



Office for Democratic Institutions and Human Rights

# REPUBLIC OF SLOVENIA

## PARLIAMENTARY ELECTIONS

24 April 2022

ODIHR Election Assessment Mission  
Final Report



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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>3</b>
<b>III.</b>	<b>BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>3</b>
<b>IV.</b>	<b>LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....</b>	<b>4</b>
<b>V.</b>	<b>ELECTION ADMINISTRATION.....</b>	<b>5</b>
<b>VI.</b>	<b>VOTING METHODS.....</b>	<b>6</b>
<b>VII.</b>	<b>VOTER REGISTRATION .....</b>	<b>7</b>
<b>VIII.</b>	<b>CANDIDATE REGISTRATION .....</b>	<b>8</b>
<b>IX.</b>	<b>ELECTION CAMPAIGN.....</b>	<b>10</b>
<b>X.</b>	<b>CAMPAIGN FINANCE.....</b>	<b>10</b>
	<b>A. INCOME AND EXPENDITURE .....</b>	<b>11</b>
	<b>B. REPORTING AND OVERSIGHT .....</b>	<b>12</b>
<b>XI.</b>	<b>MEDIA .....</b>	<b>13</b>
	<b>A. MEDIA ENVIRONMENT .....</b>	<b>13</b>
	<b>B. LEGAL FRAMEWORK .....</b>	<b>15</b>
	<b>C. CAMPAIGN COVERAGE .....</b>	<b>16</b>
<b>XII.</b>	<b>COMPLAINTS AND APPEALS .....</b>	<b>16</b>
<b>XIII.</b>	<b>ELECTION OBSERVATION.....</b>	<b>17</b>
<b>XIV.</b>	<b>ELECTION DAY.....</b>	<b>18</b>
<b>XV.</b>	<b>RECOMMENDATIONS .....</b>	<b>18</b>
	<b>A. PRIORITY RECOMMENDATIONS.....</b>	<b>18</b>
	<b>B. OTHER RECOMMENDATIONS .....</b>	<b>19</b>
	<b>ANNEX: FINAL ELECTION RESULTS .....</b>	<b>21</b>
	<b>ABOUT ODIHR .....</b>	<b>22</b>

**REPUBLIC OF SLOVENIA**  
**PARLIAMENTARY ELECTIONS**  
**24 April 2022**

**ODIHR Election Assessment Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Slovenia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 24 April parliamentary elections. The ODIHR EAM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections as well as national legislation.

The elections were competitive and pluralistic. Contestants campaigned freely, and voters had a wide variety of choices across the political spectrum. During the election campaign, the freedoms of peaceful assembly and association were respected. But interference in the work of public broadcasters and continuous targeting of journalists by political actors negatively affected the freedom of expression. Most ODIHR EAM interlocutors expressed full confidence in the integrity of election administration.

The legal framework is comprehensive and generally conducive for the conduct of democratic elections. Despite some improvements of the legal framework in 2021, most previous ODIHR recommendations remain unaddressed, including those concerning limitations on the right to vote, criminal liability for defamation, lack of clear system of election dispute resolution, insufficient transparency of campaign finance, and the establishment of an independent media oversight body.

The National Assembly was elected for a four-year term through two methods: 88 members of the parliament (MPs) were elected under the proportional representation system from eight constituencies, and 2 MPs representing the Hungarian and Italian national communities were elected under the majoritarian system in two special constituencies. As a result of a 2021 legal amendment, the boundaries of five constituencies were redrawn to enhance equality of the vote.

The elections were administered professionally by election management bodies in a four-tiered structure, led by the State Election Commission (SEC) which enjoyed broad public confidence. The SEC held regular public sessions, but notifications of the sessions were not always posted on the SEC's website in a timely manner. The SEC thoroughly regulated technical aspects of alternative voting methods, including out-of-country, early, postal and mobile voting and provided detailed information on voting rights and voting methods on its website in accessible formats. Some ODIHR EAM interlocutors expressed concern about tight deadlines for printing ballots for postal voting and potential disenfranchisement of voters abroad due to the late arrival of their ballots sent by post.

The right to vote is granted to citizens of 18 years of age and older by the election day. The suffrage rights of a person placed under guardianship can be revoked by an individualized court decision, at odds with international standards. Voter registration is passive and based on the population register maintained by the Ministry of Interior. For these elections, the voter register included some 1.7 million voters. Inclusion in the voter register for the Hungarian and Italian national communities is active. Most ODIHR EAM interlocutors expressed confidence in the accuracy of voter lists.

An inclusive candidate registration process resulted in 1,471 candidates (44 per cent of the candidates were women) from 21 parties that contested the elections. Three candidates were registered for the

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Slovenian.

Hungarian national community and two - for the Italian national community, all men. All contestants complied with the obligation to have no less than 35 per cent of women and men on the candidate lists.

Positively, representation of women in public bodies has improved, women now make up 40 per cent of the newly elected parliament. Nevertheless, women continue to be underrepresented at decision-making positions in public bodies. Few of the political parties had a dedicated policy to enhance the role of women in their electoral campaign and only a few women headed candidate lists. Gender disaggregated data on the election administration was not available.

The campaign was vibrant, with some ODIHR EAM interlocutors describing it as polarized and tense. Although the campaign was tainted by offensive speech and negative rhetoric, contestants, including from national minorities, did not raise concerns about their ability to campaign freely. Campaign issues included health care, inflation, energy, national security and pensions.

The legal framework on the election campaigns regulates donations, expenditures, disclosure and reporting requirements and sanctions. Nevertheless, key challenges remain, including lack of regulation of third-party campaigning and ineffective enforcement of the regulatory framework, impacting the transparency and accountability of campaign finances. Most contestants began their campaign before the official campaign period leaving relevant expenses unreported. The Court of Audit, the primary campaign finance oversight body, enjoys general trust, but some ODIHR EAM interlocutors questioned effectiveness of oversight due to limited resources of the Court of Audit.

The media landscape is pluralistic, and the freedom of expression is protected by the Constitution. In practice, the situation with this fundamental freedom has deteriorated in recent years. A number of journalists were regularly targeted on social networks by political actors, including the head of government, and their supporters. Defamation, slander and insult remain criminal offences and are actively misused against investigative journalism. The public broadcaster and Slovenian Press Agency were under political pressure, and some actions by the public broadcaster's oversight body interfered with the broadcaster's editorial freedom. Campaign coverage by the public television and some private media was criticized as politically biased, but the overall pluralism of the media let voters have informed opinions about the contestants' political platforms. Public radio was perceived as overall objective.

Contestants and voters can complain against decisions of election commissions and electoral violations, and the law provides for reasonable deadlines for adjudication of electoral disputes. The election dispute resolution system generally enjoys the confidence of stakeholders; however, the legal framework at times lacks clarity on procedures and legal standing for appealing election results.

In line with ODIHR's methodology, the EAM did not carry out a systematic or comprehensive election day observation but visited a limited number of polling stations. The voting process was transparent, well organized, and the secrecy of the vote was largely respected in the polling stations visited. Most polling stations visited were accessible for voters with disabilities, and ballot templates were available for the visually impaired people. The vote counts observed were well organized, but procedures were not always followed. The SEC published detailed voting results, including broken down to polling station level, on its website in a timely manner contributing to transparency of the process.

This report offers a number of recommendations to support efforts to bring elections in Slovenia closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on protection of public media from political pressure, effective investigation of threats against journalists, adequate regulation against defamation, and rules on third-party campaigning. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Slovenia and based on the findings and conclusions of a Needs Assessment Mission (NAM) conducted from 15 to 18 February 2022, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) to observe the 24 April 2022 parliamentary elections.<sup>2</sup> The ODIHR EAM was led by Ambassador Eberhard Pohl and consisted of seven experts drawn from six OSCE participating States. The ODIHR EAM was based in Ljubljana and visited some localities around the capital.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner but visited a limited number of polling stations.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs and the State Election Commission (SEC) for their co-operation and assistance, as well as to express gratitude to representatives of other state institutions, judiciary, election commissions at lower levels, political parties, candidates, media, civil society, and other interlocutors for sharing their views.

