitution regarding the manner of appointing judges of ordinary courts and, in particular, the possibility of depriving them of their functions, are necessary. The proposition is praised by constitutional legal professionals, but parliamentarians who have power to change the constitution, disagree. "The current rules can lead to the fall of the constitutional principles of independence of judges. Some financial regulations, even executive regulations in my opinion, unconstitutionally interfere with the autonomy and financial independence of the judiciary" Sovdat was critical at Lawyers days 2017.<sup>128</sup>

#### **Independent institution (ombudspersons, media regulatory bodies)**

Respect of human rights and ensuring a state based on the rule of law are top priorities for the Slovenian government. The government approved the establishment of an independent institution for monitoring human rights under the auspices of the Human Rights Ombudsman, and the creation of positions for advocates of children's rights. In the last three years, Slovenia has significantly reduced the number of unenforceable judgements of the European Court of Human Rights.<sup>129</sup>

In early 2016, Slovenia began its second term on the Human Rights Council, which ends in 2018. Through its active engagement in the Council, Slovenia contributes to strengthening the international environment conducive to security, universal and permanent growth, the rule of law and respect for

<sup>127</sup> <https://www.vecer.com/florjancic-za-poenotenje-sodne-prakse-in-boljso-organizacija-sodisca-6249344>

<sup>128</sup> <http://www.us-rs.si/media/pravniski.dnevi.2017.-.polozaj.sodstva.pdf>

<sup>129</sup> [http://www.vlada.si/en/media\\_room/newsletter/slovenia\\_weekly/?tx\\_ukomnewsletter\\_pi1%5Bnewsletter%5D=156&cHash=cdd0463104d4602b4bb61d062751444d](http://www.vlada.si/en/media_room/newsletter/slovenia_weekly/?tx_ukomnewsletter_pi1%5Bnewsletter%5D=156&cHash=cdd0463104d4602b4bb61d062751444d)

human rights. It pays special attention to the enforcement of EU priorities and issues related to Slovenia's long-standing national thematic priorities such as children's rights, gender equality, the rights of older persons and the fight against all forms of discrimination, human rights and the environment, and human rights education. All these will remain Slovenia's priorities during the last year of its membership of the Human Rights Council.<sup>130</sup>

On Wednesday, 4 December 2017, at organisational meeting of the UN Human Rights Council, Ambassador Vojislav Šuc, Permanent Representative of Slovenia to the United Nations Office at Geneva, was elected to serve as the Council's President throughout 2018. His one-year term will begin on 1 January 2018.

Under the Constitution, the Republic of Slovenia has an Ombudsman<sup>131</sup>, whose responsibility is the protection of human rights and fundamental freedoms in relation to state authorities, local authorities, and persons in public office. The Human Rights Ombudsman, as provided by law, is an institution formed according to the classical model of the national parliamentary ombudsman with broad powers with regard to state and other bodies exercising public authorisation. Such a model has been adopted by the majority of Western European countries. Through his tasks and jurisdiction, he represents an additional means of non-judicial protection of the individual's rights. The Human Rights Ombudsman of the Republic of Slovenia is independent and not tied to state institutions. The Ombudsman is proposed by the President of the Republic and elected by the National Assembly by a two-thirds majority vote for a period of six years, and the possibility of another term. A two-thirds majority vote gives the Ombudsman the necessary legitimacy imperative for his/her work. The Ombudsman reports to the National Assembly annually. The annual reports have become an important reflection of the situation regarding basic human rights and freedoms in Slovenia. The law allows the Ombudsman or anyone else to initiate proceedings against violations of human rights.

On 1st February 2013 a two-thirds majority of all deputies in the National Assembly elected, upon the proposal of the President of the Republic of Slovenia, Vlasta Nussdorfer as the fourth Slovene Human Rights Ombudsman, for a period of six years.<sup>132</sup>

<sup>130</sup>[http://www.vlada.si/en/media\\_room/newsletter/slovenia\\_weekly/news/article/slovenian\\_representative\\_as\\_president\\_of\\_un\\_human\\_rights\\_council\\_in\\_2018\\_60716/](http://www.vlada.si/en/media_room/newsletter/slovenia_weekly/news/article/slovenian_representative_as_president_of_un_human_rights_council_in_2018_60716/)

<sup>131</sup> <http://www.varuh-rs.si/publikacije-gradiva-izjave/infomacijska-zlozenka-o-varuhu/o-varuhu-v-slovenscini/?L=6>

<sup>132</sup> <http://www.varuh-rs.si/about-us/leadership/?L=6>

Information Commissioner of the Republic of Slovenia (currently Mojca Prelesnik) is an autonomous and independent body, established on 31. December 2005 with the Information Commissioner Act, that supervises the protection of personal data and the access to public information. The Commissioner is appointed by the National Assembly at the proposal of the President of the Republic.

From January 1 this year the Office of the Equal Opportunities Ombudsman was established. Prior to that, we had an Equal Opportunities Ombudsman, but it operated solely as an independent civil servant within the Ministry of Labour, Family and Social Affairs. Due to this incomplete regulation, the European Commission sent a letter of formal notice to the Slovenian government in 2014 pointing out that this function should be performed by the competent office, and not just one independent person.<sup>133</sup>

The Equal Opportunities Ombudsman issues a legally non-binding opinion on whether individuals are discriminated against in a particular situation (unequally treated for personal circumstances). At the same time recommendations to the offender how to remedy the violation, its reasons and its consequences are presented.

### **1. Do you see evidences on political pressure towards ombudsperson office? (Rejecting ombudsperson report, financial cuttings, public naming etc.)**

In September 2017 the National Assembly amended the act on human rights ombudsman. Under the changes, the **children's ombudsman** and two additional bodies (**human rights council**, an advisory body to the ombudsman, and the **human rights centre**, a body tasked with raising awareness about issues related to human rights) were established as part of the Ombudsman's Office. The changes will allow the Human Rights Ombudsman's Office to take part in international mechanisms aimed at protecting human rights because it will now meet top status under the UN Paris Principles on national institutions and gain more financial means. Justice Minister Goran Klemenčič believes the move will strengthen the institute of the human rights ombudsman and increase the influence of the civil society in the field of human right protection.<sup>134</sup>

<sup>133</sup> <http://novice.svet24.si/clanek/novice/slovenija/58b7c6f28ec49/vlada-se-je-zganila-sele-po-opominu-komisije>

<sup>134</sup> <http://www.sloveniatimes.com/mps-establish-children-s-ombudsman-network>

However, **Human Rights Ombudsman** recommendations in yearly reports are poorly followed, only 1/3 of them, states Katarina Bervar Sternad, director of Legal-Informational Centre for NGOs (PIC). Of last year's 83 recommendations, 20 have been implemented in full and 30 partially.<sup>135</sup> In its latest report, the ombudsman issued 71 recommendations with the most vulnerable groups remaining in focus of Nussdorfer's office. They were adopted in the National Assembly without a vote against.<sup>136</sup>

The annual report on human rights<sup>137</sup> handed over to President Borut Pahor and parliamentary Speaker Milan Brglez by Human Rights Ombudsman Vlasta Nussdorfer in April 2017 shows progress in implementing the ombudsman's recommendations. Nussdorfer, however, stressed that the obtained rights must be protected. Many positive things have happened in numerous fields concerning human rights, even shifts towards implementing long-standing recommendations by the ombudsman.<sup>138</sup> However it is unacceptable, according to her, that the Ombudsman must keep repeating certain recommendations every year to finally achieve change.<sup>139</sup>

For the first time ever, a mid report on implementation of recommendations by Human Rights Ombudsman was issued by the government in July 2017 alongside Response Report of the Government of the Republic of Slovenia to the Twenty-Fourth Regular Annual Report of the Ombudsman for 2016.<sup>140</sup>

Nussdorfer stressed there was still much work to do to ensure human rights are fully respected. She added that "we will insist on and demand solutions", calling on the state to work faster and responsibly to ensure just solutions. Those who find themselves dealing with the bureaucratic apparatus are often without means and without legal expertise. The authorities should remember more often the principle of fairness and interpret legislation to the benefit of the people, she stressed. Noting that any reduction in the infringement of human rights was a success for the ombudsman, Nussdorfer said that her office must also focus on problems exposed by the media, as they often uncover new topics for the

<sup>135</sup> <http://www.sloveniatimes.com/annual-report-on-human-rights-shows-progress-in-2016>

<sup>136</sup> [https://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/izbranZakonAkt?uid=C1257A70003EE6A9C12581C400411443&db=spr\\_akt&mandat=VII](https://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/izbranZakonAkt?uid=C1257A70003EE6A9C12581C400411443&db=spr_akt&mandat=VII)

<sup>137</sup> [http://www.delo.si/assets/media/other/20170519//Porocilo\\_VCP\\_2016\\_koncno\\_za\\_www.pdf](http://www.delo.si/assets/media/other/20170519//Porocilo_VCP_2016_koncno_za_www.pdf)

<sup>138</sup> <http://www.varuh-rs.si/media-centre/work-and-news/news/detajl/annual-report-on-human-rights-shows-progress-in-2016/?L=6&cHash=4ff6330be9f4c363c8ed20b79a7d92f7>

<sup>139</sup> <http://www.varuh-rs.si/media-centre/work-and-news/news/detajl/ombudsman-urges-immediate-elimination-of-human-rights-violations/?L=6&cHash=40030619a9429646d20753aa489204ea>

<sup>140</sup> [http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/novice/2017/Julij\\_2017/VCP\\_2016/OPVCP\\_odzi\\_v\\_VRS\\_2017.pdf](http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/novice/2017/Julij_2017/VCP_2016/OPVCP_odzi_v_VRS_2017.pdf)

ombudsman to address. She listed labour rights and healthcare as two such fields, but pointed to minorities, such as the Roma and disabled persons, as an area that still requires much attention.<sup>141</sup>

On the other hand, **Equal Opportunities Ombudsman Miha Lobnik** pointed out that more had to be done about raising awareness about discrimination. The feeling of inequality can quickly lead to "an increasing social dissatisfaction, which can in turn have harmful consequence", Lobnik stressed.<sup>142</sup>

For the functioning of the newly established Equal Opportunities Ombudsman Office in January 2017 the national budget foreseen 200 thousand euros of funds, which is not enough for its operation. Comparable offices of the Human Rights Ombudsman and Information Commissioner have an annual budget of between 1.5 and 2 million euros, thus providing a job for at least 40 employees.<sup>143</sup> Non-governmental organizations put up a desk before the government's office to highlight impossible situation in which Equal Opportunities Ombudsman acts.<sup>144</sup> For a good six months after the appointment of a new advocate, he does not have the basic opportunity to do his job at all, NGOs stressed.<sup>145</sup> With this non-classic protest NGOs also reminded the government of its promise when they first praised the urgent financial reinforcement of the Equal Opportunities Ombudsman during the visit of the Commissioner for Human Rights of the Council of Europe, and then, as soon as the Commissioner left Slovenia, they swept the promise under the carpet.<sup>146</sup> NGOs have also sent a notice of the situation to the European Commission.<sup>147</sup> Additional 50 000 € was given to Equal Opportunities Ombudsman Office to cover rent after the protests and talks with the officials. Minister of Labor, Family, Social Affairs and Equal Opportunities Anja Kopač Mrak suggested to the government that Lobnik's office would receive an additional 500,000 € a year, but the proposal was rejected.

This action, however, some right wing media saw as extortion of the government and calls for Lobnik's resignation were made if he is not able to run his office with the funds foreseen. Name calling of NGOs who supported Lobnik were also made by some media and public.<sup>148</sup> Lobnik is also

<sup>141</sup> <http://www.sloveniatimes.com/human-rights-a-top-concern-but-much-work-to-do-still>

<sup>142</sup> <http://www.sloveniatimes.com/human-rights-a-top-concern-but-much-work-to-do-still>

<sup>143</sup> <http://www.delo.si/novice/slovenija/urad-zagovornika-enakosti-zaradi-premajhnega-proracuna-ne-more-zaziveti.html>

<sup>144</sup> <http://www.delo.si/novice/slovenija/urad-zagovornika-enakosti-zaradi-premajhnega-proracuna-ne-more-zaziveti.html>

<sup>145</sup> <https://www.rtvsllo.si/slovenija/zagovorniku-nacela-enakosti-nevladniki-odprli-pisarno-na-prostem/419163>

<sup>146</sup> <http://www.mladina.si/179524/miza-zagovornika-nacela-enakosti-iz-pisarne-prestavljen-na-plocnik/>

<sup>147</sup> <https://www.dnevnik.si/1042773404>

<sup>148</sup> <http://www.demokracija.si/fokus/miha-lobnik-naj-odstopi-ce-ni-sposoben-opravljati-svojega-dela-za-200-000-evrov-letno.html>

questionable for his fitness for the function<sup>149</sup>, some right wing media is stating, who are also wondering whether such an office is needed at all.<sup>150</sup>

“The way the body was set up and the funds it was given shows that the Slovenian political leadership is not aware of the need to prevent and eliminate discrimination,” PIC Director Katarina Bervar Sternad warned. “In countries where people have the same equal opportunities to enjoy their rights, the quality of life is higher and the development is considerably higher,” she described the relationship between discrimination and the quality of life.<sup>151</sup>

The ŠKUC-LL section, which has been operating under ŠKUC since 1987, and is active in the field of culture, politics and human rights of LGBTI people, also draw attention to the extremely unacceptable situation in which the Equal Opportunities Ombudsman works. “Due to the inaction of the newly appointed body, a wide range of minorities, vulnerable groups, individuals, including minorities based on sexual orientation and gender identity, are endangered in various areas of work and life. Due to this discriminatory practice, citizens of the Republic of Slovenia are deprived of and unable to exercise their rights, guaranteed by the constitution,” dr. Tatjana Greif stressed.<sup>152</sup>

In May 2017 Lobnik presented the yearly report for 2016 to the president Pahor. In the findings he stressed discrimination is taking place in various areas, mostly in the areas of labor and employment, and in the area of social protection, including social security and health care, and also in education and education.<sup>153</sup>

## **2. Do you see evidences on political pressure towards independent media regulatory bodies (if such body exists in your country)?**

The Journalist's honourable tribunal is a joint self-regulatory body of the trade union and a society of journalists of Slovenia, which ensures that members of the journalistic community and the authors of

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<sup>149</sup> <https://www.domovina.je/to-so-problemi-s-katerimi-se-ukvarja-zagovornik-nacela-enakosti-ste-diskriminirani-tudi-vi/>

<sup>150</sup> <https://www.domovina.je/to-so-problemi-s-katerimi-se-ukvarja-zagovornik-nacela-enakosti-ste-diskriminirani-tudi-vi/>

<sup>151</sup> <https://www.dnevnik.si/1042773404>

<sup>152</sup> <http://www.mladina.si/179524/miza-zagovornika-nacela-enakosti-iz-pisarne-prestavljena-na-plocnik/>

<sup>153</sup> <http://www.up-rs.si/up-rs/uprs.nsf/objave/6F957095223ADE56C125812F0032DDC3?OpenDocument>

journalistic texts and articles respect the ethical and professional rules that are collected in the Code of Ethics of Slovene Journalists<sup>154</sup>.

