

STATE OF PLAY ON RTV

Basic Facts about RTV Slovenija

RTV Slovenija (RTV) is a non-profit organization of special cultural and national importance, performing its activities in the field of radio and television in accordance with the RTV Slovenija Public Act. It produces programs for two national TV channels, two regional TV channels, two TV channels for the Italian and Hungarian national communities, three national radio channels, two regional radio programs and a radio program for foreign citizens. On December 31, 2021, RTV Slovenia employed 2,182 civil servants, which puts RTV at the top of Europe in terms of the ratio between employees and the number of inhabitants.

RTV is financed by all citizens of the Republic of Slovenia with a mandatory contribution of EUR 12,75 per month.

The current the RTV Slovenia Act (Zakon o RTV Slovenija) from 2005 was confirmed by a popular referendum.

The legal basis for the operation of RTV Slovenia is the law adopted in 2005 (The RTV Slovenia Act) which ensures – to the greatest extent - a balanced composition of the bodies responsible for the management of RTV. The 29 member Program Council has a pivotal role in the management of the public broadcaster, which is modelled on similar structures for public broadcasters in several European countries. The content of the law, including the composition of the Program council, was carefully considered and the subject of a nation-wide public debate before the adoption of the new law. The law acquired further legitimacy in a popular referendum, where it received majority support. It was once again challenged in 2011 by a new RTV Slovenia Act, that also underwent a referendum, where voters overwhelmingly (by 72,33%) rejected the new law in favor of the current one.

With the 2005 RTV Slovenia Act, Slovenian people were given the power, through their representatives in the National Assembly, to make a difference in RTV Slovenia for the first time.

The paramount part of the Program Council are the representatives of viewers and listeners

Given the fact that the government proponents of the amendments to the RTV Slovenia Act specifically name politicization as a point of contention, having in mind the political composition of the program council, it should be emphasized that the 29 members of the Program council are appointed as follows:

- 16 representatives at the suggestion of viewers and listeners, universities and faculties, societies and other organizations of civil society, except for political parties (appointed by the National Assembly)
- 2 representatives of the Italian and Hungarian national communities (at the proposal of the President of the Republic)
- 2 representatives of religious communities (at the proposal of the President of the Republic)
- 1 representative of the Slovenian Academy of Sciences and Arts (appointed by SAZU)
- 3 representatives of employees at RTV Slovenia
- 5 representatives at the proposal of political parties (appointed by the National Assembly)

It is pivotal that all Slovenian citizens have an opportunity to participate in the management of RTV Slovenia. However, their representation is not left to arbitrary subjective choice without appropriate criteria, but is confirmed by the highest legislative body - the National Assembly. This also ensures the much-needed plurality. The method of appointing the members of the Program council ensures that it is never completely replaced as a whole. The mandates change successively, which ensures the

continuity of work of the council. The current president, who has been in his position for a little over two years, is not politically exposed and is not a member of any party. He was selected as the best candidate in an open public tender.

It is important to emphasize that due to rotation of mandates, the ideological equilibrium of the Program council was established only in recent years. Before that, the left-wing political parties controlled the Program council with a large majority, which is also the appointing authority for the president of the council. The most prominent representatives of the S&D political party were presidents of the Program council for several years in a row. The current president of the program council is not politically active. He is in fact a PhD and a lecturer at one of the Slovenian universities.

The new changes to RTV Slovenia Act were adopted without public debate and according to procedures that are intended exclusively for exceptional situations such as war and natural disasters. The ideological equilibrium of the Program council, which was established gradually and is the result of the rotation of mandates, is clearly unacceptable for the current ruling coalition. That is why one of the first measures upon the commencement of their mandate was the adoption of the RTV Slovenia act, its primary purpose being a complete political takeover of RTV Slovenia and gaining access to influence on the editorial policy of the national public broadcaster.

At a time of intensified crisis situations in the field of energy and food supply, the current Slovenian government considered it more important than anything else to immediately amend the RTV Slovenia act. It is inexplicable that the law has been adopted without public discussion, without social dialogue and according to a special procedure that is foreseen exclusively for cases of natural disasters and war. The fact that the initiator of the new law is a parliament member of the ruling coalition, who before the elections was an active RTV journalist with strong lobbying connections that influenced RTV's editorial policy for many years, is also not insignificant.

The complete beheading of the current management of RTV, including the termination of the mandates of all board members

The ruling coalition, which is innately political and makes political decisions, cynically calls this process depoliticization. It is quite clear that these are just words with which the government is trying to hide the actual purpose of proposed changes. A comparison to the current war in Ukraine and the language used by Putin comes to mind. He also claims that the Russian aggression on another sovereign country is only caused by defensive motives and that its purpose is the denazification of Ukraine.

