

Media Pluralism in Slovenia

A Test Implementation of the Media Pluralism Monitor 2015



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About the project

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second pilot test implementation of the MPM, which was carried out in 2015. The implementation was conducted in 19 EU Member States with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom ([CMPF](#)) at the European University Institute.

The Monitor's methodology is based on research carried out by national country teams in the 19 countries, except for Malta where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly sensitive questions (see Annexe I for the list of experts).

Risks to media pluralism are examined in four main thematic domains, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area. The Basic Protection domain consists of four indicators; Market Plurality has three, while Political Independence and Social Inclusiveness each contain six indicators.

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political bias in the media	Access to media for different social and cultural groups, and local communities
Protection of right to information	Concentration of media ownership	Politicisation of control over media outlets	Availability of media platforms for community media
Journalistic profession, standards and protection	Concentration of cross-media ownership	Politicisation of control over media distribution networks	Access to media for the physically challenged people
Independence of national authority(ies)		State advertising	Centralisation of the media system
		Independence of PSM governance and funding	Universal coverage of the PSM and the Internet
		Independence of news agencies	Media literacy

The results for each domain and indicator are presented on a scale from negligible to 100%, a negligible risk being the lowest, and 100% risk being the highest score. Scores between negligible and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

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Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection.

1. Introduction

Media pluralism, in general, at least from the quantitative aspect, is in a good state in Slovenia. Regulations for ensuring media pluralism are mostly clearly defined by laws and legal acts, and there are authorities that monitor compliance with the rules. However, implementation is often weak and monitoring and sanctioning is ineffective and slow. There are some especially high risks in certain areas of media pluralism, namely regarding media literacy, politicisation of control over media outlets, state advertising, the independence of PSM governance and funding, and the independence of news agencies.