Procedures before the honourable tribunal, which generally take place publicly, give rise to a reflection on whether the conduct was correct and, most often, the debate echoes in the journalistic community and the general public. The procedure can end with a judgment, in the case of members of journalistic organizations, or with a view, if not members, and a settlement between the journalist and the complainant is also possible. The Journalist's honorary tribunal also accepts statements and recommendations in which it gives a more precise explanation of the application and understanding of individual articles of the Code.

The tribunal judgments/positions cannot be regarded as an act that would enable the plaintiff to initiate an administrative dispute over the alleged interference with his constitutional rights. The NRR's judgments/positions are, in their content, the opinion of this body and do not have the character of judgments or decisions that impose sanctions or decide on the rights of individuals in a particular official procedure.

All judgments in 2017 (alongside others from previous years) are gathered on tribunal's website<sup>155</sup>.

<sup>154</sup> [http://ethicnet.uta.fi/slovenia/code\\_of\\_ethics\\_of\\_slovene\\_journalists](http://ethicnet.uta.fi/slovenia/code_of_ethics_of_slovene_journalists)

<sup>155</sup> <http://razsodisce.org/category/razsodba/>

# Latvia



## Civil society /NGOs

### 1. Has there been reduction of state/local government funding to watch dog / fundamental rights CSOs?

#### *Funding system as a tool for the weakening of watchdogs*

Funding system of NGOs in Latvia limits the resource availability for watchdog NGOs. The position of the Ministry of Finance is that NGOs should be involved more in the cooperation with the line ministries - 75 million EUR are distributed to NGOs through the ministries, 423 NGOs in 2015 had agreements with the ministries<sup>156</sup>. They have even expressed the opinion that central level cooperation for the budget transparency is “waste of resources”.

At the same time the open project call for advocacy initiatives is organised only by the National NGO Fund (government institution) established few years ago with total amount of financing less than 0.5 EUR, only small part of it available for the advocacy actions separately. Projects submitted to the NGO Fund are evaluated also by the representatives of the ministries, therefore no independent financing for watchdog NGOs is available in Latvia.

This creates the situation when NGOs are dependant on financing of ministries and lose their objectivity and watchdog function. For example, when “oligarch case” (see more later) was debated, NGOs working in the field of agriculture expressed support to the minister of the agriculture who offended, calling it as “populist actions”.<sup>157</sup>

Private sector, also state owned enterprises, and local governments support NGOs financially at a considerable amount but also these activities are mainly project related. Especially at the municipal level NGOs fill the gaps of municipal financing for cultural, sports and similar leisure time activities. Municipalities show very low level of understanding the role of CSOs in local governance - in 2017 the case was discovered when enterprises donated to the local government and received the tax allowance, but later local government that distributed money to the NGOs - 50 000 EUR (in 2016<sup>158</sup>).

#### *Low recognition of the NGO sector*

In 2017 National parliamentarians agreed not to have “budget quotas” (part of the budget distributed in non-transparent way for personal requests MPs, also to some NGOs). Still the new budget process was not transparent and inclusive therefore several NGOs sent a letter to the Ministry of Finance asking to review the transparency of the budget process<sup>159</sup> but the answer was that formally all channels to participate exist and NGOs need to involve more in the line ministries. Still several organisations - mainly sports, cultural and ones with the political orientation have required specific support in budget 2018 through the deputy initiatives.<sup>160</sup>

<sup>156</sup> <http://www.lvportals.lv/visi/likumi-prakse/290461-nvo-skaitis-pieaug-finansejuma-piesaiste-apgrutinata/>

<sup>157</sup> [http://www.tvnet.lv/zinas/latvija/668475-lauksaimnieku\\_nvo\\_iejilst\\_pret\\_duklava\\_demisijas\\_pieprasijumu](http://www.tvnet.lv/zinas/latvija/668475-lauksaimnieku_nvo_iejilst_pret_duklava_demisijas_pieprasijumu)

<sup>158</sup> [http://www.delfi.lv/business/budzets\\_un\\_nodokli/valsts-kontrolē-atklāj-tukuma-domes-iesaisti-aizdomīga-ziedosanas-shema.d?id=49315383](http://www.delfi.lv/business/budzets_un_nodokli/valsts-kontrolē-atklāj-tukuma-domes-iesaisti-aizdomīga-ziedosanas-shema.d?id=49315383)

<sup>159</sup> <http://www.nvo.lv/lv/news/publication/nevalstiskas-organizācijas-uzstāj-uz-sabiedrības-i-8848/>

<sup>160</sup> [http://www.delfi.lv/business/budzets\\_un\\_nodokli/par-spiti-valdības-ne-organizācijas-luko-pec-deputatu-kvotam.d?id=49372877](http://www.delfi.lv/business/budzets_un_nodokli/par-spiti-valdības-ne-organizācijas-luko-pec-deputatu-kvotam.d?id=49372877)

The huge debate in the NGO sector was caused by the new tax policy of the government - it was supposed that the new tax law can create a situation that donations for NGOs diminish even by 40%.<sup>161</sup> Despite the active advocacy by NGOs the Prime Minister announced that there are “no hindrances” in new tax reform<sup>162</sup> probably considering the negative impact on the civil society as a “small deal” among the Ministry of Finance and NGOs. Only after the repeated requests by the NGOs<sup>163</sup> and interventions by the sports organisations (having public benefit status and receiving tax allowances for donations )<sup>164</sup> the Ministry of Finance reviewed the system and some agreement with less negative impact on NGOs was achieved.

## **2. Has there been change in legislation which is making the watch dog role for CSOs more complicated?**

The debates on the protection of the whistleblowers have started, the discussion in the Parliament and conference has been organised at the second part of 2017<sup>165</sup>. Mainly this legislative initiative aims to broaden the definition and improve protection of the whistleblowers.<sup>166</sup> Still the civil society and media representatives expect that it will “get stuck” in the Parliament<sup>167</sup>. As a proof the parliamentarians, for example, did not join the sharing of the international experiences on whistleblowers’ issues.<sup>168</sup>

Recently the Parliament adopted amendments to the NGO law about the measures towards NGOs acting against the state security. NGOs have been poorly involved in the process unless there have been several norms debated - e.g.the need to define the timeframe for the investigation in order to eliminate possible misuse of the process to close NGOs.

As a success must be mentioned that the change of the head of the Corruption Combating and Prevention Bureau in 2017 paved a way for NGOs to get back in the consultative board of the Bureau - in 2016 they have been excluded due to “constant critique”.<sup>169</sup>

## **3. Has there been open threats / hostile naming by politicians or other extremists groups to watch dog NGOs?**

Some politicians criticise NGOs, especially ones protecting liberal values. For example, Julia Stepanenko has actively stood up for “traditional families”, against LGBT and reproductive health education. In 2017 her activism blossomed towards animal rights’ watchdog “Animal Freedom”. “Animal Freedom” started the protest campaign against animals in circus and Julia Stepanenko with

<sup>161</sup> <http://bnn.lv/nvo-riske-ar-ziedojumu-apjoms-kritumu-lidz-40-239273>

<sup>162</sup> <http://www.tvnet.lv/zinas/latvija/668325->

[kucinskis-prognoze-ka-nodoklu-reformas-virziba-saeima-notiks-bez-aizkersanas](http://www.tvnet.lv/zinas/latvija/668325-kucinskis-prognoze-ka-nodoklu-reformas-virziba-saeima-notiks-bez-aizkersanas)

<sup>163</sup> <http://www.irlv.lv/en/2017/7/7/nvo-aicinajums-kucinskim>

<sup>164</sup> [http://www.delfi.lv/sports/news/other\\_kinds/other/nepardomata-nodoklu-reforma-var-sagraut-sporta-sistemu-bridina-lok.d?id=49081863](http://www.delfi.lv/sports/news/other_kinds/other/nepardomata-nodoklu-reforma-var-sagraut-sporta-sistemu-bridina-lok.d?id=49081863)

<sup>165</sup> <http://www.juristavards.lv/doc/271509-starptautiska-konference-apspriez-pretkorupcijas-pasakumus/>

<sup>166</sup> <http://www.tvnet.lv/zinas/latvija/680778-likuma-rosina-paplasinat-trauksmes-celeju-definiciju>

<sup>167</sup> <http://www.lsm.lv/raksts/zinas/latvija/trauksmes-celeju-likums-pusgadu-iestredzis-saeima.a253071/>

<sup>168</sup> <http://www.lsm.lv/raksts/zinas/latvija/mokas-tapusais-trauksmes-celeju-aizsardzibas-likums-iestregst-saeima.a236423/>

<sup>169</sup> <http://www.delfi.lv/news/national/politics/knab-sabiedriski-konsultativaja-padome-atgrieziesies-delna-un-providus.d?id=49023971>

supporters transformed this debate towards symbolic fight against watchdog NGOs.<sup>170</sup> There was created “Support NGO for Riga Circus” that requested to start the criminal process about the signatures gathered by the “Animal Freedom”. Interestingly that after several month the ex-director of “Riga Circus” participated in the circus festival in Luhansk (Territory of Ukraine occupied by Russia)<sup>171</sup>

#### **4. Has there been media attacks on watch dogs NGOs?**

There are several media that constantly attack NGO sector, promoting the myth of “Soros funded” NGOs and persons. These media do not attack only national NGOs, but, for example, newspaper Diena attacked Freedom House activities.<sup>172</sup>

Review of the public information showed that regular situation about the attacks against NGOs in Hungary was available. It never had a context with the deeper analysis on the civil society therefore there might be also misuse of this information to promote the negative NGO sector image.

#### **5. Has there been physical attacks on watch dog NGOs or activists? How the state has reacted?**

No physical attacks can be indicated. National extremist NGO “Tevijas Sargi” (Guards of Fatherland) promoted in the social media the photo where they were standing in the front of the Refugee Centre in uniforms as a symbol of their “attitude” and “power” but this action was highly criticised by many people.

#### **6. How you estimate the influence of watch dog NGOs to government policies? Does government (or some parts of the government) takes criticism from NGOs to improve their policies? Are there formal mechanisms developed by the government to include NGOs in policy process (formal consultations, expert groups, public discussions)**

The influence of the private sector is much more higher than by the NGO sector due to the capacities and the channels available. For example, new changes in the legislation on cutting trees were passed and WWF Latvia representative pointed out that the proposed changes are in the interests of the private sector not the society, so they submitted to the government letter signed by the several NGOs.<sup>173</sup>

No new legislative channels were developed in 2017, still some new consultative bodies including NGOs at the line ministries were established. Overall organisations who know the formal processes can get involved and influence policies. At the same time there is no public administration body that reviews constantly NGO involvement therefore the involvement of NGOs by the ministries can be considered as voluntary and depending on their professionalism. For example, People with disabilities organisation “Sustento” states that ministerial workers do not always have full understanding about their needs. Sometimes the regulations states the accessibility but there are very few resources available.<sup>174</sup>

<sup>170</sup> <http://nra.lv/politika/212555-sodien-pie-saeimas-aktivisti-sevi-ieslodzis-metala-buros.htm>

<sup>171</sup> <http://www.delfi.lv/news/arzemes/rigas-cirka-bijusi-direktore-stradajusi-luhanskas-festivala-zurija.d?id=49394551>

<sup>172</sup> <https://www.diena.lv/raksts/latvija/viedokli/sargsuns-ar-sivena-manierem-14169519>

<sup>173</sup> <http://www.lsm.lv/raksts/dzive--stils/vide-un-dzivnieki/vides-eksperts-koku-cirsanas-jaunie-noteikumi-nebalstas-sabiedribas-intereses.a255180/>

<sup>174</sup> <http://medicine.lv/raksti/sustento-ministriju-darbinieki-ne-vienmer-izprot-patieso-situaciju-cilvekiem-ar-invaliditati-latvija>

Many challenges on the possibility to influence policies can be observed at the local level where local administrations are not so open for the participation of NGOs and NGOs have very low capacities. For example, in 2017 there was a case when local government enterprise stated that they have consulted NGOs for people with disabilities but they have not.<sup>175</sup>

After the local government elections in 2017 there is more active opposition also in the Riga City Council. For example, NGOs have been included in the decision making process only due to request of the opposition.<sup>176</sup> Riga City Council plays very important role on the influence over the civil society initiatives and public opinion therefore it is worth mentioning that they support and organise in their premises annual conferences on church, family and school issues - together with the Latvian Orthodox Church.<sup>177</sup>

### **7. Has there been bans of public demonstrations organised by NGOs?**

NGO pickets are approved in local governments so they have a power over the oppression civil society initiatives. There was a case in 2017 when NGOs asked the permission for the picket about the fire in the illegal waste storage but was denied due to very formal reasons.<sup>178</sup>

There can be observed the cases of “fake activism”. For example in 2017 when government initiated that the language in schools should be onwards taught only in Latvian there was picket organised by the Russian speaking opposition - but there were mostly elderly people not the primary target group- young people who are directly affected.<sup>179</sup>

### **8. Are LGBT, gender, refugee related NGOs specially threatened (from political, financial or any other perspective)?**

In 2017 no specific can be observed but there is ongoing critique and limited political space for NGOs working on gender, reproductive health, LGBT and refugee issues. For example, Russian speaking media have produced fake news on “gay lobby”<sup>180</sup>, there are media that constantly produce information against “Soros funded” NGOs and persons.