## III. BACKGROUND AND POLITICAL CONTEXT

Slovenia is a parliamentary republic, with legislative authority exercised by a 90-member National Assembly. The National Council, the upper chamber of the parliament, has a secondary role in the legislative process.<sup>3</sup> Executive power is exercised by the government headed by a prime minister. The president is directly elected for a five-year term. The elections to the National Assembly (hereinafter - parliamentary elections) were called by the President on 9 February and set for 24 April.

The last (early) parliamentary elections were held on 3 June 2018 and resulted in a minority government led by Prime Minister Marjan Šarec.<sup>4</sup> In January 2020, a crisis in the government of Mr. Šarec ensued in a new coalition minority government led by Prime Minister Janez Janša of the SDS.

In the spring of 2020, after the onset of the COVID-19 pandemic, spontaneous protests against the government erupted in Ljubljana around a diversity of issues. The protests continued regularly up to the 2022 election campaign.<sup>5</sup>

In October 2020, a coalition of four centre-left opposition parties (Constitutional Arch Coalition, *KUL*) formed a technical alternative in opposition to Prime Minister Janša's government.<sup>6</sup> In February 2021, *KUL* and Democratic Party of Pensioners (*DeSUS*) called for the Prime Minister's resignation and submitted a parliamentary motion of no confidence which failed. Subsequently, *KUL* signed an

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<sup>2</sup> See [previous ODIHR election reports on the Republic of Slovenia](#).

<sup>3</sup> It is composed of 40 representatives of different professional groups and local communities, elected indirectly by the National Assembly for a five-year term.

<sup>4</sup> The 2018 elections resulted in nine parties in the parliament: Slovenian Democratic Party (SDS) with 25 seats, List Marjan Šarec (LMS) - 13 seats, Social Democrats (SD) - 10 seats, Modern Centre Party - 10 seats, the Left - 9 seats, New Slovenia-Christian Democrats (NSi) - 7 seats, Party of Alenka Bratušek (SAB) - 5 seats, Democratic Party of Pensioners (*DeSUS*) - 5 seats, and Slovenian National Party - 4 seats. Two deputies came from the Hungarian and Italian national minorities.

<sup>5</sup> Between spring 2020 and spring 2022, more than 100 protests took place on the issues, among others, of abuse of state power, the rule of law and anti-corruption efforts.

<sup>6</sup> *KUL* is comprised of the LMS, the Left, SD and SAB.

agreement between its parties, which included a plan for the 2022 elections and a commitment to not join a future government with the SDS.

On 11 July 2021, during the COVID-19 pandemic, a national referendum to amend the Water Act was held, with the second highest turnout of any referenda since independence.<sup>7</sup> The referendum was widely seen as a defining moment for a growing civil society influence in Slovenia and a *de facto* vote of no confidence in the ruling coalition government.

Many ODIHR EAM interlocutors voiced concerns about the SDS's continuous attacks on journalists and civil society, and political interference with the public broadcaster, both of which were perceived to have tainted the public image of the government before the 2022 elections.

National minority rights protection, including political participation, is strong for the Hungarian and Italian national communities, but less so for Roma.<sup>8</sup> The Roma community, which numerically appears to be larger than the former two national communities, enjoys special participation rights only at the local level.<sup>9</sup>

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily governed by the 1991 Constitution (last amended in 2021), the 2006 National Assembly Election Act (hereinafter Election Act, last amended in 2021), the 2007 Elections and Referendum Campaign Act (ERCA, last amended in 2013), the 2000 Administrative Disputes Act (last amended in 2017), the 2011 Act Establishing Constituencies for the Elections of Deputies of the National Assembly (last amended in 2021), the 1994 Political Parties Act (PPA, last amended in 2015), the 2013 Voting Rights Register Act (last amended in 2014) and legislation governing the media.<sup>10</sup> Slovenia is party to major international and regional instruments related to the holding of democratic elections.<sup>11</sup>

The legal framework regulating the parliamentary elections is comprehensive and generally conducive for the conduct of democratic elections. A number of amendments to the Election Act were adopted in February 2021 following an open and inclusive process. These included the extension of the deadline for requesting postal voting from 10 to 5 days before election day and of the deadline for nominating

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<sup>7</sup> The 2021 referendum was about the development of coastal and riverside areas and the consequent potential risks of affecting groundwaters. The turnout was 45.9 per cent.

<sup>8</sup> The Constitution refers to Hungarian and Italian 'national communities' and to Roma as a 'community'. This report uses the terms 'minorities' and 'communities'. For other minorities, including the three largest – the Bosniacs, Croats and Serbs, as well as other smaller groups that are not recognized as national minorities by the authorities, the law does not provide for specific participation rights.

<sup>9</sup> According to the voting rights register for the last local elections, 3,084 citizens of the Republic of Slovenia were registered as members of the Roma community, 5,210 citizens of the Republic of Slovenia were registered as members of the Hungarian self-governing ethnic community, and 2,713 citizens of the Republic of Slovenia as members of the Italian self-governing ethnic community. However, according to the European Commission's [Roma inclusion in Slovenia, Facts and Figures](#), there are around 8,500 Roma in Slovenia. Other sources such as the [Minority Rights Group International](#) provide a higher estimate of around 10,000 Roma.

<sup>10</sup> In addition, the 1994 Constitutional Court Act and relevant provisions of the 2008 Criminal Code (both last amended in 2021) are also applicable.

<sup>11</sup> Including the 1966 UN International Covenant on Civil and Political Rights (ICCPR), the 1965 UN International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women, the 1995 Council of Europe Framework Convention for the Protection of National Minorities, the 2003 UN Convention against Corruption, and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). Slovenia is a member of the Council of Europe's Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

election commission members by political parties from 10 to 15 days from the announcement of elections. In addition, the number of support signatures for candidates from national minorities was increased from 30 voters to 1.5 per cent of voters of the respective communities, and some elements of the majoritarian electoral component for national minority seats were modified by replacing the preferential voting with the simple first-past-the post system.<sup>12</sup>

Despite recent amendments to the legal framework, most previous ODIHR recommendations remain unaddressed, including those concerning undue limitations on the right to vote, criminal liability for defamation, lack of clear system of election dispute resolution, insufficient transparency of campaign finance and the establishment of an independent media oversight body.

The 90-member National Assembly is elected for a four-year term: 88 deputies (MPs) are elected under the proportional representation system, and 2 MPs representing the Hungarian and Italian national communities are elected under the first-past-the post system from two special constituencies. For the proportional contest, the country is divided into 8 constituencies which are further subdivided into 11 districts each. A candidate list is eligible for the allocation of mandates if its nominating party has obtained at least 4 per cent of valid votes nationwide.<sup>13</sup> Following the 2018 Constitutional Court decision, the National Assembly changed the boundaries of 5 constituencies and 15 respective electoral districts to ensure equality of the vote as required by the law.

## V. ELECTION ADMINISTRATION

The elections were administered by the SEC, 10 Constituency Election Commissions (ConECs), including two special ConECs for the elections of MPs from the Hungarian and Italian national communities, 88 District Election Commissions (DECs), and 3,179 polling boards (PBs).<sup>14</sup> Additionally, 30 PBs were created at diplomatic representations for voting abroad. Most ODIHR EAM interlocutors expressed full confidence and satisfaction in the integrity of the election administration and its ability to organize the elections professionally.

The SEC, ConECs and DECs are permanent bodies appointed for four-year terms and formed according to a mixed model. The National Assembly appoints the SEC: the president and vice president - from among the Supreme Court judges; two members and their deputies - from among legal experts; and three members and their deputies - upon the proposal of political parties based on their representation in the parliament.<sup>15</sup>

The SEC appoints the ConECs and DECs which are composed of a president, vice president, three members and their deputies. The presidents and vice presidents of the ConECs are appointed from among judges, while DECs' management include one judge and one legal expert. One member of each ConEC is appointed from among legal experts, while remaining members of ConECs and DECs and

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<sup>12</sup> The amendments also provided for digitalization of submission of candidate lists, verification of candidate eligibility and nomination of members of the election commissions. According to the SEC, provisions on digital optimization were not implemented for these elections.