2. Results from the data collection: assessment of the risks to media pluralism

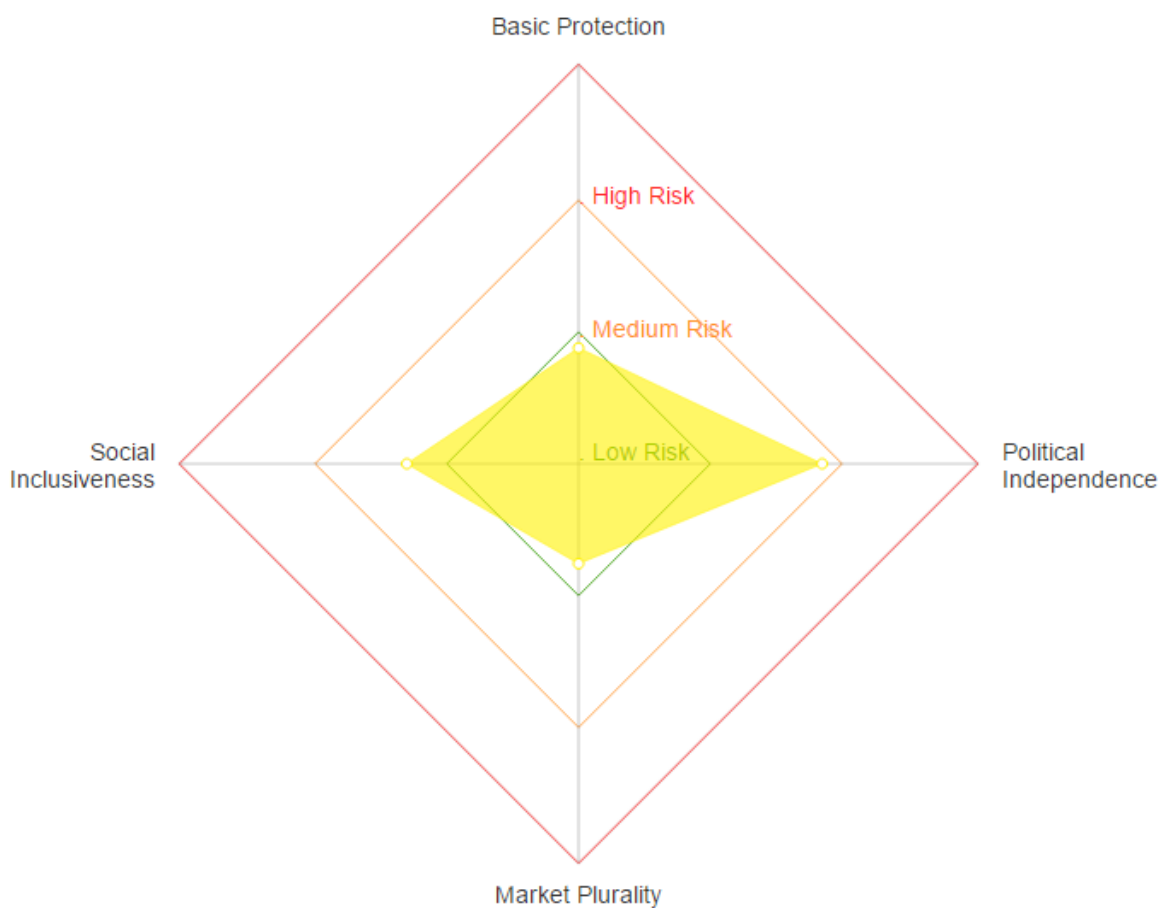


Figure 1 Media Pluralism Monitor 2015 - Slovenia, Results by Risk Domain

2.1 Basic Protection (29% risk - low risk)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy and they measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for the freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; as well as the independence and effectiveness of the national regulatory bodies, namely, media authorities, competition authorities and communications authorities.

Indicator	Risk
Protection of freedom of expression	35% risk (medium)
Protection of right to information	19% risk (low)
Journalistic profession, standards and protection	29% risk (low)
Independence of national authority(ies)	33% risk (low)

‘Protection of freedom of expression’ (35% - medium risk): As regards the legal protection for freedom of expression, Slovenia shows a medium risk. Although it has effectively implemented international regulatory safeguards, legal standards on the restrictions upon freedom of expression are not always followed. The system for providing legal protection for the freedom of expression presents a medium risk, as it is semi-effective: the regular remedies and instances are all costly and long lasting procedures and they can also be misused by politicians. Cases of violations of freedom of expression have been noted, mainly in the prosecutions of journalists who disclose classified documents or data in the public interest. Violations of freedom of expression online have been noted as well, especially regarding freedom of expression on social media, for example, a journalist employed by TV stations was fired due to her Twitter comments regarding a show; a PR person was fired by his company due to his comments on government politics (which were not related to his company).

‘Protection of right to information’ (19% - low risk) presents a low risk and it is explicitly recognised in the Constitution, as well as in law. Restrictions on the freedom of information on the grounds of the protection of personal privacy are not narrowly defined, however, they are mentioned in the Constitution. Appeal mechanisms for denials of access to information present a medium risk. Although the possibilities for Appeals are in place and are decided by the Information Commissioner, the procedures have little effective control. In general, there are not many cases of violations of the right to information in Slovenia, although sometimes obtaining information can be quite a long process for either journalists or the public.

‘Journalistic profession, standards and protection’ (29% - low risk). There is a low risk in the indicator on the journalistic profession, standards and protection. Access to the journalistic profession is open, both on paper and in practice. Journalists are represented by three different professional associations, although these are only partially effective in guaranteeing independence and respect for professional standards, as they do not have real power leverage. As for the protection of journalists, there is a medium risk, as there

have been some rare cases of attacks or threats to the physical safety of journalists. In general, there is a high risk in relation to the working conditions of journalists due to bad economic circumstances. As for editorial content, the Code of Journalism Ethics (2001), as well as the Mass Media Act (2006), officially prohibit commercial parties from influencing editorial content. The protection of journalistic sources is explicitly recognised by the Mass Media Act but there have been some infringements recently, for example prosecution of Anuška Delič from newspaper Delo. .

‘Independence and the effectiveness of national authority’ (33% - low risk).¹ As regards the national authorities, the risk is low, but is at only slightly below medium risk. While there are legal guarantees for the independence of all of the authorities in question (media, competition and telecommunications), the appointment procedures are not satisfactory (they are quite loose and therefore not always effective in safeguarding independence). The same goes for the appeal mechanisms of the media and telecommunications – they can be very slow and inefficient. The powers of both the media and the communication authority are not always used in the interest of the public, as there were reports on the potential abuse of their powers for personal reasons. The government can, at times, arbitrarily overrule the decisions of all three of the national authorities.