Still we can observe that government chooses not to work on “not comfortable issues” like LGBT. For example, out of the 123 UN recommendations on children rights, 32 are not implemented, for example free contraception and research on LGBT children discrimination<sup>181</sup>.

Of course in smaller scale in comparison with the previous years but still there are anti - refugee activities - more at the beginning of the year but some media continue to communicate on the ongoing basis<sup>182</sup>.

<sup>175</sup> <http://www.tvnet.lv/financenet/nozares/679195->

[rigas\\_pilsetbuvnieks\\_socialo\\_maju\\_projekta\\_atsaucas\\_uz\\_neesosu\\_saskanojumu\\_ar\\_invalidu\\_nvo](rigas_pilsetbuvnieks_socialo_maju_projekta_atsaucas_uz_neesosu_saskanojumu_ar_invalidu_nvo)

<sup>176</sup> [http://www.leta.lv/home/press\\_release/7F3521D7-5F23-4315-8578-12BE4333B1AE/](http://www.leta.lv/home/press_release/7F3521D7-5F23-4315-8578-12BE4333B1AE/)

<sup>177</sup> <https://pasvaldiba.riga.lv/LV/PostingData/News/2017/10/ratsnama-notiks-starptautiska-konference-par-dzivibas-vertibu-musdienu-sabiedriba.htm?Date=27.10.2017>

<sup>178</sup> <http://www.progresivie.lv/2017/07/17/kapec-pikets-trauce-jurnalas-domei/>

<sup>179</sup> <http://www.tautasbalss.lv/pikets-pret-izglitiba-latviesu-valoda-sacel-vetru-socialajos-tiklos/>

<sup>180</sup> <http://www.la.lv/biede-ar-geju-lobiju/>

<sup>181</sup> <https://www.diena.lv/raksts/latvija/zinas/latvija-izpildijusi-apmeram-35-no-ano-bernu-tiesibu-komitejas-sniegtajam-rekomendacijam-14183417>

<sup>182</sup> <http://www.la.lv/deputati-jus-gatavojat-noziegumu-pret-latviesu-tautu/hidehead/>

## Media

### 1. Has there been reduction of of state/local government funding to independent media?

Government funding is debated within the framework of the new media policy developed in the Ministry of Culture.

There can be observed activism by the regional media on the issue of financial resources. They submitted a letter about the State Cultural Capital Foundation's call for the support for media to develop the content and promote the cultural space. They criticized the supporting of the national television who already receives budget support, limited number of receivers, support of the research centers and establishments that are not media.<sup>183</sup> The issue was immediately picked up by so called “pro-oligarch media” who immediately interpreted the results of the call as a continuous control of media space by pro-Soros organisations.<sup>184</sup>

The debate on the financing of national media and potential exit from the market of the advertisements took place in 2017.<sup>185</sup> Besides quite wide debate was created on the Ministry of Finance who spent 100 thousand EUR to explain the new tax policy.<sup>186</sup>

### 2. Has there been change in legislation which is making the independent media role more complicated?

In 2017 there were many issues and even scandals about the media, especially the Latvian National radio who experienced important shifts - the change of the head of the Radio that reviled the urgent needs to strengthen the capacity.<sup>187</sup> The salaries of Latvian Radio have not been increased since 2008.<sup>188</sup>

Experts express that unless there have been some changes in legislation, the capacity building and financing is still hindered in many ways<sup>189</sup>.

NEPLP (National Council of the electronic media) dismissed the member of the board of Radio - Sigita Rože. She herself expressed that it might be the political push against the structural reforms she has initiated as they have been intensively asked to provide different type of documents for last

<sup>183</sup>[http://m.pietiek.com/raksti/pusmiljons\\_mediju\\_atbalstam\\_ir\\_izdalits\\_savejiem\\_kucinski\\_un\\_melbarde\\_vai\\_to\\_pielasusiet](http://m.pietiek.com/raksti/pusmiljons_mediju_atbalstam_ir_izdalits_savejiem_kucinski_un_melbarde_vai_to_pielasusiet)

<sup>184</sup><http://nra.lv/latvija/208016-mediju-naudu-sorosa-domubiedriem.htm>

<sup>185</sup><http://m.lvportals.lv/visi/likumi-prakse/289923-but-vai-nebut-sabiedriskajiem-medijiem-reklamas-tirgu/>

<sup>186</sup><http://lr1.lsm.lv/lv/raksts/krustpunkta/oranza-kaste-finansu-ministrija-tere-100-000-lai-medijos-slavetu.a94360/>

<sup>187</sup><https://www.diena.lv/raksts/viedokli/latvija/radio-veidot-par-modernu-mediju-14182436>

<sup>188</sup><http://www.alberts.lv/nakamgad-sabiedriskie-mediji-sanems-papildus-finansejumu/>

<sup>189</sup><http://www.lsm.lv/raksts/zinas/latvija/mediju-eksperte-ridzenes-sarunas-parada-kapec-mediju-vides-sakartosanatiek-bremzeta.a241698/>

several month.<sup>190</sup> Sigita Rože also expressed that there is an urgent need to finish the attacks on radio in future<sup>191</sup>.

The selection process of the new head of the Radio was highly debated in terms of the transparency - head of the Latvian Association of Journalists expressed the view that NGOs have not been invited to be observers but NEPLP denied it and said that it is wrong - they have not a right to express the names of the candidates by the law.

Association of media organisations asked the Parliament to include the good governance principles in the legislation and implement practice<sup>192</sup> NEPLP responded negative saying that the principles are already applied.<sup>193</sup>

In 2017 one of the biggest corruption cases was in the court but the court did not allow to record it. This was criticized by the association of journalists<sup>194</sup>.

As in case of the NGOs also media have limited space at the local level. Association of the journalists also has asked to review the new regulations by the Riga City Council about the attendance of the. City Council meetings that put burden on the work of journalists and diminishes transparency.<sup>195</sup> The heated debate also on the municipalities financed newspapers took place - discussing their impact on the freedom of media and also regional independent newspapers.

### **3. Has there been legal charges against journalists due to the critical articles published by them?**

There can be observed some legal charges against the journalists. For example, in 2017 the Latvian “wood manufacturing giant” asked the compensation in court from the journalist who made a broadcast about the environmental issue but court rejected the claim.<sup>196</sup>

### **4. Has there been open threats / hostile naming by politicians or extremists groups to independent journalists?**

Independent journalists raised an issue of the shaming Norway as a pedophiles' country in one of the conferences about the “traditional families” and blaming article was published in the Norway's newspaper and also it resonated in Latvian national media. In the meanwhile “pro-oligarch media”

<sup>190</sup> <http://www.lsm.lv/raksts/zinas/latvija/neplp-izsaka-neuzticibu-latvijas-radio-valdes-loceklei-rokei.a251777/>

<sup>191</sup> <http://www.delfi.lv/news/national/politics/roke-cer-ka-ar-jaunas-valdes-apstiprinasanu-neplp-izbeigs-pret-latvijas-radio-verstos-uzbrukumus.d?id=49340503>

<sup>192</sup> <http://www.lvportals.lv/visi/preses-relizes/290494-budzeta-naudas-pieskirsana-sabiedriskajiem-medijiem-neatbilst-eiropas-komisijas-regulejumam/>

<sup>193</sup> <http://news.lv/BNS/2017/10/25/neplp-likumdosana-nav-vajadzibas-ietvert-ek-labas-sabiedrisko-mediju-finansu-parvaldibas-principus-jo-tie-prakse-jau-tiek-ieveroti>

<sup>194</sup> <http://www.latvijaszurnalisti.lv/raksti/2017/10/02/lza-iebilst-pret-zurnalistu-darbibas-ierobezosanu-magona-tiesa/>

<sup>195</sup> <http://www.lsm.lv/raksts/zinas/latvija/zurnalistu-asociacija-aicina-rigas-domi-partraukt-zurnalistu-darba-ierobezosanu.a241290/>

<sup>196</sup> <http://www.lsm.lv/raksts/zinas/latvija/tiesa-noraida-kokapstrades-giganta-prasibu-pret-latvijas-radio-zurnalistukupcu.a254320/>

published the critical article about this action saying that people who debate on “Russian propaganda” are doing dummy things, that we should trust Russian media etc<sup>197</sup>.

Again some interesting cases can be observed at the local level. Before the elections the national TV went to the different places in regions and asked people to express their opinions. In Viļaka municipality there were many positive and negative comments. Staff of the municipality did not like the comments and asked the police to investigate aspersion. Citizens have been asked even by the whole family to go to the police to give testimonies<sup>198</sup>.

Regional media also can be used as a political tool, for example Ventspils (city with “oligarch” mayor) published the article about the “confrontation with facts” about the “oligarch talks” reviled by the journalists. Also when national TV and radio breached the agreement with Ventspils after “oligarch talks” local media positioned it as a pre-electoral fight.<sup>199</sup>

Constant attacks are by the “pro-oligarch” media, for example, the analysis and methodology how to “steal the state” was highly criticized.<sup>200</sup>

Debates about the independence of the media started also after the blog post of ex-head of Diena who was not selected as a head of the Radio - about the influence of well known “oligarchs” over the content of the newspaper some years ago. This of course was criticized also by the newspaper itself pointing out the weaknesses of the Salmins as a staff<sup>201</sup>. Positively, Salmins encouraged also other people to speak out on the influence of the politics on media<sup>202</sup>.

In the concrete case, the association of journalists, Latvian TV and newspaper IR asked to explain why there is criminal process for the “state secret” expression- why journalists need to give the evidence. They considered that state secret cannot be the cases of corruption.<sup>203</sup> Journalists think that this case might be concerned with a tendency to limit media freedom.<sup>204</sup>

Also against journalist Agnese Margevica there are several cases in the court and she has explained the situation in her blogpost.<sup>205</sup>

Attacks are not only towards the journalists but also related persons and civil servants. The Ministry of Culture is responsible for the media policy and new deputy state secretary was appointed. There were media attacks that she is hiding her “Soros past”<sup>206</sup> and supporting newly established liberal party.<sup>207</sup>

<sup>197</sup> <http://nra.lv/latvija/juris-paiders-3/218654-latvijas-kontrpropagandas-feiks.htm>

<sup>198</sup> <http://www.lsm.lv/raksts/zinas/latvija/vilaka-izmekle-domei-neglaimojosus-komentarus-tautas-panorama.a255696/>

<sup>199</sup> <http://www.lsm.lv/raksts/zinas/latvija/ltv-un-radio-jaskaidro-mediju-uzraugiem-atteiksanas-no-ventspils-naudas.a242862/>

<sup>200</sup> <http://nra.lv/latvija/221127-petijums-valsts-nozagsanas-atmaskosanas-instrukcija-atklaj-pasu-sorosiesu-grekus.htm>

<sup>201</sup> <http://www.diena.lv/raksts/latvija/zinas/skele-bez-prozaiskuma-atbild-salminam-14182480>

<sup>202</sup> <http://www.la.lv/salmins-butu-gatavs-liecinat-par-oligarhu-darbibam-laikraksta-diena/>

<sup>203</sup> <http://apollo.tvnet.lv/zinas/latvija/647626-drosibas-policija-aizrada-zurnalistiem-jums-nav-jainterprete-likums>

<sup>204</sup> <http://www.tvnet.lv/zinas/latvija/647626-drosibas-policija-aizrada-zurnalistiem-jums-nav-jainterprete-likums>

<sup>205</sup> <https://agnesemargevica.wordpress.com/2017/05/16/ka-uzlabot-reputaciju-un-iebiedet-zurnalistu/>

<sup>206</sup> <http://nra.lv/latvija/219840-augsta-valsts-amatpersona-putrojas-par-darbosanos-sorosa-tikla.htm>

<sup>207</sup> <http://nra.lv/latvija/218518-sorosiesi-uzvar-konkursos-noklusejot-sorosisko-pagatni.htm>

## 5. Has there been cases of closure of some independent media? From which reason?

The debate on “youth radio” “Pieci.lv” raised in 2017. It was established in 2013 to reach out to the youth audience. Unless it becomes more popular the real reach out was questioned. NEPLP thinks the radio station should increase the amount of the proportion of the Latvian music but “pieci.lv” stood for the approach that they should provide music what young people want to hear.<sup>208</sup> Also in 2017 this radio got European Citizens Award by the European Parliament about the fundraising for donations in the social campaign. Media experts expressed that the debate on “Pieci.lv” might be the influence of politics.<sup>209</sup> Experts have also expressed that this change might “kill” the radio.<sup>210</sup>

### Art

#### 1. Has there been ban of street performances or any other related cultural event? On which grounds?

The poster of the exhibition on the social exclusion of people with disabilities was prohibited by the Ministry of Health, because it took a lot of public attention (two naked disabled men holding each other looked as a gay couple in sexual relation).<sup>211</sup> This action created wide public debate were is the boarder among art and politics.

#### 2. Has there been public naming of independent artists by politicians or extremist groups?

Has not been observed.

#### 3. Has there been physical attacks on independent artists? How the state has reacted?

Has not been observed.

#### 4. Has the funding for independent art been reduced?

The distribution of funding by the government fund for culture projects has been debated but no specific measures have been taken in 2017.

#### 5. Has any new legislation been introduced which makes independent artist more difficult to work?

Have not been observed.