<sup>13</sup> Mandates are first allocated within each constituency to the eligible candidate lists using so called *Droop* quota. For this, seats are allocated to the lists according to the quotient of the corresponding number of valid votes received for the list in the constituency and the constituency quota. The latter is defined as the quotient of the number of all valid votes in the constituency divided by 12 (number of seats plus one). Then the number of seats for each eligible party is counted at national level using the d'Hondt method. Undistributed mandates are then allocated to each eligible party between its candidate lists according to the largest remainder of votes in proportion to the constituency quota.

<sup>14</sup> These included boards at 2,995 regular polling stations, 96 polling stations for early voting, and 88 so-called OMNIA polling stations (see *Voting Methods*).

<sup>15</sup> The current SEC was appointed in 2020.

their deputies are appointed from among party nominees according to their representation in the parliament.<sup>16</sup> The PBs are appointed by the DECAs for each election based on nominations from parliamentary parties. Each PB consists of six members appointed according to representation in the parliament.<sup>17</sup> Gender disaggregated data on the composition of election commissions at all levels were not available to the public, which is at odds with OSCE commitments.<sup>18</sup>

*In line with OSCE commitments, gender disaggregated data with regards to the electoral process should be made available in a comprehensive manner.*

The SEC is responsible for the overall conduct of elections, co-ordinating and regulating the work of lower-level election management bodies and declaring election results. The main role of the ConECs is to review candidate lists and determine election results in the constituencies. The DECAs are responsible for designating polling stations, appointing the PBs, counting postal votes and determining results in the districts.<sup>19</sup> The PBs conduct voting and counting on election day.

The SEC adopted decisions at regular and so-called ‘correspondence sessions’.<sup>20</sup> While regular sessions are public, access to the correspondence sessions for candidate representatives and other observers is not regulated by law. The ODIHR EAM observed that notifications of the regular sessions were not always posted on SEC’s website, contrary to the rules of procedures of the SEC.

*To ensure transparency the State Election Commission should consider a mechanism allowing observers and other entitled electoral stakeholders to attend its ‘correspondence sessions’. Decisions, notifications about and minutes of all sessions should be published in a timely and consistent manner.*

The SEC and other authorities provided election information to the public prior to the elections. The SEC website included data on election commissions and polling stations, voting methods, ballot papers, polling and counting procedures. In addition, the SEC website includes a section adapted for people with hearing and visual impairments.

## VI. VOTING METHODS

The law provides for diverse and inclusive voting methods as alternatives to in-person voting at regular polling stations. For voters with permanent residence in Slovenia these included early voting from 19 to 21 April, mobile voting for ill and homebound voters, as well as postal voting available for those in hospitals, retirement homes, penitentiaries and for persons with disabilities.<sup>21</sup> Special polling stations

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<sup>16</sup> Each election commission has a non-voting secretary who carries out much of the operational work. The secretaries are appointed by the SEC from among civil servants at the proposal of the administrative units. There are 58 administrative units under the Ministry of Public Administration established to perform the tasks of state administration. One administrative unit generally covers the area of one or several local communities.

<sup>17</sup> In case of insufficient proposals from parliamentary parties, nominees may be accepted from other registered political parties and local authorities or administrative units. According to the SEC, for these elections, 19,086 people were appointed to the PBs, including 75.2 per cent of members nominated by parliamentary parties, 6 per cent - by non-parliamentary parties, and 18.8 per cent - by local authorities.

<sup>18</sup> Paragraph 40.13 of the 1991 OSCE Moscow Document commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”.

<sup>19</sup> The special ConECs perform functions of the DECAs for elections of MPs from the Hungarian and Italian communities.

<sup>20</sup> According to Article 17 of the SEC Rules of Procedures, the session *in absentia* may be held if no SEC member objects. In this case, the drafts of the decisions are distributed via e-mails to the SEC members who vote for or against the decisions by e-mail. Minutes of such sessions are made public at the next SEC session.

<sup>21</sup> A total of 130,151 voters cast their vote during the early voting period (7.7 per cent of those who voted), 902 voters registered for mobile voting, and 2,083 voters applied for postal voting.



called OMNIA were also available in each of the 88 districts for eligible voters who were outside of their district of residence on election day.

Voters in quarantine due to COVID-19 infection could apply to vote by mail or mobile voting no later than 13 April and 20 April, respectively. Voters infected after these deadlines, would be unable to vote using these methods, a concern raised by some ODIHR EAM interlocutors. On 3 February, the SEC adopted a decision whereby voters seeking mobile voting due to illness could do so as long as a medical certificate was included in their notification.<sup>22</sup> The SEC also recommended that these certificates be provided free of charge. Representatives of the medical community opposed this recommendation and noted to the SEC about an overburdened medical system and the lack of relevant legal grounds. Some ODIHR EAM interlocutors expressed concerns that the cost of a medical certificate as well as possible lack of a personal physician would cause some voters needing to use the alternative voting method not able to vote. On 24 March, the SEC adopted measures to prevent the spread of the COVID-19 infection during the voting process, these measures did not impact the voters ability to exercise their right to vote.<sup>23</sup>

Voters who were temporarily out of the country could register to vote by post, including by consular post, or at a diplomatic representation.<sup>24</sup> Voters permanently residing abroad could either vote by post, at a diplomatic representation, or at an OMNIA polling station if they were in Slovenia on election day. All voters with a registered permanent residence outside the country were sent a ballot automatically.

Some ODIHR EAM interlocutors expressed concern about potential disenfranchisement of voters abroad due to the late arrival of ballots by post.<sup>25</sup> The SEC informed the ODIHR EAM that the ballot printing and distribution process for voters abroad was delayed due to the finalization of candidate lists following the appeals to the Supreme Court and ballot printing errors. In addition, tight deadlines due to late finalization of candidate registration were noted by the SEC as a challenge for the ballot printing and distribution process.

*The election legal deadlines, in particular those affecting administration of alternative voting methods and finalization of election materials, should be thoroughly reviewed to ensure that the SEC has adequate time to implement all parts of the electoral process and that no voter is disenfranchised.*

Positively, the SEC provides detailed information on voting rights and alternative voting methods on its website. In case, one of the alternative voting methods is used, the voter's choice is recorded in the voter register, enabling commission members to prevent multiple voting.

## VII. VOTER REGISTRATION

Citizens who are 18 years or older on election day have the right to vote, unless their suffrage rights have been revoked by a court decision on the basis of 'inability to understand the meaning, purpose and

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<sup>22</sup> According to the SEC, this decision was made to prevent misuse of the mobile voting system. Medical certificates could be any written confirmation by any qualified doctor, including an email, SMS, a certificate of infection.

<sup>23</sup> Following the 14 April 2022 government decree that masks were recommended but no longer required in public spaces, the SEC accordingly revised the measures recommending use of masks during activities at polling stations and keeping other measures in effect. The SEC kept the requirement to wear masks during mobile voting.

<sup>24</sup> Within the deadline of 24 March, 997 voters with permanent residence in Slovenia applied to vote at diplomatic representations and 2,467 applied to vote by post from abroad.

<sup>25</sup> Votes from abroad were counted provided that they arrived to the DEC by 3 May, 12:00 and were postmarked by 24 April, 7:00. As 27 April, 1 and 2 May were official holidays in Slovenia, some ODIHR EAM interlocutors noted that this could have created further challenges for returning ballots on time. According to the SEC, 3,398 voters cast their vote by post within Slovenia and 14,593 voters - from abroad by post or at a diplomatic representation.

effects of the elections'.<sup>26</sup> In April 2021, the state Advocate of the Principle of Equality recommended that the parliament remove all the disability-based restrictions to the right to vote.<sup>27</sup> The denial of the right to vote on the basis of a disability is at odds with international standards.<sup>28</sup>

*To comply with international standards and to ensure universal suffrage, all restrictions to the right to vote based on intellectual or psychosocial disability should be removed, including those based on individual assessment by court.*

Voter registration is passive,<sup>29</sup> except for the Hungarian and Italian national communities. A member of these respective communities can actively register as voters for their set-aside seats; once registered, the voter remains on that list permanently.