¹ NB: It needs to be noted that this indicator has been found to be problematic in the 2015 implementation of the Media Pluralism Monitor. The indicator aimed to combine the risks to the independence and effectiveness of media authorities, competition authorities and communication authorities, but it was found to produce unreliable findings. In particular, despite significant problems with regard to the independence and effectiveness of some of the authorities in many of the countries, the indicator failed to pick up on such risks and tended to produce an overall low level of risk for all countries. This indicator will be revised in future versions of the MPM (note by CMPF).

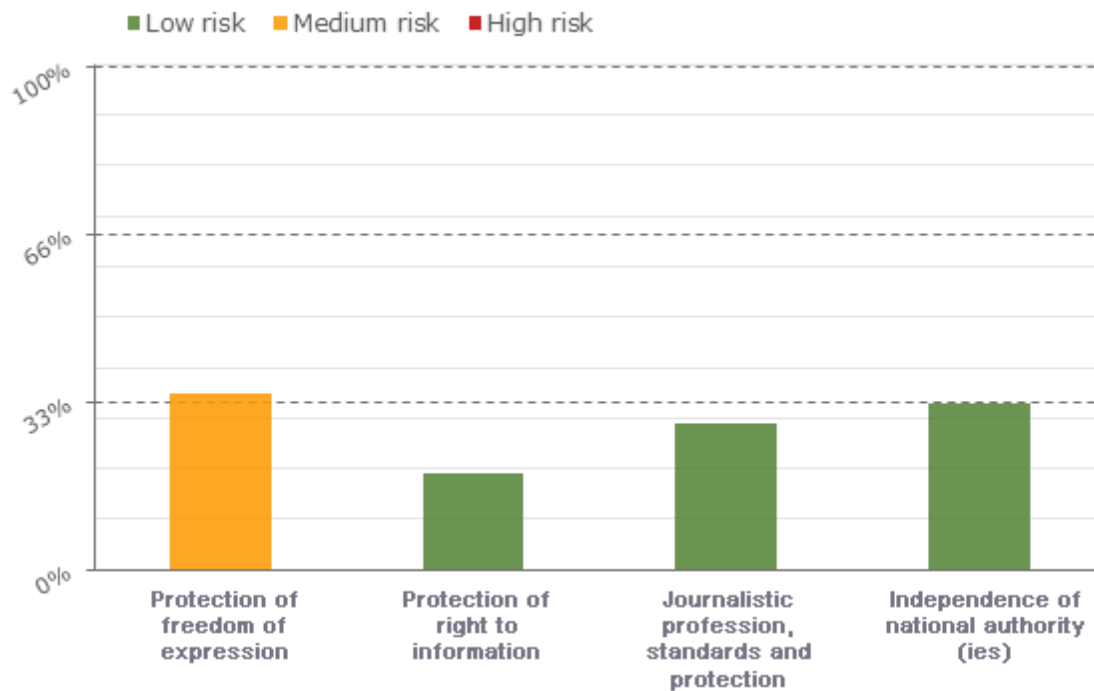


Figure 2 Media Pluralism Monitor 2015 - Slovenia, Basic Protection Domain, Results by indicators

2.2 Market Plurality (25% risk - low risk)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the regulatory safeguards against high concentration of media ownership and control in the different media, within a media market as well as cross-ownership concentration within the media sector.

Indicator	Risk
Transparency of media ownership	25% risk (low)
Concentration of media ownership	41% risk (medium)
Concentration of cross-media ownership	8% risk (low)

‘Transparency of media ownership’ presents a low risk (25%). If media are to function, they have to disclose information on their ownership structures to the Ministry of Culture and this information is published in the Media Register, which is accessible to everyone and checked by the regulator, but this information still does not show the ownership structure for every media.

‘Concentration of media ownership’ is at medium risk (41%). Media legislation contains a specific threshold (20%), above which the approval of the Ministry of Culture is needed in order to prevent a high level of horizontal concentration of ownership. There are several authority bodies that actively monitor compliance, over which the Ministry also has sanctioning powers. Violations still happen, as the ownership is easily hidden using so called paper companies. The radio sector has seen an intense process of concentration and takeovers in the past years. As for newspapers, the authorities have also been quite ineffective in preventing controversial takeovers. Internet content providers are not mentioned in the law regarding ownership and concentration.

A high level of horizontal concentration of ownership can be prevented through the provisions of the Mass Media Act, but there is a need for stronger and more decisive control of the relevant authorities. The Top4 owners almost completely control the audiovisual market in Slovenia.