#### 6. To what extent “moral – national proud” arguments were used against the artists?

<sup>208</sup> <http://www.lsm.lv/raksts/arpus-etera/arpus-etera/janis-buholcs-uz-kurieni-neplp-ved-radio-pieci.lv.a243064/>

<sup>209</sup> <http://www.lsm.lv/raksts/arpus-etera/arpus-etera/anda-rozukalne-kad-mediju-briviba-jauniesu-radio-un-ta-auditorija-noreguleta.a242782/>

<sup>210</sup> <http://www.tvnet.lv/izklaide/tv-radio/661085-piecilv-glabsanas-vai-iznicinasanas-plans-miti-un-patiesiba>

<sup>211</sup> <http://jauns.lv/raksts/zinas/244487-veselibas-ministrija-tikumibas-sardze-medicinas-muzejam-aizliedz-izvietot-interesantu-izstades-plakatu>



Have not been observed.

## Judiciary

### 1. Do you see evidences on political pressures towards independent judiciary in your country?

Questionnaire of the judges in Europe show that Latvian judges have the lowest score for self-confidence and judges are feeling high pressure. 34% think that executive does not respect judiciary and 35% - parliament, 39% have felt media pressure. NRA interpreted it again against media<sup>212</sup>  
The debate on the increase of the salaries for the Constitutional Court judges has started<sup>213</sup>  
Debates on the National Development Plan reflected that the judiciary needs to be debated - corruption, procedural failures, quality of decisions, also the trust by the people in judiciary has decreased. Eurobarometer shows that 56% on inhabitants do not trust in judiciary.<sup>214</sup>

Not so influential but quite symbolic was populist expression by the deputy of the Parliament Kalnozols - in the process of the appointment of the judges in the Parliament he debated - “cannot we find human beings for a judges”, “we need to review the system if persons born in 1984 can become judges”. Positive that he received many critiques.<sup>215</sup>

### 2. Has the government introduced legislation which makes judiciary less independent?

No

### 3. Do you see the trends of interference of government in the judges appointment process?

No.

## Independent institution (ombudspersons, media regulatory bodies)

### 1. Do you see evidences on political pressure towards ombudsperson office? (Rejecting ombudsperson report, financial cuttings, public naming etc.)

There is no ombudsperson office in Latvia.

### 2. Do you see evidences on political pressure towards independent media regulatory bodies (if such bodies exist in your country)?

212 <http://nra.lv/latvija/maris-krautmanis-3/227725-tiesnesi-un-jaunsprudzu-spiedienu.htm>

213 <http://www.la.lv/karikaturas/eriks-oss-tiesnesu-neatkariba-jaatalgo-dasnak/>

214 <http://www.labdien.lv/krize-tiesu-sistema-ko-darit/>

215 <http://www.delfi.lv/news/national/politics/kalnozols-iebilst-pret-33-gadus-vecu-meiteni-tiesnesi-cigane-vinam-iesaka-palasinat-bibliu?id=48906815>

New law on Public electronic media has been drafted. The main gain would be the higher independence, more accountability, better governance. The Public media council would consist of nine people out of them four are selected by the Parliament, three - NGOs, one from Employers' Confederation and one from association of trade unions. Experts agree that new media law should promote the exit from the advertising market by the public media. The main concerns of experts are still about the independence and the governance of the council.<sup>216</sup>

Association of Journalists has expressed an opinion that the NEPLP goes beyond its functions and influences in the relations of National Television and National Radio relations with their sponsors when they decided not to have agreement with Ventspils city (with "oligarch mayor") after the "oligarch talks". Media have been requested to explain that for NEPLP.<sup>217</sup>

Latvian radio employees submitted a letter that they do not trust NEPLP person Ivars Abolins who is responsible for the supervision of Latvian radio. NEPLP explained that this ask is against the law and employees cannot intervene in these relations.<sup>218</sup>

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<sup>216</sup> [http://www.tvnet.lv/zinas/latvija/664738-](http://www.tvnet.lv/zinas/latvija/664738-saeimas_komisija_konceptuali_atbalsta_jauno_sabiedrisko_mediju_un_to_parvaldibas_likumu)

[saeimas\\_komisija\\_konceptuali\\_atbalsta\\_jauno\\_sabiedrisko\\_mediju\\_un\\_to\\_parvaldibas\\_likumu](http://www.tvnet.lv/zinas/latvija/664738-saeimas_komisija_konceptuali_atbalsta_jauno_sabiedrisko_mediju_un_to_parvaldibas_likumu)

<sup>217</sup> <http://www.irlv.lv/en/2017/7/11/lza-neplp-parkapj-savas-pilnvaras-un-sabiedrisko-mediju-neatkaribu>

<sup>218</sup> <http://www.lsm.lv/raksts/zinas/latvija/latvijas-radio-darbinieki-izsaka-neuzticibu-par-radio-atbildigajam-mediju-uzrauga-loceklim.a243087/>

# HUNGARY

## CIVIL SOCIETY / NGOs

### 1. Has there been reduction of state/local government funding to watch dog / fundamental rights CSOs?

In 2017 a CSO could propose to the state for an operation grant maximum 3.000.000 Huf - which amount would cover the salary of an administrator on minimum wage for the year, but only receive a fragment of it.

In 2015 the not for profit sector had 1.700 less organizations participating than the year before, but with the relatively new formation of non-profit limited enterprises with their high income make the determining factors constant. (according to NIOK the Non-profit Information and Training Center Foundation)

The financial support of CSO-s started in 2005, when people could direct 1% of their income tax to a CSO that is beneficial to the public. The fund was called National Civic Foundation. (corresponding legislation: 2003. L.).

In 2012 this organization was reorganized and became the Foundation for National Cooperation, clearly under governmental influence. Its governing body, the Council, has 9 members, 3 of which is delegated from the parliament, 3 of the ministry and only 3 from civil organizations. This Council has a yearly plan of operation, approved by the Minister, and the Chair of this Council is also appointed by the Minister.

During the year Authorities terminated cooperation agreements with the Hungarian Helsinki Committee (HHC) and denied access to police detention, prisons and immigration detention after two decades of cooperation and 2000+ visits. The HHC can no longer monitor human rights in closed institutions, even though NGOs' access to police, prison and immigration detention reduces the risk of torture and ill-treatment and contributes to improving detention conditions.

There are European sources designated to support CSOs as action grants, but through the managing authorities the calls for proposals to distribute these funds, are designed to exclude many CSOs from the start:

- The texting of the call narrows down the field of eligible institutes;
- The call requires so many extra, un- or vaguely related (redundant and inessential) activities that the basic functions of the organizations are almost impossible to perform;
- The calls may easily be changed during the very short period between being posted and the deadline for submission;
- The evaluation process of supported programs goes “behind closed doors” favoring certain organizations close to or founded by the ruling parties;
- Even if a relevant organization is awarded with a grant, the amount is reduced to the degree where it can not function according to its basic goals.

<https://english.atlatszo.hu/2017/06/21/huge-donation-from-state-coffers-for-the-governments-favorite-ngo/>

## 2. Has there been change in legislation which is making the watch dog role for CSOs more complicated?

The Civil Act itself has been amended in a way that civil society organizations, dealing with shared issues of the political community and are active in the public domain would be stigmatized on the ground of operating on support from abroad (so called “foreign agent”).

“in the preamble and the justification, refers to the need to counter money laundering and financing terrorism and to protect the political, economic interests of the country as well as the operation of statutory institutions from undue influences.”

“The government wants to create new obstacles to hinder the work of organizations that are critical of its activities. Under the pretext of transparency, the government in fact questions the legitimacy of critical organizations.”

<https://tasz.hu/en/news/hclus-position-government-crackdown-against-civil-society-hungary>

The law is part of a series of measures that began in 2013 designed to discredit and silence civil society organisations that are trying to hold the government to account to its obligations concerning anti-corruption, environmental protection, fundamental rights, democracy and the rule of law. Other measures include unfounded allegations by members of the Hungarian government, misleading reporting from government-friendly media, the terms of the ‘Let’s Stop Brussels’ so-called consultation, as well as a series of unjustified investigations in 2014 against NGOs that had received funds from the EEA Grants NGO Programme.

<https://tasz.hu/en/about-us/independent-civil-society-under-attack-hungary>

## 3. Has there been open threats / hostile naming by politicians or other extremists groups to watch dog NGOs?

There have been 62 attacks from 14 August 2013 to 14 December 2016. The list can be read at the homepage of the Hungarian Civil Liberties Union:

[https://tasz.hu/files/tasz/imce/timeline\\_of\\_gov\\_attacks\\_against\\_hu\\_ngos\\_22022017\\_1.pdf](https://tasz.hu/files/tasz/imce/timeline_of_gov_attacks_against_hu_ngos_22022017_1.pdf)

In 2017 the following hostility is recorded:

- 10<sup>th</sup> January 2017, MP Szilárd Németh, Vice President of Fidesz stated that “the Soros Empire’s fake civil organizations [...] have to be rolled back with every means, and [...] they have to be swept out of here”.
- On 11 January 2017, István Hollik, MP of the Christian Democratic People’s Party stated at a press conference that there are NGOs which, even though they are registered as civil organizations, have primarily political goals, and even though they may not receive public funds, they may be corrupted, so the suggestion that NGO leaders should submit a declaration of assets may be justified. He added that the form for the declaration of assets will probably be the same as the one for MPs and Secretaries of State. He continued to say that there are NGOs who do not contribute at all to the economic and social development of Hungary, serve political aims, and are financed from abroad, thus, there is no point in their existence, and it is a natural reaction to place them under a stricter regulation.
- 12th January 2017, MP Szilárd Németh made controversial statements as to which NGOs are “fake” and which ones are “useful” in his view, referred to national security risks with regard to the activities of the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee in relation to refugees, and said that even though they do not intend to “ban” the NGOs named, those about whom it turns out that “they serve the interests of foreign powers

and the international big business as opposed to Hungarians, have nothing to do here”, and have to be stepped up against

- Same day at the regularly held government press conference “Government Info”, János Lázár, head of the Prime Minister’s Office claimed that “the national wing” reacts sensitively to activities aimed at influencing public life, and in relation to that the appearance of “illegal migrants” at the border of Hungary was organized from abroad.
- 13 January 2017, Government spokesperson Zoltán Kovács suggested in a television interview in relation to NGOs funded by George Soros that people calling themselves human rights defenders and civils fraternize or cooperate with terrorist and human trafficking organizations, willingly or unwillingly.
- Prime Minister Orbán, on 10<sup>th</sup> of February 2017 in his annual state of the nation speech said: “in 2017 we will also need to take up the struggle against international organizations’ increasingly strong activists. [...] It is a problem that foreign funding is being secretly used to influence Hungarian politics. [...] We are [talking about] paid activists from international organizations and their branch offices in Hungary.” The Prime Minister also stated that “the organizations of George Soros are working tirelessly to bring hundreds of thousands of migrants into Europe”.
- 17 February 2017 head of the Fidesz parliamentary group, Lajos Kósa said at a press conference that the Fidesz parliamentary group plans to submit a Bill to the Parliament in March 2017 with the aim to ensure the transparency of the Hungarian branches of international organizations, stating that there are “many organizations who have an extensive network of agents in Hungary”. According to Lajos Kósa, the reason behind the planned Bill is that “the Hungarian voters should know if these organizations want to exert influence in Hungary by using
- Foreign funding”.
- 20th February 2017 In his speech opening the Parliament’s spring session, Prime Minister Viktor Orbán announced that a “national consultation” will be held about five threats to Hungary, including “illegal migration” and the “foreign influencing attempts”
- 28<sup>th</sup> April 2017 on national radio Kossuth the prime minister explains once again how “we” like civil society organisations who collect food and clothing and distribute these to people in need, but do not like the ‘so called’ NGOs – supported from abroad – who politicize. He further explains the danger of the “speculator Soros” and his army of thousands who want to demolish the wall and domiciliate millions of illegal migrants to Europe and by doing so endanger peace with terrorism. There are a few key expressions he uses in every single speech and report, just to remind listeners who the enemy is. (Soros, NGOs meaning CSOs, illegal migrants)

#### 4. Has there been media attacks on watch dogs NGOs?

- “the leftists are going against the will of people, they are ready to give the control to Brussel” Gyula Budai FIDESZ [https://tenyek.hu/tenyek/238541\\_tenyek-teljes-adas-2017.-junius-25.-vasarnap.html](https://tenyek.hu/tenyek/238541_tenyek-teljes-adas-2017.-junius-25.-vasarnap.html) /42’33”
- Momentum Movement – the newly formed political party – has already attacked the other parties and opinion leaders of the left side <http://www.origo.hu/itthon/20170308-balliberalis-belhaborut-robbantott-ki-a-momentum-mozgalom-szinrelepese.html>
- "It is quite obvious that László Majtényi is a candidate of George Soros" /for the post of President/ said Lajos Kósa, leader of the Fidesz fraction. He added that with the

support of the Soros Foundation, the Eötvös Károly Public Policy Institute was established by László Majtényi <http://www.origo.hu/itthon/20170307-kosa-lajos-majtényi-soros-gyorgy-jeloltje.html>