A total of 1,695,766 voters were registered for these elections. The MoI produces three types of voter lists on the basis of population register: general lists which include voters residing in country, lists of voters residing abroad (with 106,753 voters for these elections), and lists for the Hungarian and Italian national communities (with 5,649 and 2,798 voters for these elections, respectively).<sup>30</sup>

Most ODIHR EAM interlocutors expressed confidence in the accuracy of voter lists. However, on the grounds of personal data protection, the voter lists are not publicly displayed or shared, which reduces transparency.<sup>31</sup> Citizens can review their individual voter registration record at any time at administrative units and diplomatic representations as well as online. The MoI provides the final voter lists to the election commissions 15 days before election day, and eligible voters who were previously not included may request the relevant administrative unit to issue a certificate confirming right to vote at a given polling station.

## VIII. CANDIDATE REGISTRATION

Citizens of at least 18 years of age, except those declared incapable by an individualized court decision, may stand for office. Candidates may only run on a list of candidates in the constituency of their permanent residence.

Candidates can be nominated by political parties or groups of voters. A political party may register a list of candidates in every constituency if it has supporting signatures from at least three MPs. Alternatively, a party may register a candidate list in a constituency where the list is nominated by party

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<sup>26</sup> According to the 2021 legal amendments, an individualized court decision on the ability to understand the meaning, purpose and effects of elections is required when a person is placed under guardianship. Previously, court decision on the right to vote was required in case of total but not partial deprivation of legal capacity.

<sup>27</sup> The Advocate of the Principle of Equality is an independent and autonomous state institution which provides assistance and support to people subjected to discrimination. The Advocate [indicated](#) that the number of cases of withdrawal of voting rights increased since the entry into force of the 2021 legal amendment. According to the Ministry of Interior, 3,016 citizens were disenfranchised as of 10 February 2022.

<sup>28</sup> Articles 12 and 29 of the CRPD oblige states to “recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and to ensure their “right and opportunity [...] to vote and be elected.” According to the UN CRPD Committee’s [2014 General Comment No.1](#), “person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election”. In Paragraph 9.4 of its 2013 [Communication No. 4/2011](#), the Committee states: “an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability”.

<sup>29</sup> Voters who are turning 18 by or on election day are automatically included in these lists.

<sup>30</sup> Besides the personal data, the national voter register contains constituency, district, polling station for each voter and chosen method of voting, if a request to vote outside a regular polling station on election day has been submitted.

<sup>31</sup> Section I.1.2.iii of the Code of Good Practice provides that “electoral registers must be published”.

members residing in that constituency and endorsed by at least 50 locally registered voters or where the list is supported by at least 100 voters registered in this constituency. Two or more political parties can also submit a joint list of candidates. Besides party nomination, a group of at least 1,000 voters registered in the constituency can nominate there a list of candidates. Both a voter and an MP may support only one candidate list. This restriction may unduly limit freedom of association.<sup>32</sup>

Each constituency candidate list may not have more than 11 candidates on it. A nominating party must designate the district for each candidate on the list, with one candidate per district allowed. If there are fewer than 11 candidates on a list, one or more candidates can run in multiple districts in this constituency. If there is only one candidate on a list, this candidate can run in all the districts of the constituency.

For each candidate list with more than three candidates, men and women must be represented with no less than 35 per cent of candidates on the list.<sup>33</sup> Failure to fulfil the gender requirement results in the rejection of the entire list. All contestants complied with this legal requirement. Positively, representation of women has improved increasing from 26 (28.8 per cent) seats held by women to 36 (40 per cent), including the Speaker and two deputy speakers, in the newly elected National Assembly. Women hold 7 out of 18 (38.8 per cent) ministerial positions in the new government.<sup>34</sup> Nevertheless, women continue to be underrepresented in political life, including in decision-making positions in public bodies.<sup>35</sup> The UN Committee on the Elimination of Discrimination against Women (CEDAW) has previously recommended the introduction of gender quotas of at least 35 per cent in all elected and appointed decision-making bodies in Slovenia at both the national and local levels.<sup>36</sup>

The candidate nomination period started on 14 February and ended on 24 March. During this time, lists of candidates along with an irrevocable letter of consent to stand from each candidate were submitted to the relevant ConECs. According to the SEC, by the legal deadline of 3 April, 1,471 candidates, including 44.4 per cent women, from 21 parties were registered.<sup>37</sup> Overall, the candidate registration process was inclusive, and most ODIHR EAM interlocutors did not raise any specific concerns.<sup>38</sup> Six appeals were filed with the Supreme Court challenging ConEC decisions on rejecting candidate lists, some of which resulted in the ultimate registration of the lists (see *Complaints and Appeals*).

Members of the Hungarian and Italian national communities have the right to stand for the elections for two seats reserved for their communities. Following 2021 amendments to the Election Act, these minority candidates must collect support signatures from 1.5 per cent of the voters registered in their

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<sup>32</sup> Paragraphs 96 and 196 of the 2020 [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) (Guidelines on Political Party Regulation) recommend that “legislation should not limit a citizen [...] to signing a supporting list for only one party” and “a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association and could easily disqualify parties despite their attempts in good faith to fulfil this requirement”.

<sup>33</sup> On lists with three candidates, at least one candidate of each gender must be included.

<sup>34</sup> Women held only 2 out of 18 ministerial posts in the outgoing government.

<sup>35</sup> There are only 4 women out of 40 members of the National Council and 2 women among 9 judges of the Constitutional Court.

<sup>36</sup> See [UN CEDAW 2015 Concluding Observations](#) on the combined fifth and sixth periodic reports of Slovenia, Paragraphs 23 and 24 (c).

<sup>37</sup> Of these, 19 parties registered candidates in all eight constituencies.

<sup>38</sup> Alliance for the Liberation of Slovenia (ZOS) registered its lists under this name in three constituencies. According to ZOS, in one constituency, the ConEC registered their list under the name of the coalition party member United Slovenia-ZSi, to which the candidates on the list did not consent. ZOS filed an appeal to the Supreme Court regarding this registration, which was deemed inadmissible because the list had been registered.

relevant community.<sup>39</sup> For these elections, three candidates were registered for the Hungarian national community and two candidates for the Italian national community, all men.

## IX. ELECTION CAMPAIGN

The 30-day official campaign period started on 24 March and was followed by a period of campaign silence from 23 April until 19:00 on 24 April. There were numerous complaints about alleged violations of the campaign silence.<sup>40</sup> During the silence period, a prohibition on publishing election-related opinion polls was also in force.

Parties and candidates campaigned freely, and voters had a wide variety of choices across the political spectrum. No significant obstacles to campaigning were observed, and the freedoms of expression, peaceful assembly and association were respected. The campaign took place against a backdrop of the receding COVID-19 pandemic and the ongoing war in Ukraine, as well as continuous public protests over the last two years.

The campaign was contentious, vibrant and competitive. Campaign issues and platforms included health care, inflation, energy, national security and pensions. Only a few contestants utilized paid television (TV) advertisements, with most campaigning taking place on social networks, via billboards and in-person activities.<sup>41</sup> Few parties had a dedicated policy to enhance the role of women in their electoral campaign. Several party leaders were women, but only a few women headed the candidate lists.

*Political parties should consider further mechanisms to promote greater participation of women, such mechanisms could include internal policies that work to facilitate women's advancement in party leadership and decision making positions and give greater visibility to women in the campaign.*

Many ODIHR EAM interlocutors described the campaign as polarized and tense and tainted by negative campaigning and offensive speech.<sup>42</sup> Most ODIHR EAM interlocutors indicated that such a level of contentiousness and tension was new to Slovenian elections.

The minority candidates exercised their campaigns primarily through in-person activities, leaflets, mail and social networks. Their campaign themes focused on political and government's transparency, partnerships with other contestants, as well as regional development issues. No issues were raised with regards to ability to campaign in national minority languages.

## X. CAMPAIGN FINANCE

Political and campaign finance is primarily regulated by the ERCA and PPA which remained unchanged since the last parliamentary elections. Most ODIHR EAM interlocutors expressed overall satisfaction with the legislative framework for political and campaign finance. However, key challenges remain,

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<sup>39</sup> Section I.1.3.ii of the Code of Good Practice provides that "The law should not require collection of the signatures of more than 1% of voters in the constituency concerned".