The law is intended to completely decapitate the current management of RTV and replace it with ideologically appropriate substitutes. At its entry into force, it would completely abolish the Program council as well as the supervisory board of RTV Slovenia. A new council would be established, with no representatives from the voting public (via the National Assembly). Mandates of the director general of RTV, director of the TV division and the director of Radio division would be automatically terminated – replaced by the new four member Board of directors.

The new law would therefore represent a defacto and dejure political beheading of the current management of RTV.

The government's misleading reasoning regarding depoliticization

Under the pretext of depoliticization, the new law limits membership in the council to specifically listed civil society organizations. It would be disingenuous to claim that an appointment of the Program council member by the National Assembly is ipso facto an act of politicization of RTV. The Slovenian

constitution stipulates that members of parliament are representatives of all the people of Slovenia. Members of Parliament are legitimately elected. The same cannot be said about civil society organizations, which according to the new law enjoy exclusive rights to appoint members of the newly envisioned council.

At the same time, it should be remembered that the National Assembly also appoints judges – even those of the Constitutional court. This system has been widely accepted as the most democratic. According to the aforementioned logic, are all judges, as well as other high-ranking representatives, such as The President of the Court of Auditors, the Information Commissioner, the Human Rights Ombudsman and others appointed politically?

It should be emphasized again that the amendments to RTV Slovenia Act eradicate the essence of RTV - that is, viewers and listeners who pay the RTV fee. Until now, they could nominate 16 representatives, but with new proposals, they would be deprived of this right.

The Council of RTV Slovenia should now consist of six employees of RTVS, two members of the National Council for Culture, one member each proposed by the Olympic Committee of Slovenia, the Information Commissioner, the Council for Sustainable Development and Environmental Protection, the National Council of Disability Organizations, the Ombudsman, the President countries at the suggestion of religious communities, the Italian national community, the Hungarian national community and Slovenian Academy of Arts and Sciences. It is not immediately clear by what key these organizations and institutions were chosen over others.

On the other hand, it is perfectly clear to Slovenian citizens that these are not non-political organizations, as they, even the Olympic Committee of Slovenia, are controlled by politics. The long-time president of the RTV program board was appointed to the program board as a representative of the Olympic Committee, even though he was also the president of the S&D political party. Similar political connections could be found in almost all institutions that are supposed to nominate council members.

Despite the government's claims that it wants to depoliticize RTV by appointing members of the so called "non-political organizations" as appointees of the newly formed RTV council, it is purely a matter of misleading and executive abuse of institutions that should otherwise be non-political, yet the state of democracy in Slovenia is not yet at a level required for that to be the case.

The government makes RTV funding conditional on a change of management; it uses the term "cleaning".

Special attention should also be given to the statement of the Prime Minister, who, in negotiations with employees who found themselves in financial distress, identified ideological struggle as the root cause of the situation. In doing so, he said that a serious dialogue will be established and funding for RTV will be ensured only after so called depoliticization has been carried out.

Abuse of journalists' strikes for political purposes and harassment of journalists who only want to do their job.

There has been a major conflict between some journalists and the management of RTV for an extended period of time. We are talking about a handful of journalists (among more than 2,000 employees) who want to completely subjugate RTV. A union representative and one of the key figures of the strike stated that the end-goal is to take over RTV.

It is also completely unacceptable that journalists who do not support the strike and want to do their work are mobbed by the strikers. Likewise, journalists who do not share the opinion of the strikers or who have been newly appointed to lead the broadcasts are under tremendous pressure from their colleagues. The Association of Journalists and Publicists of Slovenia also issued a note of protest about unacceptable pressure and bullying of colleagues.

Referendum

Due to the inadmissible politicization of RTV, which the current government wants to carry out, the opposition launched an initiative for a referendum. More than 40,000 people have signed this initiative. Current law probably needs some changes but it is unacceptable that, under the guise of depoliticization, a complete takeover of RTV by the coalition would take place with the new one.

Role of DRFMG

DRFMG monitors developments in Slovenia in the area of rule of law and media freedom. Thus far, it has reacted critically to every measure taken by the government. We expect members of the DRFMG to take a detailed and objective look at the situation and then make an appropriate assessment. In order to obtain comprehensive information and insight into the situation, it will be necessary to invite various actors. Not only the representatives of the government, whose answers are predictable but also others who do not share their opinion.

It would be necessary to listen to journalists, who support the strike, as well as those who do not, and judging by what we have seen, the vast majority of them do not support it.

I believe that the purpose of the operation of the DRFMG and the European Parliament is a fair and balanced treatment of each case. Therefore, I invite the DRFMG members to familiarize themselves with the situation in more detail. I would also like to propose this topic to be discussed by LIBE committee and the European Parliament.

Sincerely,

Romana Tomc