- It have cost a lot of money for George Soros that he predicted a drop in the stock market in case of Donald Trump is being elected. The speculator now lost \$1billion <http://www.origo.hu/gazdasag/20170113-egymilliard-dollart-bukott-soros-trumpon.html>
- Several non-governmental organizations strengthened rapidly after 2010, but as they suddenly entered politics, they quickly disappeared into the sink. <http://www.origo.hu/itthon/20170131-civil-mozgalmak-baloldali-ellenzek-siker-kudarc.html>
- ‘calling for the liquidation of Viktor Orbán’ and Christian wrangling George Soros, the billionaire speculator, the persistent persecutor and his sugar-babes hanging out of his vest pocket are sending an extreme heavy artillery to battle against the Hungarian government <http://pestisracok.hu/az-orban-viktor-likvidalasara-felszolito-keresztenygalazo-szelsosegeseket-penzeli-soros-gyorgy/>
- Reaction: From their organizations /Amnesty International, Hungarian Civil Liberties Union, Hungarian Helsinki Committee/, the government can not take any more, but their stigmatization can scare away citizens who are in need of help – said the leaders of the targeted non-governmental organizations. <http://magyarnarancs.hu/belpol/oket-akarja-eltakaritani-a-kormany-interju-a-kozponti-hecckampany-celpontjaival-102826>
- “their jaws should be broken into pieces and dragged out on their blood and snot to the shit hole where they belong” said Zsolt Bayer, hate-filled, racist, anti-Semitic journalist and publicist, after a group of civil activists were protesting against the civic law in the Parliament. <http://nepszava.hu/cikk/1128697-bayer-zsolt-szanaszet-kell-verni-a-pofajukat>
- ‘Let’s stop Brussels’, ‘Do not have Soros have the last laugh’ and ‘Do not let it go without saying - National consultation on the Soros Plan’ campaigns in online and offline media <https://english.atlatszo.hu/2017/09/28/hungarian-government-spent-e23-million-on-anti-soros-and-anti-eu-campaign/>
- Soros-organizations are violating the rights of law. The majority of organisations turned to the Constitutional Court are linked to George Soros. <http://magyaridok.hu/belfold/osszehangolt-tamadas-civilek-atlathatosagat-celzo-torveny-ellen-2166640/>
- Soros organization fled, it may have collaborated with migrant smugglers – writes Origo about Medicins Sans Frontiers. <http://www.origo.hu/nagyvilag/20170812-megfutamodott-a-soros-szervezet-osszejatszhattak-a-migranscsempeszekkel.html>
- between 01.09. and 31.10 2017 eighty articles were published mentioning George Soros and ‘his’ civil army in every kind of context on <http://pestisracok.hu/>

##### 5. Has there been physical attacks on Watch dog NGOs or activists? How the state has reacted?

- A civic activist of Momentum Movement was beaten up at Móricz Zsigmond circle <http://24.hu/belfold/2017/02/16/eszmeletenel-van-a-megtamadott-lmp-s-alairasgyujto/>

- A civic activist of LMP was beaten at an other location (Rákóczi square) <https://444.hu/2017/02/11/az-lmp-kepviseloje-alairast-gyujtott-az-olimpiaellenes-nepszavazashoz-amig-le-nem-fejelte-egy-jarokelo>
- The third attack on activists was at Jászai square. <https://444.hu/2017/01/20/szetverték-az-olimpiaellenes-momentum-pultját-a-jaszain>
- 2017.03.06 On Monday morning, a group of Ligetvédők (Defenders of the Park, a civic disobedience movement. Their goal is to prevent the biggest downtown Park from being destroyed in order to give space to an expensive museum center) wanted to prevent a machine from entering a construction site at the gate of the Park by blocking its way. As the driver did not give up his intention to enter, he pushed an activist with the arm of the machine. The police was notified. Officers arriving to the scene have taken the necessary measures and are investigating. [http://kettosmerce.blog.hu/2017/07/07/szo\\_szerint\\_szet\\_kellett\\_szerelni\\_a\\_markolat\\_a\\_100\\_eves\\_fat\\_vedo\\_ligetvedo\\_eltavolitasahoz](http://kettosmerce.blog.hu/2017/07/07/szo_szerint_szet_kellett_szerelni_a_markolat_a_100_eves_fat_vedo_ligetvedo_eltavolitasahoz)
- 2017.05.18 On Thursday, the already well-known security force appeared, and tried to remove Ligetvédők from the scene and to encircle the building site. Once again they were using violence. The defenders have reported that they had been knocked down by the security people. Police also came to the scene and began to use riot control against Ligetvédő civil activists. <http://24.hu/belfold/2017/05/23/akkora-bunkokat-meg-nem-lattal-mint-a-ligetvedekre-szabadított-orok/>
- 2017. 05. 19 The Police disbanded the demonstration of Ligetvédők. The peaceful demonstration was restricted with different measures, imposing large amounts of fines for about half a dozen protesters for example. (In 2016 the Police banned the demonstration, but the Court ruled this measure unlawful.) The police here accounted for protests against the enforcement of a property protection right for the real estate development company, so the court also examined this reference. The result of the investigation: the authorities did not act in accordance with the law, they did not communicate the decision to legitimate demonstrators, nor gave time to voluntarily react. The Court ruled – once again - that the enforcement involving physical coercion had no legal basis. <https://tasz.hu/node/17072>

**6. How you estimate the influence of watch dog NGOs to government policies? Does government (or some parts of the government) takes criticism from NGOs to improve their policies? Are there formal mechanisms developed by the government to include NGOs in policy process (formal consultations, expert groups, public discussions)**

There were methodical consultancy sessions with NGOs before 2010, especially with Public Foundations. But as these Public Foundations were abolished from 2010 to 2013 the place of the actual consultations were filled with “National Consultations”. These are done in a form of questionnaires sent to every constituent Hungarian citizen via post.

The questions in these are manipulative, have only yes or no answers for example:

- April 2017, the Hungarian Government launched a new “National Consultation” with six questions to be answered by citizens, including the question:



“More and more foreign-supported organizations operate in Hungary with the aim of meddling in the internal affairs of our country in an opaque manner. Their operations could jeopardize our independence. What do you think Hungary should do?

- (a) Require them to register, revealing the objectives of their activities and the country or organization instructing them.
- (b) Allow them to continue their risky activities unsupervised.”

## 7. Has there been bans of public demonstrations organized by NGOs?

The relating law states, that demonstrations have to be announced to the Police, and only in two cases could be banned. If the announced event seriously endangers

- 1) the smooth functioning of public representation bodies, the Parliament, the representative body of a local government, or the Courts, OR
- 2) if transport can not be provided on other routes.

There were two banned demonstration against lex-CEU, because both were intending to close bridges, which would have caused serious traffic problems in the city.

Since in the previous years there were a few cases when the Court overruled intended police bans, such bans are not given out. Police presence can be quite heavy at events, however disturbance is usually arranged by the flock of FIDESZ sympathizers.

- 2017.05.13 The demonstration was against the rude outburst of Zsolt Bayer. It began with a whip, whistling, and then the protesters thanked the judges for overruling the police's decision to ban the demonstration.  
[http://hvg.hu/itthon/20170513\\_veres\\_taknyos\\_zsebkendovel\\_uzentek\\_bayernek\\_az\\_orban\\_hazanal\\_tuntetok](http://hvg.hu/itthon/20170513_veres_taknyos_zsebkendovel_uzentek_bayernek_az_orban_hazanal_tuntetok)

## 8. Are LGBT, gender, refugee related NGOs specially threatened (from political, financial or any other perspective)?

- “But really... Do we even need Gender Studies in Hungary?”  
<https://444.hu/2017/02/23/tenyleg-mi-szukseg-lehet-egy-gender-szakr-magyarorszagon>
- The government launches a contra-gender course in its university. Zoltán Balog, a Hungarian Calvinist pastor and politician, who has been Minister of Human Resources timed the announcement to International Women’s Day, that Emmi was launching a family history degree at Corvinus University in coming September.  
<https://444.hu/2017/03/08/ellenszakot-indit-a-kormany-az-elte-gender-kepzesemiatt>
- Bence Rétvári (KDNP and FIDESZ) Secretary of Parliament “teaching gender is like teaching Marxist-Leninist studies” it goes against our values  
<https://444.hu/2017/03/03/retvari-bence-szerint-az-elte-gender-szakja-olyan-minthamarxizmus-leninizmus-tanitananak-az-egyetemen>

- Zoltán Balog: there is no such a thing as gender, there are only roles in society. <http://www.origo.hu/itthon/20170308-balog-tarsadalmi-nemek-nincsenek-tarsadalmi-szerepek-azonban-vannak.html>
- Gender fascists are out of control again – according to 888.hu, a FIDESZ controlled online media. <https://888.hu/article-ismet-genderoruletbe-torkollott-a-kormanyellenes-tuntike>
- Between 12 September and 31 October 2017 thirty articles were published ridiculing gender issues on <https://888.hu/> for example:
- “It starts like a joke, because that's what it is. Maria Vásárhelyi, author in various left-wing hate mongering newspapers, including Élet és Irodalom, Népszava, Nyugati Fény, etc. etc, alleged "media sociologist" and Zsolt Enyedi the vice rector of a Soros-university, gave their heads to analyze Facebook.” <https://888.hu/article-az-megvan-hogy-vasarhelyi-maria-es-a-ceu-rektorhelyettese-a-jobbik-megdicsoleseben-remenykedik>
- between 01.09. and 31.10 2017 eighty articles were published mentioning George Soros and ‘his’ civil army in every kind of context on <http://pestisracok.hu/>

## MEDIA

Since January 1, 2017, relatively few illiberal occurrences have happened in the media, because in the so-called “dark year of press” (2016) most of the changes - preparation for the elections – had been done. The changes have begun years ago, but only started to accelerate last year, and since then have reorganized the whole media market. This process has a serious impact on the current and the following years. Therefore, in order to monitor the situation of the Hungarian media in 2017, we have to observe the 2016 events more thoroughly.

### 1. Has there been reduction of state/local government funding to independent media?

I.

Since the independent media is not funded by the government, there was no reduction detectable. The biggest change in this field during the last two years is due to the change of ownerships (pro-government owners) and advertisement expenditure, which allows the government to indirectly influence media content.

The biggest media actors by the end of 2016:

a.) The five largest state clients:

- Government Debt Management Agency
- Central Bank of Hungary
- Hungarian Post Ltd.
- Prime Minister’s Office
- Szerencsejáték Ltd. (the largest gambling service)<sup>219</sup>

<sup>219</sup> <https://mertek.atlatszo.hu/allami-hirdetesek-magyarorszagon-2006-2016/>

b.) The five biggest pro-governmental media companies:

- TV2 Media Group owned by Andrew G Vajna, government's film industry commissioner
- Mediaworks owned by Lőrinc Mészáros, Viktor Orbán's personal friend
- Origo/New Wave Media owned by Ádám Matolcsy, Hungarian Central Bank chief's son
- Magyar Idők according to the news from June, it will be owned by the Mediaworks (Lőrinc Mészáros)
- Modern Media Group owned by Árpád Habony and dr. Tibor Győri, advisors of Viktor Orbán

In 2016 the net turnover of the ten biggest, pro-governmental media companies was 48 billion Forints, which did not include the expenditure on public media.<sup>220</sup>

II.

The denouncement of the independent media brought pressure to bear not only on readers and journalists, but on advertisers as well. These attacks on the independent media point out exactly where it is worth for private companies to advertise, if they do not want to be excluded from the state/governmental order.<sup>221</sup>

## 2. Has there been change in legislation which is making the independent media role more complicated?

I.

Advertising tax increase - May, 2017

Considering advertisement expenditure, the biggest change compared to the previous year is that the parliament passed the increase of advertising taxes from 5.3% to 7.5% in May, 2017. Undoubtedly, this measure will impair the oppositionist media, since the profit of the industry still does not exceed an annual 2-3%. The increase of advertising tax will completely eliminate the possibly remaining profit from this sector, which can lead to abolishing further products, diminishing the number of companies operating in the sector and further cutbacks.<sup>222</sup>

II.

Public Procurement Act - January 1<sup>st</sup> 2017

A new Public Procurement Act (PPA) was recently adopted and entered into force on January 1<sup>st</sup> 2017, which rewrote the Act CXLIII of 2015 on Public Procurement (PPL). As a result of the modification, the circle of exceptions from procurements has broadened. The act will not apply to services that were awarded "by an audiovisual or radio media service provider for the acquisition, development, production or joint production by audiovisual or radio media service providers of any programme intended for providing audiovisual or radio media services". (<http://kozbeszerzes.hu/torveny/act-cxliiii-of-2015-on-public-procurement//1/3/9/>) The EU Procure-

<sup>220</sup> <https://444.hu/2017/06/01/iszonyatosan-sokba-kerul-nekunk-a-fidesz-media>

<sup>221</sup> [http://kettosmerce.blog.hu/2017/05/19/a\\_szabad\\_sajtot\\_csak\\_a\\_szabad\\_polgarok\\_tamogatasa\\_mentheti\\_meg](http://kettosmerce.blog.hu/2017/05/19/a_szabad_sajtot_csak_a_szabad_polgarok_tamogatasa_mentheti_meg)

<sup>222</sup> [http://index.hu/gazdasag/2017/05/16/meg\\_is\\_szavaztak\\_a\\_reklamado\\_emeleset/](http://index.hu/gazdasag/2017/05/16/meg_is_szavaztak_a_reklamado_emeleset/)

ment Directives (Directive 2014/24/EU of the European Parliament and of the Council), on the other hand, list the procurements of audiovisual and radio media providers among the exceptions.