<sup>40</sup> The MoI received complaints about 544 alleged violations of the campaign silence.

<sup>41</sup> The SDS produced and distributed a nationwide campaign mailer to all households and had billboards both containing links and references to official government websites and programmes. Some ODIHR EAM interlocutors considered this as a misuse of administrative resources.

<sup>42</sup> Multiple contestants referred "hate speech" incidents to the police who were mostly responsive.

including lack of regulation of third-party campaigning and ineffective enforcement of the regulatory framework, potentially affecting the transparency and accountability of campaign finances.<sup>43</sup>

## A. INCOME AND EXPENDITURE

Political parties that gained at least 1 per cent of votes nationwide in the previous parliamentary elections receive annual public funding from the state and local budgets.<sup>44</sup> Other sources of political party income include donations from natural persons, membership fees, loans and income from property.<sup>45</sup> While the law forbids donations from legal entities<sup>46</sup> as well as from anonymous and foreign sources, political parties are allowed to own companies that potentially may receive foreign financial resources.<sup>47</sup>

Election campaigns may also be financed by individuals.<sup>48</sup> The campaign spending limit is some EUR 680,000 for a party nationwide.<sup>49</sup> Contestants are required to open a dedicated bank account for campaign transactions no later than 45 days before election day and close it no later than 4 months after election day. Certain contestants are entitled to partial reimbursement of their campaign expenses from public funds.<sup>50</sup> All ODIHR EAM interlocutors from political parties stated that they mainly used public funding for campaign expenses.

According to public data, substantial amounts were spent by campaigning parties on *Meta* and *Google* advertising, the private TV station *Nova24TV* legally owned by the SDS also bought a notable amount of *Meta* and *Google* ads.<sup>51</sup> Some ODIHR EAM interlocutors noted concerns about unlabelled campaign advertisements lacking information on sources of funding, particularly online, referring to possible financial support from certain parties from Hungary.

Third-party campaigning and relevant financing is not regulated. While it is not prohibited, several ODIHR EAM interlocutors expressed concerns about *Nova24TV* negatively campaigning against a

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<sup>43</sup> The CoA filed several amendments to the current legislation, suggesting improvements in the control over campaigns.

<sup>44</sup> A quarter of the funds for political parties is divided equally between all eligible parties and the rest in proportion to the number of votes received. According to the [2021 state budget](#), EUR 2,5 million was allocated to eligible parties. Based on the results of the 2022 parliamentary elections, 15 political parties became eligible for public funding.

<sup>45</sup> Parties can receive loans from savings banks or natural persons. A loan from a natural person is limited to 10 average monthly salaries per annum, which amounts to approximately EUR 19,700. In April 2022, the Parliamentary Inquiry Commission questioned Prime Minister Janša on the case of two allegedly illegal loans taken for the 2018 campaign by the SDS from a citizen of Bosnia and Herzegovina in the amount of EUR 450,000; both exceeding the size of loans allowed from a natural person and receiving support from foreign sources were in question. Mr. Janša confirmed that he had signed the agreement with a creditor having a Slovenian tax number.

<sup>46</sup> State and local authorities, sole traders and self-employed people are also not allowed to finance election campaigns.

<sup>47</sup> Article 6 of [Recommendation Rec\(2003\)4 of the Council of Europe's Committee of Ministers](#) stipulates that "Rules concerning donations to political parties [...] should also apply, as appropriate, to all entities which are related, directly or indirectly, to a political party or are otherwise under the control of a political party". Paragraph 260 of the Guidelines on Political Party Regulation states that "[o]verall, a party's income, expenditure, assets and debts need to be accounted for in a comprehensive manner".

<sup>48</sup> Donations by individuals cannot exceed some EUR 19,700, while cash donations are allowed up to EUR 50. In-kind donations are also allowed only by individuals.

<sup>49</sup> The total spending limit, including for national minority candidates, is calculated on the basis of EUR 0.4 per eligible voter in each constituency contested.

<sup>50</sup> The reimbursement funds for those who won mandates are counted as EUR 0.33 per obtained vote but not exceeding contestant's total expenditures. The nominating party or group that received at least 2 per cent of votes countrywide or 6 per cent of votes in a constituency can receive EUR 0.17 per vote, respectively.

<sup>51</sup> Based on [Meta](#) advertising disclosures, the ODIHR EAM defined that during the three months before election day, Freedom Movement spent EUR 37,407 on ads, the SDS - EUR 30,111, NSi - EUR 10,655, and SD - EUR 9,845. *Nova24TV* spent EUR 12,580 campaigning against Freedom Movement. Based on [Google](#) advertising disclosures, Freedom Movement spent EUR 13,200, the SDS - EUR 2,700, SD - EUR 4,450, and *Nova24TV* - EUR 2,100.

leading opposition party Freedom Movement.<sup>52</sup> At the same time, *8 March Institute*, a part of the civil initiative Voice of People, encouraged civic participation in elections. In April, the Inspectorate of Internal Affairs questioned these activities claiming potential third-party campaigning by the Institute in favour of some opposition parties.<sup>53</sup> The lack of regulation of third-party campaigning and relevant finances diminished the transparency of campaign finances and many ODIHR EAM interlocutors noted the need for regulation, including for party-affiliated companies and foundations.<sup>54</sup>

*To enhance the transparency and accountability of campaign finance, authorities should regulate third party campaigning, including by entities affiliated with political parties, and define relevant financing, reporting and sanctioning mechanisms.*

## **B. REPORTING AND OVERSIGHT**

By law, all political parties are required to submit annual reports by 31 March of the next year to the Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJPES), which are published on the agency website.<sup>55</sup> Campaign organizers need to submit campaign finance reports to the AJPES within 15 days after closing the account. Within six months after closing the bank account, the Court of Audit (CoA) conducts a financial audit of the campaign accounts and publishes findings on its website.<sup>56</sup> There is no requirement for interim reporting on received donations and campaign expenditures.<sup>57</sup> In practice, most contestants began their campaign activities before the official campaign period, leaving those expenses outside of reporting period.<sup>58</sup>

*To enhance transparency and integrity of campaign finance, contestants and third parties should be required to disclose campaign contributions received and campaign expenditures incurred prior to official campaign period. To contribute to voters' informed choice, consideration should be given to introducing interim campaign finance reporting prior to election day.*

The CoA, an institutionally independent entity, is the primary oversight body for political party and campaign finance with limited investigative capacity.<sup>59</sup> The CoA enjoys general trust among electoral

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<sup>52</sup> Paragraph 256 of the Guidelines on Political Party Regulation states “Third parties should be subjected to similar rules on donations and spending as political parties to avoid situations where third parties can be used to circumvent campaign finance regulations”.

<sup>53</sup> Some civil society actors [found](#) this claim as abuse of official powers by the authorities. *8 March Institute* [stated](#) that they were not a campaign participant and continued to conduct its activities, with no further official reaction or sanction from the MoI Inspectorate.

<sup>54</sup> Paragraph 222 of the Guidelines on Political Party Regulation highlights that in cases with no proper regulation of third-party campaigning, foundations might “be used to circumvent rules on political party funding as channels for funding of party activities and campaigns. If political foundations exist in the respective state, they should be included within the same supervisory legislation and be bound by those requirements to which political parties must adhere”.

<sup>55</sup> The reports contain detailed information on collected funds, identity of donors, information about loan-granting entities as well as a detailed account of expenditures.

<sup>56</sup> In addition, the CoA can inquire about particular issues in the financial reports and request additional clarifications and documentation from political parties and other stakeholders.

<sup>57</sup> Paragraph 261 of the Guidelines on Political Party Regulation states that “[i]t is good practice to require [...] reports providing oversight bodies and the public with preliminary information on campaign incomes and expenses of parties and candidates several days before election day”.

<sup>58</sup> Paragraph 262 of the Guidelines on Political Party Regulation, states “A party may attempt to circumvent campaign finance regulations by conducting activities during a “pre-electoral” period ... To limit this abuse, strong systems for financial reporting by political parties outside of elections must be enacted. Legislation should provide clear rules and guidelines regarding which activities are not allowed during the pre-election campaign, and what income and expenditures for such activities during this time should be regarded as campaign resources subject to proper review and sanction”.