The ‘Concentration of cross-media ownership’ presents almost no risk at all (8%). Media legislation contains measures to prevent a high degree of cross-ownership among the different media. Monitoring bodies are designated to monitor those provisions and they can refuse to give a license, although these powers are not always used. However, some recent cases show that cross-media concentration is developing, although it is officially prohibited by the Mass Media Act, showing that there are inefficiencies, or passive (on purpose) behaviour, in the regulatory bodies, for example Media24 and related companies' activities in radio, television, and daily print (for example Svet24, Radio Veseljak, Radio Salomon, TV Veseljak).

There is no exact data on the market shares, or relevant media-related revenues, in relation to all the media actors. The issue is also whether to include the public service broadcaster in these measurements, since their income mostly overshadows that of all of the other media actors, and this would show a different picture if it were not included in the overall market analysis.

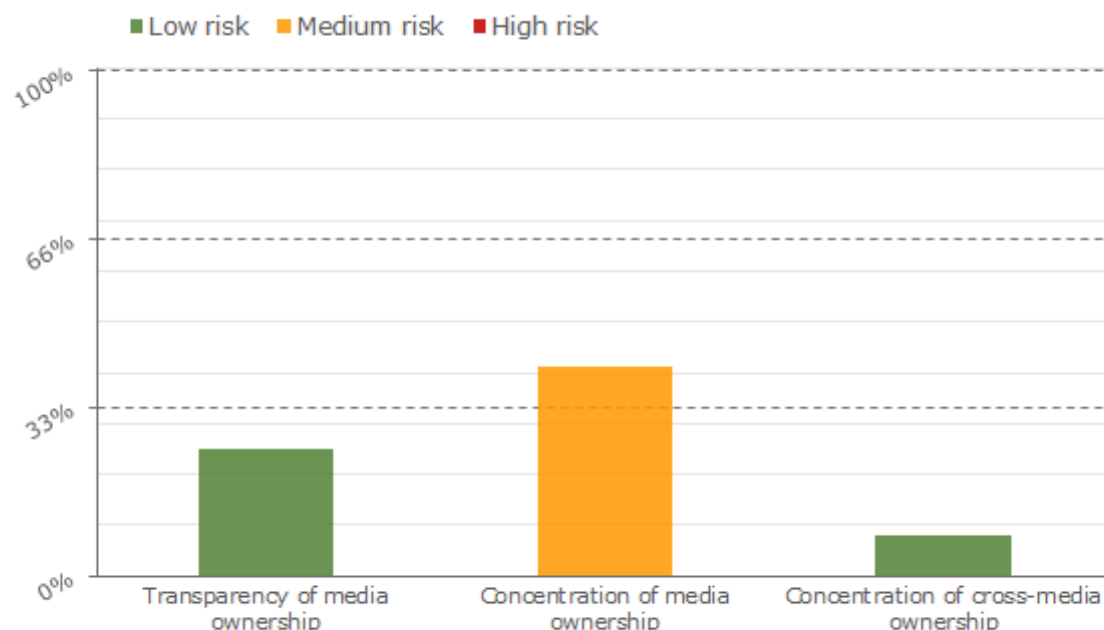


Figure 3 Media Pluralism Monitor 2015 - Slovenia, Market Pluralism Domain, Results by Indicators

2.3 Political Independence (61% risk - medium risk)

The Political Independence indicators assess the existence and effectiveness of the implementation of regulatory safeguards against the biased representation of the political viewpoints in the media, and also the extent of the politicisation over media outlets, media distribution networks and news agencies. Moreover, it examines the influence of the state on the functioning of the media market, with a focus on state advertisement and public service media.

Indicator	Risk
Political bias in the media	51% risk (medium)
Politicisation of control over media outlets	79% risk (high)
Politicisation of control over media distribution networks	Negligible
State advertising	67% risk (high)
Independence of PSM governance and funding	72% risk (high)
Independence of news agencies	100% risk (high)

‘Political bias in the media’ is at medium risk (51%). The Radio and Television Corporation of Slovenia Act imposes rules that aim at fair, balanced and impartial representation of political viewpoints on PSM channels and services. The Media Inspectorate of the Republic of Slovenia is designated to monitor the law, but it does not have the specific task of monitoring the direct representation of political viewpoints.