### 3. Has there been legal charges against journalists due to the critical articles published by them?

2016-2017

Directly legal charges have not occurred against journalists due to articles with a critical tone, however, some independent journalists have been banned from the Parliament recently. Moreover, the accreditation of the whole editorial staff of 444.hu- a news page, which had reported about these expulsions- has been suspended by the Speaker.<sup>223</sup> Later, the European Commission of Human Rights declared that journalists cannot be banned from any event that serves public interest, unless there is a realistic threat to their own or public security.<sup>224</sup>

### 4. Has there been open threats / hostile naming by politicians or extremists groups to independent journalists?

On May 1, 2017, Júlia Halász, a journalist of the liberal news page, 444.hu was assaulted at a public forum, organized by the ruling party, Fidesz. After taking photos at the forum, László Szabó, the Fidesz deputy chief of staff in the district asked her to leave in a threatening manner and took away her mobile phone. As Halász reported: “Szabó grabbed me by the arm and dragged me down the stairs. He then continued to threaten me outside the building.”<sup>225</sup> The journal immediately reported the incident and pressed charges against the politician.<sup>226</sup> Fidesz denied the occurrences.<sup>227</sup>

### 5. Has there been cases of closure of some independent media? From which reason?

In October 2016, the publishing house of the independent newspaper, Népszabadság, by referring to a severe deficit and the decrease of circulation, suspended the work of the newspaper effective immediately. According to Fidesz, this was not a political, but an economical act.<sup>228</sup> At this point, it is important to mention that during the month preceding the shutdown, Népszabadság was continuously reporting about several controversial issues, such as the helicopter trips of Antal Rogán- the prime minister’s chief of staff- and the enormous salary of the girlfriend of György Matolcsy, the president of the Central Bank of Hungary. In September, several articles had been written about Mediaworks<sup>229</sup> (the publishing house of Népszabadság) possibly falling into the hands of a pro-governmental owner. Suspiciously enough, shortly after, the company obtained ownership of 13 county journals.<sup>230</sup>

Metropol, a pro-governmental free newspaper, which was in a monopoly situation, lost its position in 2015, due to the estranged relation between the paper’s owner, Lajos Simicska and Prime Minister,

<sup>223</sup>[http://index.hu/kulfold/2017/02/09/nem\\_lehet\\_ujsagirokat\\_kitiltani\\_a\\_parlamentbol/](http://index.hu/kulfold/2017/02/09/nem_lehet_ujsagirokat_kitiltani_a_parlamentbol/)

<https://444.hu/2017/02/02/kover-laszlo-nagy-gyozelme-mivel-honapok-ota-ki-vagyunk-tiltva-a-parlamentbol-igy-meg-matematikai-eselyunk-sem-volt-kerdezni-orban-es-putyin-sajtotajekoztatojan>

<sup>224</sup><https://444.hu/2017/02/09/az-europai-birosag-szerint-nem-lehet-ujsagirokat-kirakni-a-parlamentbol>

<sup>225</sup><http://hungarianfreepress.com/2017/05/05/fidesz-politician-physically-assaults-journalist-at-anti-soros-hate-fest/>

<sup>226</sup>[http://index.hu/belfold/2017/05/07/halasz\\_julia/](http://index.hu/belfold/2017/05/07/halasz_julia/)

<sup>227</sup> „The journalist of 444 provokes and lies” – Fidesz announcement: <http://www.fidesz.hu/hirek/2017-05-05/provokal-es-hazudik-a-444-nem-leptek-fel-eroszakosan-a-szervezok-az-ujsagiroval-szemben/>

<sup>228</sup>Viktor Orbán about Népszabadság: <https://444.hu/2016/10/21/orban-nem-foglalkozik-a-nepszabadsag-ugyével>

<sup>229</sup>Interview with András Murányi, the editor in chief of Népszabadság:

[http://media.mandiner.hu/cikk/20161211\\_nepszabadsag\\_bezaras\\_a\\_foszerkeszto\\_szemszogebol](http://media.mandiner.hu/cikk/20161211_nepszabadsag_bezaras_a_foszerkeszto_szemszogebol)

<sup>230</sup>[http://index.hu/belfold/2016/10/08/a\\_nepszabadsag\\_felfuggesztes\\_roviden/](http://index.hu/belfold/2016/10/08/a_nepszabadsag_felfuggesztes_roviden/)

Viktor Orbán. Not long after, a new pro-governmental newspaper, called Lokál, appeared on the market, which caused such a deficit for Metropol that it finally had to shut down in 2016.<sup>231</sup>

### The closure of Class FM

Based on the radio's programme, the Media Council passed several infringement decisions in 2016 that adumbrated the denial of the renewal of their broadcast frequency license.<sup>232</sup> Since the shutdown of Class FM in November, 2016, only state-run radio stations have been available on the FM frequency: Kossuth, Petőfi, Bartók and Dankó Radio.<sup>233</sup>

## 6. Other

### I.

Since spring 2017, the ministries have not been responding to the questions of the oppositionist news page, Index.<sup>234</sup>

### II.

The pro-governmental media regularly accuses the oppositionist media of being the henchmen of György Soros and that they work for foreign agents.<sup>235</sup> (See the results: I/2; III).

### III:

Open propaganda in the state-run media:

In 2016 the content of the state-run media service made it evident in several cases that the main goal for the excessive financial spending is to establish a media platform that broadcasts the government's messages without any questions or criticism. One of the most apparent evidences for this process was the role of the state-run media in the anti-immigrant campaign before the referendum. Mérték Media Monitor partnered with Democracy Reporting International prepared a content analysis about this campaign. In the evening news coverage of the state-run media at least half of its running time was dedicated to this topic, 10-12 pieces of news dealt with the threats of immigration. 70% of the news stigmatized immigration and 91% of them showed immigrants in a negative way. Only 6% of the news presented opposing views or different aspects. The Media Council refused the filed complaint based on the analysis of the campaign.<sup>236</sup>

## 2017. July-August

In July, 2017 at a festival in Tusnádfürdő, Romania (where Viktor Orbán first used the continuously recurring term illiberal state three years ago) the prime minister named the enemies to deal with until the election: "The fact of the matter is that in the campaign lying ahead of us, we mainly have to combat outside forces. In the following 9 months, we have to withstand the attacks of the Soros mafia network, the bureaucrats of Brussels and the media run by them."<sup>237</sup>

<sup>231</sup>[http://index.hu/kultur/media/2016/06/13/megszunik\\_a\\_metropol/](http://index.hu/kultur/media/2016/06/13/megszunik_a_metropol/)

<sup>232</sup>[http://nmhh.hu/dokumentum/171476/956\\_2016\\_advenio\\_zrt\\_mediaszolg\\_jogosultsag\\_megujitas\\_elutasitasa.pdf](http://nmhh.hu/dokumentum/171476/956_2016_advenio_zrt_mediaszolg_jogosultsag_megujitas_elutasitasa.pdf)

<sup>233</sup><http://mertek.eu/wp-content/uploads/2017/05/MertekFuzetek11-1.pdf-1.pdf>

<sup>234</sup>[http://index.hu/belfold/2017/05/04/tisztelettel\\_kerjuk\\_hogy\\_az\\_interjut\\_ne\\_vallald\\_el/](http://index.hu/belfold/2017/05/04/tisztelettel_kerjuk_hogy_az_interjut_ne_vallald_el/)

<sup>235</sup><https://888.hu/article-lomnici-soros-emberei-iranyitjak-a-444-et>

<http://www.origo.hu/itthon/20170416-a-tv2-tenyek-megkerdezett-nehany-szerkesztoseget-hogy-milyen-kapcsolatban-allnak-soros-gyorggyel.html>

<sup>236</sup><http://vastagbor.atlatszo.hu/2016/11/04/a-mediatanacs-szerint-szerkesztoi-szabadsag-ha-a-kozmedia-csak-kormanypropagandat-sugaroz/>

<sup>237</sup><http://24.hu/kozelet/2017/07/25/a-fidesz-most-olyan-ellenfelet-valasztott-amelyik-valaszolni-is-tud/>



On the 31st of July, 2017, a company owned by Heinrich Pecina – who bought „Medianetworks”, suspended the operation of Népszabadság, an opposition newspaper, and was convicted of embezzlement and misappropriation of funds in Austria – bought Russmedia, making the whole Hungarian local newspaper business, including all 18 county newspapers the possession of business circles close to Fidesz.<sup>238</sup>

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<sup>238</sup><http://24.hu/media/2017/07/31/a-nepszabadsag-bezarajahoz-kotheto-ceg-megvette-a-russmedia-lapjait/>

## INDEPENDENT ART

### Art Consumption

According to the Central Statistical Office, the number of museums and exhibitions has decreased between 2015–16 (the latest data available) by almost 20%. Since 2010 it is a steady trend that households spend less and less on culture, with an over ten-fold difference between the richest and poorest households.<sup>239</sup> With gradual cuts of funding in the state budget, many artists and platforms are struggling to keep up their work, especially those independent (which in this sense means independent from an established institutional system, not a political connotation).<sup>240</sup> Venues for cultural events are also unevenly placed, uneasy access is another factor holding back the general audience.

### Restructured relations between art and state

In 2011 the Hungarian Academy of Arts (MMA) gained powers similar to the Hungarian Academy of Sciences, which also meant that it appeared in the newly enacted Basic Law of Hungary. The academy was originally founded in 1992 with the open purposes of bringing together artists with right wing political views, even though even at that time there was already an artist academy founded by and as part of the Academy of Sciences.<sup>241</sup> Its function, as declared in their founding document is to guard existing national cultural values, especially those that preserve, display and demise the national heritage.<sup>242</sup> Since 2012, the MMA receives ever growing state funds, in 2017 it was over 34 million Euros.<sup>243</sup> The academy became owner of various formerly state properties such as Kunsthalle Budapest, Hild-palace and Vigadó, and in late 2015 it gained decision making powers over the National Cultural Funds (NKA).<sup>244</sup> This means that state support is no longer dependent on merit and the quality of artworks, but much rather on ideology.<sup>245</sup>

A good example is the recent honouring of publicist Zsolt Bayer, former press officer of Fidesz in the party's early years, who has since stayed close with the party and supportive of government actions. In August 2016, he received a high ranking award of the Republic, following which, over a hundred former recipients renounced their awards in protest.<sup>246</sup> In August 2017, the founder of the National Library announced that works of Zsolt Bayer, who has been intensively criticised for using racist, xenophobic and generally hateful language in his articles often on the verge of incitement, will be featured among the authors who are to "represent the finest of written culture" according to the statement of purpose of the library.<sup>247</sup>

<sup>239</sup><http://www.parlament.hu/irom40/15319/15319.pdf>

<sup>240</sup>[http://index.hu/belfold/2011/03/22/makovecz\\_imre\\_orokre\\_benne\\_lesz\\_az\\_alkotmanyban/](http://index.hu/belfold/2011/03/22/makovecz_imre_orokre_benne_lesz_az_alkotmanyban/)

<sup>241</sup>[http://hvg.hu/kultura/20150226\\_A\\_miniszter\\_annak\\_ad\\_penz\\_t\\_akinek\\_akar](http://hvg.hu/kultura/20150226_A_miniszter_annak_ad_penz_t_akinek_akar)

<sup>242</sup><http://www.parlament.hu/irom39/12002/adatok/fejzetek/34.pdf>

<sup>243</sup><http://magyarnarancs.hu/belpol/megy-a-kukaba-95820>

<sup>244</sup>[http://kettosmerce.blog.hu/2017/03/24/kis\\_mozgalomtortenet\\_a\\_magyar\\_kepzomuveszet\\_helyzete](http://kettosmerce.blog.hu/2017/03/24/kis_mozgalomtortenet_a_magyar_kepzomuveszet_helyzete)

<sup>245</sup><http://artportal.hu/magazin/kozugy/vazallusok-kora-kulturpolitikai-helyzetfelmero-essze>

<sup>246</sup><https://444.hu/2016/08/22/visszaadott-lovagkereszt-szamlalo>

<sup>247</sup>[http://index.hu/kultur/2017/08/09/bayer\\_zsolt\\_irasmuveszetet\\_a\\_nemzet\\_legnagjobbjai\\_koze\\_emelik\\_kerenyi\\_imre\\_nemzeti\\_konyvtar/](http://index.hu/kultur/2017/08/09/bayer_zsolt_irasmuveszetet_a_nemzet_legnagjobbjai_koze_emelik_kerenyi_imre_nemzeti_konyvtar/) (last opened: 1 September 2017)

## Access to state funds

This approach is present in other, if not all branches of arts and culture. The biggest theatrical festival, POSZT (Pécs National Theatre Meeting) has been restructured since 2015 due to vast disagreements between professional groups, including boycotts and scandals.<sup>248</sup> The main reason behind these events was the controversy over delegation of professionals to the awards committee, which in part is due to the long-time and ongoing fragmentation of the profession, but part to the advancement of political ideologies in this platform as well. The 2017 summer festival is said to have been rather peaceful and enjoyable as regards the substance. However, the tilting of access to state funds is present, this year the MMA made a generous donation to support the winners, who have not been awarded money before, thus further quenching independent projects.<sup>249</sup>

In January 2017 the National Cultural Fund (NKA) directory was merged into the Ministry of Human Resources (EMMI) through yet another restructuring process not free of difficulties: both employees and applicants learned about the fact unexpectedly through the Fund's website.<sup>250</sup> A few months later the vice-president of the NKA, who pointed to the prematurity of the changes and the unpreparedness of the institutional background to fulfill the necessary tasks was let go. Though he believes his dismissal was largely based on personal reasons, he refuses the idea that it's a difference of view over projects worthy of state support.<sup>251</sup>

## Ever growing interference in decision making

It is not only through the somewhat indirect methods of funds distribution that the government interferes with the advancement of its beneficiaries. In an early 2017 piece of legislation it was proposed that the government get a greater direct role in the appointment criteria and process of theatre directors.<sup>252</sup>

Although there have not been instances or news of censorship at cultural events for ideological reasons earlier, in June 2017 a painting was removed from an exhibition by the orders of the director of the facility. The picture, titled "*See No Evil, Hear No Evil, Speak no Evil*" drew from the Hungarian flag, rearranging its colors similar to that of Arabic states. The director of Collegium Hungaricum in Vienna demanded the artists to take down the painting on the day of the exhibition opening, with the reason that it was not properly insured, also stating however that she found it distasteful to use the national symbol for political reasons.<sup>253</sup>

## Resistance and independent projects

There have been instances of larger scale demonstrations/acts of civil disobedience, which resulted in police action or threats. There was a performance at the opening ceremony of the newly renovated

<sup>248</sup><http://www.origo.hu/kultura/egyfelvonas/20150414-dagad-a-botrany-a-legfontosabb-magyar-szinhazi-fesztival-korul.html> (last opened: 16 September 2017)

<sup>249</sup>[http://index.hu/kultur/2017/06/17/az\\_orkeny\\_szinhaz\\_sokat\\_nyert\\_a\\_szakma\\_sokat\\_bukott\\_az\\_idei\\_poszt-on/](http://index.hu/kultur/2017/06/17/az_orkeny_szinhaz_sokat_nyert_a_szakma_sokat_bukott_az_idei_poszt-on/) (last opened: 16 September 2017)

<sup>250</sup>[http://index.hu/kultur/2017/06/28/collegium\\_hungaricum\\_becs\\_borsos\\_lorinc\\_alkotasat\\_levetettek/](http://index.hu/kultur/2017/06/28/collegium_hungaricum_becs_borsos_lorinc_alkotasat_levetettek/) (last opened: 1 September 2017)