<sup>59</sup> In addition to the CoA, the MoI Inspectorate of Internal Affairs is mandated to ensure contestants' compliance with the ERCA, while the AJPES is the responsible agency for collecting annual and campaign finance reports.

stakeholders, although most ODIHR EAM interlocutors suggested that effective oversight of campaign finance was undermined due to short deadlines to conduct an efficient audit and CoA's limited human resources. The overall campaign finance oversight efficiency was further questioned by some stakeholders due to lack of oversight of the funding of third-party campaign activities which had significant potential to influence the voters.

The law provides for a set of gradual sanctions. Unlawful financing, failure to submit a financial report or an inaccurate report may cause financial sanctions between EUR 600 and EUR 20,000. Exceeding the expenditure cap can result in the limitation or revocation of public funding. Identified violations of political and campaign finance provisions are forwarded to the District Court in Ljubljana for adjudication.<sup>60</sup>

## XI. MEDIA

### A. MEDIA ENVIRONMENT

The media landscape is pluralistic.<sup>61</sup> TV is the main source of political information. Printed media, while in decline, still influence the political agenda. The importance of online media and social networks as a source of news continues to grow.<sup>62</sup>

The media market is segmented into four distinct groups. The first group includes private TV, print media and online portals, which all, due to their owners' business interests, at times, experience indirect pressure on their editorial choices. The second group are media houses co-owned by political actors, predominantly by the SDS and its Hungarian business partners. These are perceived as vehicles for promotion of political interests, while benefiting from state subsidies.<sup>63</sup> The third group is a small segment of investigative media outlets whose existence is endangered by legal and financial pressure. The fourth group consists of the public broadcaster *RTV Slovenija* (*RTV*) and state-owned Slovenian Press Agency (*STA*).<sup>64</sup>

Many ODIHR EAM media interlocutors expressed concerns about the increasing political influence over the public media, undermining their editorial independence. A protracted standoff between the STA and Government Communication Office (UKOM) over the Agency's financing and autonomy lasted from December 2020 until February 2022. This was accompanied by public protests, interventions from international organizations and press watchdog groups, as well as a crowdfunding campaign to pay wages to STA journalists and the resignation of the director in protest to conditions

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<sup>60</sup> As of election day, the CoA received 13 reports mostly requesting the auditing of political party campaign finance due to non-transparent advertising. The MoI Inspectorate received 40 reports regarding the costs of campaign materials and directed 12 cases to court.

<sup>61</sup> According to the [media registry of the Ministry of Culture](#), there are around 2,500 media outlets in Slovenia. *POP TV*, *Kanal A*, *TV3* and *Planet TV* are the main private broadcasters, *Delo*, *Dnevnik*, and *Večer* dominate the daily newspapers market. Magazines such as *Mladina*, *Reporter*, *Demokracija*, *Domovina* and *Skandal24* are also sources of political information.

<sup>62</sup> According to [Statistical Office of Slovenia](#), as of 25 April 2022, Internet penetration rate is at 89 per cent.

<sup>63</sup> During the campaign, NGO Legal Centre for Protection of Human Rights and Environment filed a complaint to the European Commission about possibly illegal state aid which *Telekom Slovenije* (62 per cent state owned) had given to owners of *Nova24TV*. Allegedly, *Nova24TV* which is co-owned by the SDS members, was paid a disproportionately high amount of state funds for transmission of its programmes, despite small viewership.

<sup>64</sup> Public broadcaster runs five TV and eight radio channels, including regional studios in Koper and Maribor, and dedicated programming for Hungarian and Italian national minorities.

UKOM was imposing regarding financing and overall independence of the Agency.<sup>65</sup> About 15 per cent of staff resigned during the conflict, crippling the newsroom's expertise and resources before the elections.

In February 2022, the STA and UKOM signed a contract which, instead of a guaranteed annual amount of state funds, envisages monthly allowances based on a submitted list of outputs.<sup>66</sup> This financing model does not ensure stability and discourages analytical and critical reporting.

The public broadcaster's newsroom underwent a similar depletion before the elections, when key editors resigned in protest to adoption of the new programming plan which introduced new shows instead of some long-running ones. In addition, recent changes in the RTV oversight body, the Programming Council, led to the widespread belief that the government subjugated RTV, and that the broadcaster's editorial independence was compromised.<sup>67</sup> The Programming Council interfered with editorial freedoms of RTV before and during the election campaign.<sup>68</sup> This runs contrary to the Council of Europe commitments that public service media must remain independent from political or economic interference and achieve high editorial standards of impartiality, objectivity and fairness.<sup>69</sup>

*To protect the public media from political pressure, adequate safeguards should be introduced in the legislation and practice to guarantee editorial independence, financial sustainability and appointment of a professional, non-politicized management and oversight bodies of public broadcasters.*

A number of journalists were regularly targeted on social networks by political actors and their supporters.<sup>70</sup> Some ODIHR EAM interlocutors pointed that sexist and misogynist rhetoric often was directed towards female journalists.<sup>71</sup> At the same time, police was mostly reluctant to investigate such threats or harassment of journalists.

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<sup>65</sup> See OSCE Representative on Freedom of the Media statements on [27 March 2020](#) and [2 June 2021](#), and Media Freedom Rapid Response [statement](#) on 30 June 2021.

<sup>66</sup> The ODIHR EAM was informed that in some cases UKOM refused to pay for these outputs, including for 'not correct' format of materials.

<sup>67</sup> The Programming Council consists of 29 members, of whom 21 are appointed directly by the parliament, and the remaining members - by the Hungarian and Italian minorities, RTV journalists' organization, the Academy of Sciences and Arts, and religious communities. During the appointment of 13 new members in December 2021, parliamentary opposition left the session, claiming that none of their nominees were included.

<sup>68</sup> In October 2021, UKOM started to send to the RTV management and chairman of the Programming Council regular reviews of the news coverage (later published on its website, including during the campaign). The reviews did not refer to factual mistakes, but expressed the government's view on how certain events should be portrayed in the media. Following the discussions of these reviews by the Programming Council, in December 2021, RTV's director of radio publicly protested against this political pressure. On 19 April, the Programming Council summoned a meeting on "censorship of information about potentially illegal activities" by Mr. Golob. The Programming Council claimed that RTV reporting was biased in favour of Mr. Golob because news desk did not immediately report on his allegedly undeclared bank account and did not send a correspondent to Romania to investigate the allegation. RTV responded that they needed more time to investigate properly and reported on these allegations few days later. In addition, a member of the Programming Council announced a plan to remove an investigative journalist from an RTV programme; this was later [denounced](#) by the RTV management. Further, members of the Programming Council do not have the authority to make such announcements and no action was taken.

<sup>69</sup> See [Recommendation No. \(96\) 10](#) of the Committee of Ministers to member states on the guarantee of the independence of the public service broadcasting, and [Declaration of the Committee of Ministers on Public Service Media Governance](#).

<sup>70</sup> See the Slovenian Journalists Association's [platform for reporting threats](#): since its launch in 2020 and up to the 2022 elections it registered 36 cases of personal attacks against journalists, which went beyond reasoned criticism of the journalist's work.

<sup>71</sup> See Council of Europe Human Rights Commissioner's 4 June 2021 [memorandum](#), Paragraph 46.