However, it is possible to file a complaint to the guardian of the rights of viewers and listeners of RTVS. In the case of noncompliance, however, sanctions are not clearly stated in the law.

PSM has very exact rules regarding the representation of different groups of political actors. There are differences in the coverage of parliamentary parties and non-parliamentary parties, which can lead to problems when a new party or movement is running a campaign, even if they are very popular in the public-opinion polls.

‘Independence of PSM governance and funding’ presents a high risk (72%). Although the RTVS Act states that voting by the Programme Board shall in all matters be made public, the appointed constellation is not that fair. While members of boards chosen by political parties should take into account the relative representation of the political parties in the National Assembly, this is not a strict enough regulation to provide for the independence of PSM boards.

Although the government does not directly decide on the wages of PSM employers, the wages are influenced by austerity measures that the government has been implementing in recent years – e.g., reducing the salaries of civil servants, or more generally in the public sphere. No measures for transparent and objective procedures concerning the amount of money to be granted to PSM are prescribed.

‘Politicisation of control over media outlets’ presents a high risk (79%). There is no data on TV channels that may be owned by politically affiliated entities. However a new radio station and a TV station will start to broadcast by the end of 2015, both run by the second-largest, right-wing party, SDS. This shows the direct political interest and influence of particular parties on the broadcast media.

The largest media outlets do not have any self-regulatory measures that are implemented to guard editorial independence. There are also no measures in the Code of Ethics of the Slovenian Association of Journalists.

The indicator on the ‘Politicisation of control over media distribution networks’ presents a negligible risk. The leading distribution networks (television, radio stations and print) are not politically affiliated.

‘State advertising’ is at high risk (67%), as, despite the privatisation of state-owned companies in the 2010s, there are still allegations that the advertising revenues are not distributed transparently. There is no specific recent data regarding state advertising, or regarding the advertising of state-owned or controlled companies

‘The independence of news agencies’ is under high risk (100%), since the leading news agency, the state-owned Slovenian Press Agency (STA), has a dominant position with almost complete control over the domestic news agencies’ market. However, a law was passed in 2011 to resolve its status and to enhance its transparency and independence.