<sup>251</sup>[http://hvg.hu/kultura/20161216\\_Megszunik\\_Nemzeti\\_Kulturalis\\_Alap\\_Igazgatosaga](http://hvg.hu/kultura/20161216_Megszunik_Nemzeti_Kulturalis_Alap_Igazgatosaga) (last opened: 16 September 2017)

<sup>252</sup>[http://index.hu/kultur/2017/04/27/doncsev\\_andras\\_interju\\_nka/](http://index.hu/kultur/2017/04/27/doncsev_andras_interju_nka/) (last opened: 16 September 2017)

<sup>253</sup>[http://hvg.hu/kultura/20170407\\_A\\_Lex\\_CEU\\_utan\\_johet\\_a\\_Lex\\_Jordan](http://hvg.hu/kultura/20170407_A_Lex_CEU_utan_johet_a_Lex_Jordan)



building of Vigadó (which was recently given to MMA) where activist lied on the ground at the entrance in piles of fake money which they also put in their mouths. The protest was against György Fekete, the head of the MMA - who has since openly spoken out against democracy<sup>254</sup> - the fact that his institution was embedded in the constitution and the giveaway of the state cultural properties. The protesters were taken away by the police,<sup>255</sup> although the demonstration itself was not disassembled. Another instance was a protest (attempt to enter into a democratic dialogue) at the MMA general assembly, right after the above mentioned control over NKA funds decisions, property giveaways and uncontrolled spending of 10 thousand Euros. The sole activist who demanded open debate concerning these issues was escorted out by security personnel, while members of the assembly shouted things such as “filthy Jew” as he was taken out.<sup>256</sup>

Although the re-structuring of the state institutional system, many art projects and art-related organizations developed as an alternative, funding is still a problem. These various platforms include the website of NO MMA! (NEMMA) which organizes protests and other forms of resistance, including the 0m2 art blog. Another art portal, Transit.hu launched a series of action days, to mobilize the profession into a think tank. OFF Biennale took off in 2015 and has also been successful in 2017. With the core idea to provide a high standard of professional quality with absolutely no state funding it is a possible alternative to the institutional problem.<sup>257</sup>

#### Further interesting articles linked to this area:

Protest at the opening of the Vigadó // April 2014

[http://index.hu/kultur/2014/03/14/tuntetes\\_a\\_vigado\\_elott/](http://index.hu/kultur/2014/03/14/tuntetes_a_vigado_elott/) (police intervention)

NKA restructuring – Lex Fekete // 2015 November

<https://mno.hu/grund/benyujtottak-a-lex-feketet-1313358>

Protest at the MMA general assembly //November 2015

[http://index.hu/kultur/2015/11/05/mma\\_kozgyules\\_zsidozas/](http://index.hu/kultur/2015/11/05/mma_kozgyules_zsidozas/) (public naming)

On the function of the MMA

<http://www.parlament.hu/irom39/12002/adatok/fejzetek/34.pdf> (government document)

MMA funding // March 2017

[http://kettosmerce.blog.hu/2017/03/24/kis\\_mozgalomtortenet\\_a\\_magyar\\_kepzomuveszet\\_helyzete](http://kettosmerce.blog.hu/2017/03/24/kis_mozgalomtortenet_a_magyar_kepzomuveszet_helyzete)

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<sup>254</sup>[http://index.hu/video/2012/11/30/futyulok\\_erre\\_a\\_demokraciara/](http://index.hu/video/2012/11/30/futyulok_erre_a_demokraciara/)

<sup>255</sup>[http://index.hu/kultur/2014/03/14/tuntetes\\_a\\_vigado\\_elott/](http://index.hu/kultur/2014/03/14/tuntetes_a_vigado_elott/)

<sup>256</sup>[http://index.hu/kultur/2015/11/05/mma\\_kozgyules\\_zsidozas/](http://index.hu/kultur/2015/11/05/mma_kozgyules_zsidozas/)

<sup>257</sup>[http://kettosmerce.blog.hu/2017/03/24/kis\\_mozgalomtortenet\\_a\\_magyar\\_kepzomuveszet\\_helyzete](http://kettosmerce.blog.hu/2017/03/24/kis_mozgalomtortenet_a_magyar_kepzomuveszet_helyzete) (

## JUDICARY

### 1. Do you see evidences on political pressures towards independent judiciary in your country?

- trial of the “acid doctor” // March 2017  
 goo.gl/ZbphGZ – 444.hu on the first instance sentencing (<https://444.hu/2016/05/04/ket-es-fel-evre-kell-bortonbe-mened-ha-bosszubol-egy-eletre-megcsonkitod-a-volt-baratnodet>)  
 goo.gl/CgF51N – 24.hu on allegations of interference of Fidesz party member uncle of defendant (<http://24.hu/belfold/2016/04/06/volt-miniszter-unokaocse-a-budai-savas-tamado/>)
- survey on NGOs of Budapest judges // April 2017  
 goo.gl/cBN7BL – HVG ([http://hvg.hu/itthon/20170512\\_civil\\_e\\_vagy\\_birosag\\_hando\\_tunde](http://hvg.hu/itthon/20170512_civil_e_vagy_birosag_hando_tunde))
- president’s signing of „Lex CEU” // April 2017  
 goo.gl/ApoJix – 444 on president’s lawyers assesment of the bill (<https://444.hu/2017/04/09/magyar-nemzet-ader-ala-fogja-irni>)  
 goo.gl/Y8Jlnq – 444 on president’s vague reasons for singning the bill (<https://444.hu/2017/04/10/ader-janos-alairta-a-ceu-ellenes-torvenyt>)
- trial of Márton Gulyás and Gergő Varga // April 2017  
 goo.gl/0l4toa – 444 report on the trial (<https://444.hu/2017/04/13/kezd-egesen-szureallissa-valni-a-hetfon-letartoztatott-tuntetok-targyalasa>)  
 goo.gl/9eTm2i – Index on the judgment ([http://index.hu/belfold/2017/04/13/gulyas\\_marton\\_sandor-palota\\_itelet/](http://index.hu/belfold/2017/04/13/gulyas_marton_sandor-palota_itelet/))  
 goo.gl/bs1zBj – Index on the judge’s dissertation on penalizing vandalism ([http://index.hu/belfold/2017/04/16/a\\_gyulyas\\_martonekat\\_elitelo\\_biro\\_a\\_doktorijaban\\_me\\_g\\_maskent\\_italte\\_meg\\_a\\_garazdasagot/](http://index.hu/belfold/2017/04/16/a_gyulyas_martonekat_elitelo_biro_a_doktorijaban_me_g_maskent_italte_meg_a_garazdasagot/))
- ⑩ rule of monthly mandatory minimum judgments // May 2017  
 goo.gl/jXgpOl – HVG  
 ([http://hvg.hu/itthon/20170327\\_Hando\\_birosag\\_teljesitmeny\\_autonomia\\_munkaj](http://hvg.hu/itthon/20170327_Hando_birosag_teljesitmeny_autonomia_munkaj))
- ⑩ charges of „organizing spontaneous protest” // June 2017  
 goo.gl/cVH1VJ – 444 on the charges and trial (<https://444.hu/2017/06/06/spontan-tuntetes-szervezesével-vadolnak-egy-erettsegizo-fiatalt>)  
 goo.gl/ScOqHI – interview with Botond Simon  
 (<http://magyarnarancs.hu/belpol/megszolal-a-spontan-tuntetes-szervezesével-vadolt-erettsegizo-fiatal-senki-sem-tudja-meddig-mennek-el-104653>)
- ⑩ Lex CEU to be found not in violation by Constitutional Court, insider sources predict // September 2017  
<http://www.atv.hu/belfold/20170908-lex-ceu-megvan-a-megallapodas-az-amerikai-szovetsegi-kormannyal-az-ab-iden-dont>

## 2. Has the government introduced legislation which makes judiciary less independent?

- plan of „administrative high court” // February 2017  
goo.gl/J1P7To – HVG on the decision against the courts  
([http://hvg.hu/itthon/20170216\\_nem\\_lesz\\_kozigazgatasi\\_felsobirosag](http://hvg.hu/itthon/20170216_nem_lesz_kozigazgatasi_felsobirosag))  
goo.gl/zEWkBP - HVG on constitutional court opinion on the administrative high court  
([http://hvg.hu/itthon/20170113\\_alkotmanybirosag\\_kulonbirosagok](http://hvg.hu/itthon/20170113_alkotmanybirosag_kulonbirosagok))  
goo.gl/FZznI2 – HVG commentary of János Lázár (minister of prime minister’s office)  
([http://hvg.hu/itthon/20160825\\_Lazar\\_Teljes\\_hulyeseg\\_ami\\_megjelent\\_kozigazgatasi\\_birosag](http://hvg.hu/itthon/20160825_Lazar_Teljes_hulyeseg_ami_megjelent_kozigazgatasi_birosag))
- integrity code for attorneys // March 2017  
goo.gl/LP20si – HVG on problems with the integrity code // March 2017  
([http://hvg.hu/itthon/20170309\\_hando\\_tunde\\_obh\\_integritasi\\_szabalyzat\\_strasbourg\\_alkotmanybirosag\\_birok](http://hvg.hu/itthon/20170309_hando_tunde_obh_integritasi_szabalyzat_strasbourg_alkotmanybirosag_birok))
- compulsory courses for governance officials at the National Public Service University // September 2017  
[http://hvg.hu/itthon/20170901\\_A\\_fiatal\\_jogaszok\\_sem\\_usszak\\_meg\\_a\\_kormany\\_diplomakitatumat](http://hvg.hu/itthon/20170901_A_fiatal_jogaszok_sem_usszak_meg_a_kormany_diplomakitatumat)

## 3. Do you see the trends of interference of government in the judges’ appointment process?

- excessive power of Tünde Handó (president of the national judicial office) // March 2017  
goo.gl/30U1Wu – HVG on problematic powers of the head of the OBH  
([http://hvg.hu/itthon/20170317\\_hando\\_tunde\\_obh](http://hvg.hu/itthon/20170317_hando_tunde_obh))  
resolutions 60-72/2017 (III.) KE
- appointment of new constitutional judges // November 2016  
goo.gl/mg4Pz0 – MNO on complaints of the opposition on the appointment process  
(<https://mno.hu/belfold/megvalasztottak-az-ab-uj-tagjait-1372687>)

## State of constitutionalism

Since their gaining of power in 2010 the governing parties of Fidesz-KDNP have been criticized for a range of reasons, in the legal profession the most critiqued set of actions were the replacement of the Constitution and the subsequent six amendments of the new Basic Law of Hungary. The new constitution introduced a number of changes to the composition and operation of the Constitutional Court (AB) which curbed its powers and mandate and made it possible to fill the four new seats with judges preferred by the government (including the prime minister's former minister of chancellery), and also for a prolonged period. In late 2016 the appointment of four new judges came with controversy and complaints from the opposition, because according to them the appointing committee proceeded contrary to the law.<sup>258</sup>

The amendments to the basic law opened debates about a range of possible future fundamental rights violations (including the penalization of homelessness, and a paragraph opening up the possibility of reintroducing an abortion ban) the latest amendment makes it possible to suspend laws and allow regulatory government in a crisis situation and travel bans.<sup>259</sup> The amendment came amidst the Istanbul and Orlando terrorist attacks and argued that it is essential to keep the citizens safe and that other constitutions contain similar paragraphs, however, the amendment was received with criticism and was deemed mood creation by experts.

## Operation of courts

In late 2011 Tünde Handó was appointed to the head of the National Judicial Office (OBH) for nine years. Her appointment received criticized because of her close ties to Fidesz politicians and the fact that she is married to a party member who is a key figure in both the public law transitions and the enactment of the new basic law. With her mandate comes all the power to exercise appointments, relocation, substitution and control of judges. Her excessive powers were criticized by the Council of Europe and the Venice Commission as well, which pressure resulted in the supposed moderation of the mandate, but in reality there were no significant changes.<sup>260</sup> Following the enactment of a law in 2012 over 10% of all judges were let go due to a new age limit. Tünde Handó's criteria in appointing new judges is also questioned by professionals; in addition to neglecting professional factors for personal preference, her decisions also fail to comply the process required by law.