Many ODIHR EAM interlocutors voiced concerns that there was aggressive and discrediting rhetoric against the media and civil society representatives by the Prime Minister and other public officials, especially on social networks. In numerous instances, the smear campaigns initiated by tweets of the Prime Minister were amplified by his party members, supporters and media outlets close to the SDS, which further encouraged targeting journalists online. Officials should not abuse their status by speaking in a derogatory or inflammatory way about journalists.<sup>72</sup>

*Authorities should swiftly investigate the threats, including those made online, against journalists, and refrain from the use of derogatory or inflammatory rhetoric against the media.*

## **B. LEGAL FRAMEWORK**

The freedom of expression is protected by the Constitution, but the situation has deteriorated during the last years. Defamation, slander and insult remain criminal offences. Several vexatious criminal lawsuits (so called SLAPPs - Strategic Lawsuits against Public Participation) targeting journalists who are critical of the government, showcased another form of pressure.<sup>73</sup>

*Criminal provisions for defamation, slander and insult should be repealed in favour of proportional civil remedies. Measures should be put in place to protect media from strategic lawsuits to deter the abuse of this practice.*

The legal framework tasks publicly owned media to ensure a level playing field for all contestants and to generally treat them equally in line with applicable legislation.<sup>74</sup> Nevertheless, *RTV* exhibited political bias against some opposition parties (see *Campaign Coverage*). Public broadcasters are required to devote two thirds of their free airtime to parliamentary and one-third to non-parliamentary parties.<sup>75</sup> According to the law, debates between both groups have to be conducted separately. Private media have no particular obligation, except the requirement to provide the same conditions for paid political advertising.

Oversight of the media conduct during the campaign is split between two institutions whose tasks are generic, resources inadequate and sanctioning power limited. The Agency for Communication Networks and Services (AKOS) investigates instances of hate speech in broadcast media, including beyond the campaign period.<sup>76</sup> The Culture and Media Inspectorate of the Ministry of Culture oversees certain minor aspects of media coverage, but does not conduct media monitoring. It considers complaints but does not review cases on its own initiative.<sup>77</sup> Citizens can complain to the *RTV*

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<sup>72</sup> According to Paragraph 23 of the 2011 CCPR General Comment No. 34 to the ICCPR, ‘States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression’. See also 2014 [OSCE Safety of Journalists Guidebook](#) (p.29), which states “Elected politicians and all who hold high office are called on to demonstrate their unequivocal commitment to respecting press freedom and the safety of journalists. Politicians and officials should not abuse their status by speaking in a derogatory or inflammatory way about journalists or the media”.

<sup>73</sup> Three journalists of investigative outlet *Necenzurirano* faced 42 such lawsuits filed by Rok Snežić, an unofficial advisor to Prime Minister. In 2021, tax inspections were initiated against both the media outlet and its founder.

<sup>74</sup> Media are governed by the 2001 Mass Media Act, the 2003 Public Information Access Act, the 2011 Audio-visual Media Services Act, the 2005 Radio and Television Corporation Act, and the Election Act.

<sup>75</sup> The broadcasters define the time allocated for political advertising on their own. Allocation of the time between the parliamentary parties is made based on the results of the last parliamentary elections.

<sup>76</sup> In June 2021, AKOS, for the first time since its establishment, found TV3 company guilty for the incitement to hatred and issued a warning for TV3 host's racist remarks.

<sup>77</sup> The Inspectorate informed the ODIHR EAM that during the campaign period, it received 11 complaints and opened 6 cases, but refused to disclose the substance of the complaints due to legal restrictions.

Ombudsman about the campaign coverage on public radio and TV, but its decisions are not legally binding.

### C. CAMPAIGN COVERAGE

The election campaign was extensively covered in print, online and electronic media, giving voters an adequate chance to make an informed choice and providing candidates with the possibility to introduce their programmes.

The most watched private channel *POP TV* used opinion polls to select eight political parties with the most chances to enter the parliament for their prime-time debates. Other political parties were invited to channel *Kanal A* for debates that were also broadcast on their news portal.

The public broadcasters' campaign coverage was criticized as unprofessional by some of their own journalists. The decision to cancel several political programmes and temporarily move others to less popular time slots, in an attempt to accommodate for pre-election debates, effectively left *RTV* without dedicated political, foreign policy and investigative programmes before and during election period.<sup>78</sup> This move led to the resignation of the editor-in-chief and key editors in October 2021, depleting the newsroom of important competent staff and leaders in a crucial time for developing election coverage plans.<sup>79</sup>

The majority of contestants that the ODIHR EAM met found the activities of *RTV* during the campaign politically biased. They believed that the *RTV* director made an arbitrary decision to grant two parties, Our Country and Our Future, Good State, the status in the debates similar to parliamentary parties, thus giving them more airtime and exposure. A similar request by the leading opposition contestant Freedom Movement was refused twice on the basis that it did not fulfil the *RTV* self-set criteria.<sup>80</sup> Freedom Movement contested the refusal in the administrative court which granted access to the debates as a temporary injunction, arguing that the potential damage could not be remedied after the elections.<sup>81</sup> *RTV* immediately complied with the judgement.<sup>82</sup> Half of the 12 participants of the final *RTV* debate - all leaders of opposition parties - staged a walkout, protesting against the attitude of the anchor and their limited opportunities to speak.

Public radio was exempt from criticism and was perceived as overall objective. It organized five debates and gave all contestants equal chances for free-air short promotional spots to introduce themselves.

## XII. COMPLAINTS AND APPEALS

The mechanism of election dispute resolution is mainly regulated by the Election Act as well as by the Administrative Disputes Act and the Constitutional Court Act. Contestants and voters have the right to lodge complaints against decisions of election commissions and other electoral irregularities as well as appeal voting results. The election dispute resolution system generally enjoys the confidence of stakeholders; however, the system would benefit from more clarity on appealing the election results.

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<sup>78</sup> The changes were justified by the need to increase ratings and to give more space to political party debates.

<sup>79</sup> A new editor-in-chief was appointed in March 2022 despite a protest vote by the newsroom.

<sup>80</sup> Political party Freedom Movement (*Gibanje Svoboda*) led by Robert Golob, prominent businessman and former State Secretary at the Ministry of Economic Affairs, joined the electoral race in February 2022.

<sup>81</sup> According to a decision of *RTV* director general, a parliamentary party qualifies for the "big debate" if it has three MPs. Freedom Party had two, while *Our Country* and *Our Future, Good State*, both split, originally had three MPs.

<sup>82</sup> The criteria set by *RTV*, although identical to those used in the past, were found by the Court to be flawed.

ConECs' decisions regarding candidate registration can be appealed by candidates and party representatives directly to the Supreme Court at first and last instance. The deadline for both filing appeals and issuing decisions is 48 hours. The SEC can *ex officio* annul or modify ConEC decisions on candidate registration if it determines that the decision was taken in breach of the law.

During these elections, six appeals were lodged with the Supreme Court regarding candidate registration. The Supreme Court annulled two ConEC decisions not to register political parties. The first case related to the interpretation of internal rules of political parties on candidate nomination, and in the second case, the ConEC decision did not include legal reasoning. In both cases, the lists of candidates were registered during the repeat examination by the respective ConECs.<sup>83</sup>

Complaints regarding voter registration can be filed by a voter against non-inclusion or erroneous data. After being reviewed by administrative authorities, a case can be appealed to administrative court and further appealed to the Supreme Court. Complaints regarding irregularities in the work of the PBs and DECAs during elections can be filed with the higher-level ConEC by candidates and voters within three days from election day and must be decided within 48 hours.<sup>84</sup> The ConECs can annul voting results in polling stations upon a complaint. The law further entitles the SEC to determine the election results in the constituency, if it establishes irregularities in the work of a ConEC, which considerably affect, or could affect the election results. However, the law does not clearly define who, if at all, can appeal the ConEC decisions on election results to the SEC nor sets any grounds for potential invalidation of the results.

*The law should clearly define whether the State Election Commission can assess the legality of decisions of Constituency Election Commissions on election results on the basis of complaints and/or ex officio, as well as who may file such a complaint. The law should clarify what kinds of irregularities may lead to invalidation of election results, including while confirming mandates by the parliament.*

The National Assembly is mandated by the Constitution to confirm the election of MPs through its special Commission for Public Office and Elections, which is established at the first session of the newly elected convocation and ceases to exist after mandates have been confirmed. Candidates or their representatives have the right to challenge ConEC decisions on allocation mandates before the first session of the Commission.<sup>85</sup> The newly elected parliament subsequently adjudicates these complaints and confirms the MPs' mandates. This process is finalized within 20 days after the election day. Decisions of the National Assembly on this matter can be appealed by the affected candidates or their representative to the Constitutional Court within eight days.