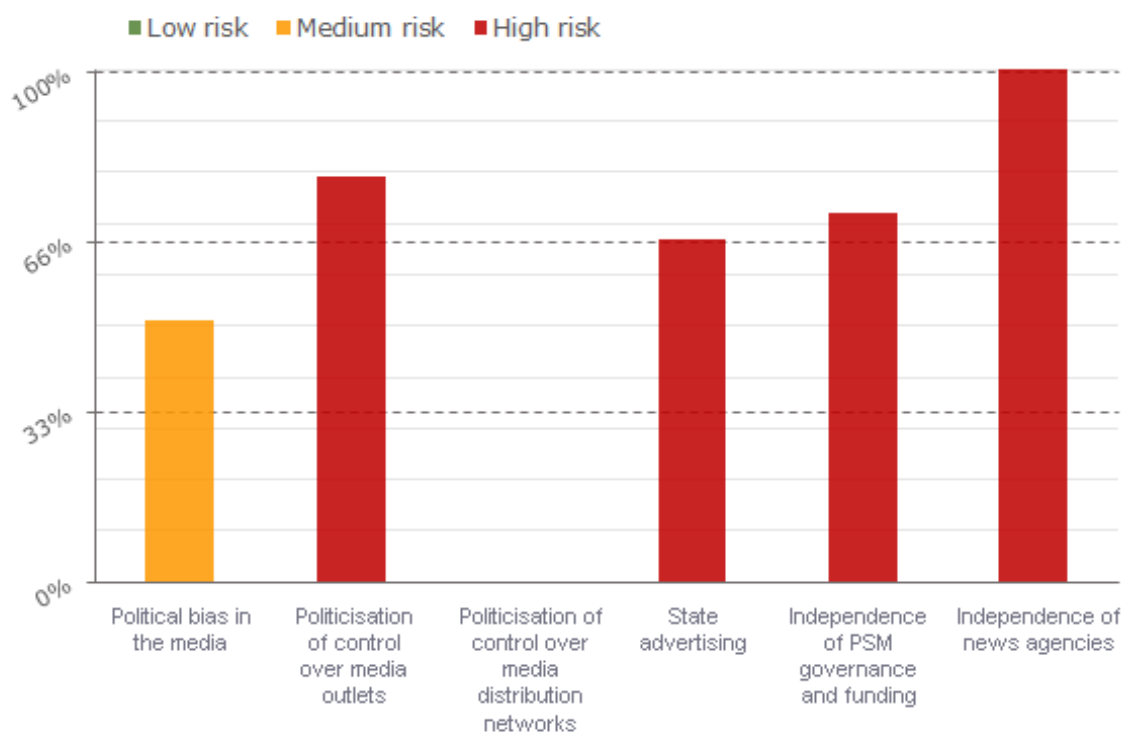


Figure 4: Media Pluralism Monitor 2015 - Slovenia, Political Independence Domain, Results by Indicators

2.4 Social Inclusiveness (43% risk - medium risk)

The Social Inclusiveness indicators are concerned with access to, and availability of, media for different, and particularly vulnerable, groups in the population. They assess regulatory and policy safeguards for access to media by various cultural and social groups, by local communities and by people with disabilities. Moreover, they assess the centralisation of the media system, and the quality of the country's media literacy policy, as well as the digital media skills of the population.

Indicator	Risk
Access to media for different social and cultural groups, and local communities	42% risk (medium)
Availability of media platforms for community media	58% risk (medium)
Access to media for physically challenged people	Negligible
Centralisation of the media system	60% risk (medium)
Universal coverage of PSM and the Internet	31% risk (low)
Media literacy	67% risk (high)

‘Access to media for different social and cultural groups, and local communities’ is under medium risk (42%). Although guaranteed by law and with two designated bodies with sanctioning powers monitoring compliance, there are no data on their effectiveness, as the law is in the process of amendment. The Constitution of Slovenia protects two traditional national minorities, Italian (0,3%) and Hungarian (0,1%), and the Roma community. A number of big ethnic and religious groups in Slovenia are not recognised as national minorities, namely the Croats (1,8%), Serbs (2%), Muslims and Bosnians (1,6%).² Access to airtime on PSM channels for recognised minorities is guaranteed by law, whereas, in practise, the access depends on the group, its size, history, strength, and its representation at the public broadcasters’ council.

As for access to media by local communities, PSM are not obliged to have a minimum proportion of regional or local communities involved, nor are they obliged to have a balance of journalists from different geographical areas, or to have news in local languages. Additionally, a number of local correspondents have been cut in the last few years. The PSM regularly broadcast local news programmes.

The ‘Availability of media platforms for community media’ is under medium risk (58%). The Mass Media Act recognises student television and radio programmes, as well as non-profit radio media, to be a

² Muslims were defined as ethnic group in former Yugoslavia (including Slovenia) until 1991, and there are still issues with different names for people from Bosnia and Herzegovina in today's Slovenia, as they are defined either as Bosnians or as Muslims (to clarify that they are not Croats or Serbs from Bosnia) in official definitions.

separate group. However, the law does not guarantee the independence of community media, only the independence of their editorial policy.

The law contains specific provisions granting access to media platforms for minority media. The body monitoring compliance with the law has sanctioning powers, although there is no data relating to their effectiveness. No appeal mechanisms are in place, although an administrative dispute is possible.

‘Access to media for physically challenged people’ presents a negligible risk. The state policy on access to media content by physically challenged people is well developed. Subtitling and sound descriptions are available on public service television channels at different times. However, a full service for handicapped people who have trouble hearing or seeing is still not available.

‘Media literacy’ is under quite a high risk (67%), as it is often mentioned in different government documents that are related to the media, but there is a lack of consistent policy and programmes. Over 50% of the population has at least basic digital skills.

The ‘Universal coverage of the PSM and the Internet’ presents a low risk (31%). The former is guaranteed by law, and the public broadcaster provides good coverage of the territory and the population with the signals of its TV and radio channels. According to the EC, 100% of the rural population is covered by broadband (EC 2013). However, according to the Point Topic research for the European Commission, in Slovenia, most rural households were not able to access high-speed services. DSL services covered less than 70% of the households in Slovenia in 2012, placing it well below the EU average for coverage.

The ‘Centralisation of the media system’ is overall below medium risk (60%). The media legislation recognises regional or local media as being specific categories of media, and reserves frequencies for local radio or TV. However, the legislation is not effective in safeguarding local media as, due to the economic crisis, many local/regional media have difficulty with economic sustainability.