Further controversy around her figure and the legitimacy of the OBH included a range of issues, firstly, the introduction of the integrity code for judges. This code in theory is supposed to curb

<sup>258</sup><https://mno.hu/belfold/megvalasztottak-az-ab-uj-tagjait-1372687>

<sup>259</sup><https://mno.hu/belfold/terrorveszely-megvan-az-alaptorveny-hatodik-modositasa-1345940>

<sup>260</sup>[http://hvg.hu/itthon/20170317\\_hando\\_tunde\\_obh](http://hvg.hu/itthon/20170317_hando_tunde_obh)

corruption, but it also contains standards set personally by the head of the office, which are contrary to the rule of law, and therefore led to a challenge at the constitutional court and subsequently at the European Court of Human Rights.<sup>261</sup> Secondly, amidst a full scale attack on civil society and NGOs from the government, judges from the capital were asked to answer a questionnaire issued by the OBH, which contained a question whether the judges are members of any NGOs. The OBH claims the questions have already been out together in 2015 and the survey helps to refine the sections of the integrity code to avoid possibility of judicial bias.<sup>262</sup> Thirdly, a requirement of a monthly mandatory minimum judgments is in place, allegedly to improve timeliness of court procedures. The requirement is yet another example of curbing judges' autonomy, as well as the mandatory presence between 8-16 at the Pest Central District Court, which is checked by a time clock.<sup>263</sup>

In early 2017 there were plans to introduce a new court system, the administrative high courts, which would have dealt with cases of political nature, election rules and appeals against administrative measures. The bill was passed through parliament contrary to rules (it was adapted with a single majority instead of a qualified majority) which led the president to send the bill to the constitutional court for revision.<sup>264</sup> The constitutional court repealed the law based on the grounds of failure to meet formal procedural requirements.<sup>265</sup> Critics of the new system said it would be cronyism, which claim János Lázár (the minister of the prime minister's office) called "complete stupidity" and said that the purpose of the new system was to make construction, taxation and environmental matters more efficient.<sup>266</sup>

There is over 500 million Forints in the 2018 state budget to make the operation of courts more client friendly. The news that swirled the otherwise calm summer months was the style guide on the customer centers ordered by the head of the OBH, which was extremely overpriced, according to its critics, and contains guidelines to a humiliating extent, prescribing wearing five different pieces of underwear during the five working days for women.<sup>267</sup>

The tendency to micro-manage rather unimportant details of the daily routine of the judiciary is pointed out in a recently published book titled "The State of the Hungarian Legal System" by György Gajdusчек, senior research fellow of the Hungarian Academy of Sciences. In an interview he lays

<sup>261</sup>[http://hvg.hu/itthon/20170309\\_hando\\_tunde\\_obh\\_integritasi\\_szabalyzat\\_strasbourg\\_alkotmanybirosag\\_birok](http://hvg.hu/itthon/20170309_hando_tunde_obh_integritasi_szabalyzat_strasbourg_alkotmanybirosag_birok)

<sup>262</sup>[http://hvg.hu/itthon/20170512\\_civil\\_e\\_vagy\\_birosag\\_hando\\_tunde](http://hvg.hu/itthon/20170512_civil_e_vagy_birosag_hando_tunde)

<sup>263</sup>[http://hvg.hu/itthon/20170327\\_Hando\\_birosag\\_teljesitmeny\\_autonomia\\_munkajog](http://hvg.hu/itthon/20170327_Hando_birosag_teljesitmeny_autonomia_munkajog)

<sup>264</sup>[http://hvg.hu/itthon/20170113\\_alkotmanybirosag\\_kulonbirosagok](http://hvg.hu/itthon/20170113_alkotmanybirosag_kulonbirosagok)

<sup>265</sup>[http://hvg.hu/itthon/20170216\\_nem\\_lesz\\_kozigazgatasi\\_felsobirosag](http://hvg.hu/itthon/20170216_nem_lesz_kozigazgatasi_felsobirosag)

<sup>266</sup>[http://hvg.hu/itthon/20160825\\_Lazar\\_Teljes\\_hulyeseg\\_ami\\_megjelent\\_kozigazgatasi\\_birosag](http://hvg.hu/itthon/20160825_Lazar_Teljes_hulyeseg_ami_megjelent_kozigazgatasi_birosag)

<sup>267</sup>[http://hvg.hu/itthon/20170824\\_birosagok\\_hando\\_tunde\\_arculati\\_kezikonyv](http://hvg.hu/itthon/20170824_birosagok_hando_tunde_arculati_kezikonyv)

out the example of what he thinks is the biggest problem of lawmaking in Hungary: the question of impact-assessment, or rather the lack of devoting qualified professionals and technical support for the careful planning of new bills.<sup>268</sup> Although he points out that a general misunderstanding about the social purpose of lawmaking has been present in the Hungarian legal culture for a long time, an ever increasing number of former government officials come out to confirm that the current “System of National Co-operation” (NER) is indeed based on employees who are above all loyal to and/or dependent on the party, and loyalty is often rewarded by highly paying positions, which are often created only to put the beneficiaries, laypeople, into position.<sup>269</sup>

### **Trials and judgments**

There have been a number of trials that became significant in the public eye, which raise questions of government interference with the independent judiciary. First, there was the case of the “acid doctor” who despite splashing acid on his former lover was not taken to custody during the trials nor was he barred from practicing medicine, but was allowed time on TV to explain himself and blame the victim. It was only later that his family ties to the former minister of chancellery to the prime minister were revealed.<sup>270</sup>

Especially in light of the conditions at the trial of the “acid doctor” there was massive public outrage when the two defendants of a vandalism (“public nuisance”) case were led to the chambers in handcuffs. They threw paint on the president’s residence at a protest and were immediately taken to custody and their case was tried in an accelerated procedure, which gave virtually no time for the defense to read indictment. The charge included gang perpetration, which makes the penalty much harsher (three years’ imprisonment as a felony as opposed to maximum two years for misdemeanor) however a third perpetrator’s presence was not identified by any of the witnesses.<sup>271</sup> The defendants were fined and sentenced to an altogether 500 hours’ public work.<sup>272</sup> An ironic twist of the case is that a blog later published the dissertation of the preceding judge, in which he argued that punishment of vandalism raises of legal certainty.<sup>273</sup>

In a similar paint throwing case a few days later the defendants were fined to a lesser extent,<sup>274</sup> however two days after the judgment one of the defendants was approached by a Chechen man, who asked him to publicly apologize (the paint was thrown at the Soviet War Memorial). As the man

<sup>268</sup>[http://index.hu/belfold/2017/07/05/torveny\\_minoseg\\_hatasvizsgalat\\_jogalkotas/](http://index.hu/belfold/2017/07/05/torveny_minoseg_hatasvizsgalat_jogalkotas/)

<sup>269</sup>[http://hvg.hu/itthon/20170823\\_Kitalalt\\_a\\_NER\\_mukodeserol\\_egy\\_volt\\_fideszes\\_kormanyhivatali\\_vezeto](http://hvg.hu/itthon/20170823_Kitalalt_a_NER_mukodeserol_egy_volt_fideszes_kormanyhivatali_vezeto)

<sup>270</sup><http://24.hu/belfold/2017/03/10/kilenc-ebet-kapott-a-lugos-tamadassal-vadolt-orvos/>

<sup>271</sup><https://444.hu/2017/04/13/kezd-egesen-szureallissa-valni-a-hetfon-letartoztatott-tuntetok-targyalasa>

<sup>272</sup>[http://index.hu/belfold/2017/04/13/gulyas\\_marton\\_sandor\\_palota\\_itelet/](http://index.hu/belfold/2017/04/13/gulyas_marton_sandor_palota_itelet/)

<sup>273</sup><https://translate.google.com/#hu/en/jogbiztons%C3%A1gi%20probl%C3%A9ma>

<sup>274</sup><https://444.hu/2017/04/18/most-kezdodik-a-szabadsag-teri-szovjet-emlekmuvet-megdobalo-aktivistak-pere>

turned out to be possibly violent, many were concerned that he might have coerced the apology or threatened the defendant in some way. The government has not responded in any way.<sup>275</sup>

These paint throwing incidents happened amidst the wave of protests against the so-called Lex CEU, which bill was rapidly passed through parliament and signed by the president (who, despite huge national and international professional and civil pressure “did not find anything unusual in the bill”)<sup>276</sup> After one of these demonstrations a twenty-year-old high school student was stopped by the police on his way home, and subsequently charged with organizing (of what was clearly a spontaneous) protest. He is certain that it is yet another measure to threaten the opposition through the judicial branch.<sup>277</sup>

There is also a trend of judicial bias in certain cases concerning minority issues. It has been a recurring pattern to convict Roma people for “anti-Hungarian” hate crimes, the latest news of such practice emerging in June 2017,<sup>278</sup> while homophobic, xenophobic or racist attacks are seldom recognised as hate crimes. Another general example is the lack of knowledge of judges on domestic violence: they fail to identify patterns and avoid harsh sentencing, victim blaming is also not uncommon. In the above mentioned “acid doctor” case, the Curia (supreme court of Hungary) ordered a re-trial on the second degree, “a slap on the face for victims of domestic violence.”<sup>279</sup> A possible explanation of these biases can be derived from harsh statements from members of the government and state fuelled hate propaganda.

### **Independent institution (ombudspersons, media regulatory bodies)**

Both ombudspersons and media regulatory bodies lost their independency years ago. Independent Ombudsperson of Future Generations lost his independency at the end of 2011.

Media regulatory body lost it in 2010 when the National Media and Broadcasting Authority was created.

<sup>275</sup><https://444.hu/2017/04/22/komaromy-gergonek-azt-mondta-magomed-hogy-veszelyben-van-o-is-meg-a-csaladja-is>

<sup>276</sup><https://444.hu/2017/04/10/ader-janos-alairta-a-ceu-ellenes-torvenyt>

<sup>277</sup><https://444.hu/2017/06/06/spontan-tuntetes-szervezesevel-vadolnak-egy-erettsegizo-fiatal>

<sup>278</sup>[http://ataszjelenti.blog.hu/2017/06/09/az\\_itelotabla\\_szerint\\_a\\_gardat\\_utalni\\_rasszizmus](http://ataszjelenti.blog.hu/2017/06/09/az_itelotabla_szerint_a_gardat_utalni_rasszizmus)

<sup>279</sup>[http://kettosmerce.blog.hu/2017/06/14/a\\_kuria\\_itelete\\_a\\_lugos\\_orvos\\_ugyeben\\_a\\_bantalmazott\\_nok\\_arculcsapasa](http://kettosmerce.blog.hu/2017/06/14/a_kuria_itelete_a_lugos_orvos_ugyeben_a_bantalmazott_nok_arculcsapasa)

## Instead of conclusion

So-called illiberal trends are visible in our societies. This report aimed to define and detect what illiberal trends are. One should not immediately conclude that appearance of illiberal trends in society would automatically drag the country into the ill democracy. No. This is not the case. However, the illiberal trends are *early symptoms* or signals that the further transformation of country may happened. This is why is important to resist those trends on time, and take them seriously.

Across Europe, civil society groups are mobilized to resist illiberal trends. However, the other actors – from private sector to political parties has to recognize and join the resistance. Otherwise, the concept of liberal democracy will be strongly challenged and our societies may transform into the capture states. Europe was, and has to maintain the leadership in human rights and democracy in global arena. If the things are getting worse in our societies, Europe will lose the credibility to advocate for human rights, democracy and peace.

What can be done? We all should be aware on vulnerability of watchdog CSOs, independent media, independent art and judiciary in our countries. To resist illiberal trends it is crucial that citizens of each country trust and respect those institutions/organizations. Without citizen support it is more difficult to save them. However, since those social groups are first to be attacked through negative propaganda (as an intro for more stronger attacks) sometimes is difficult to defend them in public. Building broader coalition and defending them from other perspective (business, politics, etc.) may be helpful.

We also have to make state institution, on both national and European level more aware about the role and importance of existence of control mechanisms in our societies. On European level, there is a lack of common consensus on protecting European values. The lack of this consensus has for a consequence the lack of European efficient mechanisms to protect safeguards of democracy. The time has come to protect European values, define in Article 2 of the Treaty on European Union.

To be more concrete, what can be done:

1. introduce European Value Instrument<sup>280</sup> in EU budget and EU legislation
2. European Parliament may establish new standing Committee for Human rights and Democracy (but also keep Human Rights Sub-committee in Foreign Policy Committee) which will ensure more debate and more regulations related to human rights promotion and protection inside EU members state.

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<sup>280</sup> <https://www.liberties.eu/en/news/european-values-fund-two-proposals-mff/14471>



3. Introduce Yearly report on rule of law, democracy and human rights in Europe produced by Fundamental Rights Agency for European Parliament. Report will be discussed every year in EU Parliament and have clear recommendations that has to be implemented by member states. Monitoring mechanism should be established and implemented by Parliament Committee for Human Rights and Democracy
4. EU may adopt regulation on safeguarding democracy that will protect human rights defenders, watch dog NGOs, independent media and independent artists through the protection of freedom of speech (which does not include hate speech), assembly and association.
5. One of the vice-presidents or European Commission should have in her/his portfolio responsibility to safeguard civic space and human rights in EU.
6. Create obligation to member states to ensure part of domestic funding for critical watchdogs on national level.
7. For NGOs in Europe: we have to show more solidarity towards each other. If watchdog – human rights NGOs are under attack in one member state – NGOs from other member states have to make project partnerships as much as possible with attacked NGOs.
8. Invest more in translations - make sure to systematically translate your work into national language(s), even if the reporting is made to be submitted to an international body, as a way to give access to all your findings and arguments to all people in your country. Also, make sure to translate as much as possible national materials to foreign languages.
9. Early warning methods – we have to observe and alert on time about policy changes and react quickly to legislative steps taken by the authorities.

## Appendix

# Questionnaire

### Civil society /NGOs

1. Has there been reduction of state/local government funding to watch dog / fundamental rights CSOs?
2. Has there been change in legislation which is making the watch dog role for CSOs more complicated?
3. Has there been open threats / hostile naming by politicians or other extremists groups to watch dog NGOs?
4. Has there been media attacks on watch dogs NGOs?
5. Has there been physical attacks on watch dog NGOs or activists? How the state has reacted?
6. How you estimate the influence of watch dog NGOs to government policies? Does government (or some parts of the government) takes criticism from NGOs to improve their policies? Are there formal mechanisms developed by the government to include NGOs in policy process (formal consultations, expert groups, public discussions)
7. Has there been bans of public demonstrations organized by NGOs?
8. Are LGBT, gender, refugee related NGOs specially threatened (from political, financial or any other perspective)?

### Media

10. Has there been reduction of state/local government funding to independent media?
11. Has there been change in legislation which is making the independent media role more complicated?
12. Has there been legal charges against journalists due to the critical articles published by them?
13. Has there been open threats / hostile naming by politicians or extremists groups to independent journalists?
14. Has there been cases of closure of some independent media? From which reason?

### Art

1. Has there been ban of street performances or any other related cultural event? On which grounds?
2. Has there been public naming of independent artists by politicians or extremist groups?
3. Has there been physical attacks on independent artists? How the state has reacted?
4. Has the funding for independent art been reduced?

5. Has any new legislation been introduced which makes independent artist more difficult to work?
6. To what extent “moral – national proud” arguments were used against the artists?

## Judiciary

1. Do you see evidences on political pressures towards independent judiciary in your country?
2. Has the government introduced legislation which makes judiciary less independent?
3. Do you see the trends of interference of government in the judges appointment process?

## Independent institution (ombudspersons, media regulatory bodies)

1. Do you see evidences on political pressure towards ombudsperson office? (Rejecting ombudsperson report, financial cuttings, public naming etc.)
2. Do you see evidences on political pressure towards independent media regulatory bodies (if such body exists in your country)?