### **XIII. ELECTION OBSERVATION**

The Election Act provides for observation of all stages of the electoral process by citizen and international observers. Domestic and international organizations may apply to accredit observers no later than 10 days before election day. The SEC accredited 50 international observers and did not receive applications for accreditation from any citizen observers.<sup>86</sup> The law also provides for representatives of candidate lists at the SEC and ConECs. In addition, proxies of candidate lists may observe the work of

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<sup>83</sup> Two other complaints were rejected due to the late submission, one was found inadmissible due to lack of legal interest, and one was rejected as not falling within the competence of the Supreme Court.

<sup>84</sup> The SEC reported 32 complaints filed at the ConECs related to irregularities of the work of the DECAs and PBs.

<sup>85</sup> The Commission examines final results and allocation of mandates and makes a proposal for the parliament to confirm the mandates of the MPs or, in the event of complaints lodged, to decide upon the disputed mandates.

<sup>86</sup> The SEC accredited 22 observers from six foreign election commissions and 28 from four international organizations.

the DEC and PBs at all stages of election day proceedings provided that their names were submitted to the relevant DEC no later than five days before election day.<sup>87</sup>

#### **XIV. ELECTION DAY**

In line with ODIHR methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner. However, mission members visited a limited number of polling stations in and around Ljubljana as well as in Izola, Piran and Portoroz. The voting process was transparent, well organized, and the secrecy of the vote was largely respected in the polling stations visited.<sup>88</sup>

Most polling stations visited were accessible to voters with disabilities, and ballot templates were available for the visually impaired people. Voters who were physically unable to vote or illiterate had the right to be assisted by a person of their choice. PB members could also lower ballot boxes to facilitate wheel chair users casting their own ballots independently.

The vote counts observed by the ODIHR EAM were well organized, but procedures were not always followed, namely, unused ballots were not counted, and the numbers of registered voters and those who had cast their vote were not established before opening the ballot boxes.

*The SEC should develop elaborated instructions and ensure enhanced training for election officials regarding counting procedures.*

#### **XV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in the Republic of Slovenia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed.<sup>89</sup> ODIHR stands ready to assist the authorities of Slovenia to further improve the electoral process and to address the recommendations contained in this and previous reports.

##### **A. PRIORITY RECOMMENDATIONS**

1. To protect the public media from political pressure, adequate safeguards should be introduced in the legislation and practice to guarantee editorial independence, financial sustainability and appointment of a professional, non-politicized management and oversight bodies of public broadcasters.

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<sup>87</sup> According to the SEC, 154 proxies participated in these elections.

<sup>88</sup> The SEC reported that general polling hours between 7:00 and 19:00 were extended by 10 and 30 minutes in two polling stations in Ljubljana-Moste Polje District because voting had been suspended when ballots ran out and new ones were delivered.

<sup>89</sup> In Paragraph 25 of the [1999 OSCE Istanbul Document](#), all OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EAM as follows: recommendations 1 and 4 from the [ODIHR final report on the 2017 presidential election](#) (2017 Final Report) and recommendation 11 from the [ODIHR final report on the 2018 parliamentary elections](#) (2018 Final Report) are fully implemented. Recommendation 5 from the 2017 Final Report and recommendation 4 from the 2018 Final Report are mostly implemented. Recommendation 3 from the 2017 Final Report and recommendations 2, 5, 8 and 14 from the 2018 Final Report are partially implemented. See also the [ODIHR electoral recommendations database](#).

2. Authorities should swiftly investigate the threats, including those made online, against journalists, and refrain from the use of derogatory or inflammatory rhetoric against the media.
3. Criminal provisions for defamation, slander and insult should be repealed in favour of proportional civil remedies. Measures should be put in place to protect media from strategic lawsuits to deter the abuse of this practice.
4. To enhance transparency and integrity of campaign finance, contestants and third parties should be required to disclose campaign contributions received and campaign expenditures incurred prior to official campaign period. To contribute to voters' informed choice, consideration should be given to introducing interim campaign finance reporting prior to election day.

## **B. OTHER RECOMMENDATIONS**

### **Election Administration**

5. To ensure transparency the State Election Commission should consider a mechanism allowing observers and other entitled electoral stakeholders to attend its 'correspondence sessions'. Decisions, notifications about and minutes of all sessions should be published in a timely and consistent manner
6. The election legal deadlines, in particular those affecting administration of alternative voting methods and finalization of election materials, should be thoroughly reviewed to ensure that the SEC has adequate time to implement all parts of the electoral process and that no voter is disenfranchised.
7. The SEC should develop elaborated instructions and ensure enhanced training for election officials regarding counting procedures.
8. In line with OSCE commitments, gender disaggregated data with regards to the electoral process should be made available in a comprehensive manner.

### **Voter Registration**

9. To comply with international standards and to ensure universal suffrage, all restrictions to the right to vote based on intellectual or psychosocial disability should be removed, including those based on individual assessment by court.

### **Election Campaign**

10. Political parties should consider further mechanisms to promote greater participation of women, such mechanisms could include internal policies that work to facilitate women's advancement in party leadership and decision making positions and give greater visibility to women in the campaign.

### **Campaign Finance**

11. To enhance the transparency and accountability of campaign finance, authorities should regulate third party campaigning, including by entities affiliated with political parties, and define relevant financing, reporting and sanctioning mechanisms.

## Complaints and Appeals

12. The law should clearly define whether the State Election Commission can assess the legality of decisions of Constituency Election Commissions on election results on the basis of complaints and/or *ex officio*, as well as who may file such a complaint. The law should clarify what kinds of irregularities may lead to invalidation of election results, including while confirming mandates by the parliament.

**ANNEX: FINAL ELECTION RESULTS<sup>90</sup>**

	<b>Amount</b>	<b>Percentage</b>
Total number of registered voters	1,695,796	100
Total number of votes cast (turnout)	1,203,373	70.97
Total number of invalid votes	11,080	0.9 (of votes cast)

<b>Contestants</b>	<b>Votes received</b>	<b>Percentage</b>	<b>Number of seats</b>
Freedom Movement	410,769	34.45	41
Slovenian Democratic Party (SDS)	279,897	23.48	27
New Slovenia - Christian Democrats (NSi)	81,794	6.86	8
Social Democrats (SD)	79,709	6.69	7
The Left	53,234	4.46	5
List Marjan Šarec (LMS)	44,401	3.72	0
Let's Connect Slovenia	40,612	3.41	0
Resni.ca Civic Movement	34,107	2.86	0
Party of Alenka Bratušek (SAB)	31,117	2.61	0
Non-Partisan People's List of Healthy Society Movements	21,021	1.76	0
Our Future, Good State	20,279	1.70	0
Pirate Party of Slovenia	19,480	1.63	0
Our Country	17,846	1.50	0
Slovenian National Party (SNS)	17,736	1.49	0
Vesna – Green Party	16,089	1.35	0
For the People of Slovenia	8,340	0.70	0
Democratic Party of Pensioners of Slovenia (DeSUS)	7,840	0.66	0
Boris Popovič List – Let's Digitize Slovenia	5,174	0.43	0
Homeland League – Home	2,117	0.18	0
ZOS – Alliance for the Liberation of Slovenia	563	0.05	0
United Slovenia – ZSi Movement	168	0.01	0
<b>TOTAL</b>	<b>1,192,293</b>	<b>100</b>	<b>88</b>

**Distribution of votes for the Hungarian national community MP seat:**

	<b>Amount</b>	<b>Percentage</b>
Total number of registered voters	5,485	
Total number of votes cast (turnout)	3,583	65.32
Total number of valid votes	3,509	97.93
Total number of invalid votes	74	2.07

<b>Candidate</b>	<b>Number of votes</b>
Ferenc Horváth	2,026
Mihael Kasaš	836
Otto Močnek	647

**Distribution of votes for the Italian national community MP seat:**

	<b>Amount</b>	<b>Percentage</b>
Total number of registered voters	2,743	
Total number of votes cast (turnout)	1,918	69.92
Total number of valid votes	1,867	97.34
Total number of invalid votes	51	2.66

<b>Candidate</b>	<b>Number of votes</b>
Felice Žiža	1,127
Maurizio Tremul	740

<sup>90</sup> Source: State Election Commission [website](#).

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).