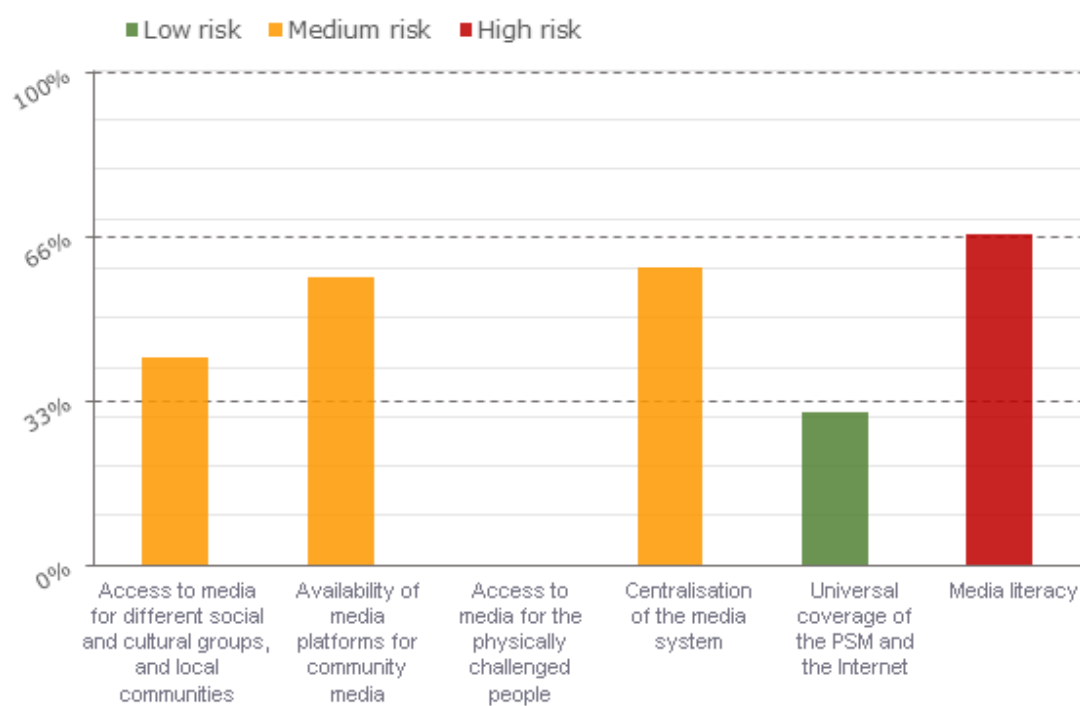


Figure 5L Media Pluralism Monitor 2015 - Slovenia, Social Inclusiveness Domain, Results by Indicators

3. Conclusions

Based on the findings of the MPM2015, the following issues have been identified by the country team as being more pressing or as deserving particular attention by policy-makers in order to promote media pluralism and media freedom in the country.

Slovenia is an example of a country where many aspects of media pluralism, including large numbers of media outlets in different sectors, frequently with different, unrelated owners, are fulfilled. However this quantitative aspect is very often not supported also from a qualitative aspect: the important issue of the diversity of radio programming, for example, still exists – despite there being a large number of radio stations, most of them offer similar if not actually the same, programming and content, with very little variety in genres, specialisation, but particularly in relation to more demanding music and other content.

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

The economic crisis that has affected the Slovenian economy as a whole, and the media sector in particular has shown the weaknesses of the market model of media financing in smaller countries / markets, particularly when these are faced with the weak or slow reactions of regulatory authorities (see, for example, an attempt by the publishing company, Delo, to take over the newspaper Večer, which – although illegal – still lasted for almost five years). The crisis – which is still continuing – has left most of the media companies weaker and more exposed to different pressures, including political and advertising, pressure from owners and also from other actors in society.

Slovenian media policy therefore needs to focus on the issues of both the short- and long-term support of quality media and quality journalism that foster the critical and independent role of the media in Slovenian society, which can offer benefit also to the quality of the political process and to the quality of life in general. This includes (but is not limited to) the following points. First, immediate measures to allocate funds and to implement (new) measures for the stable employment of journalists. Second, tax reductions for media or content, particularly that which is in the (defined) public interest. Third, a transparent financial structure in cases of takeover or merger attempts.

Annexe I. List of national experts who were consulted.

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