

DEMOCRACY AND HUMAN RIGHTS

THE CORONA PANDEMIC AND THE POLITICAL DEVELOPMENTS IN SLOVENIA

Political developments from July to October 2020

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The government of Janez Janša initially enjoyed a high rate of support, but this began to soon fade. In June, it pompously declared the end of the COVID-19 epidemic and celebrated this with a fly over by the Slovene Air Force. Its popularity sank to its lowest point ever.



The government did not prepare well for the second wave of the pandemic, as the number of positive tests had grown and the government had failed to curb the epidemic with its measures. As a result, on October 18th it declared an epidemic again with emergency measures and a partial lock-down. In November this evolved into a full lock-down including suspended classes and public transport.

OPPOSITION TO GOVERNMENT

Public protests have been taking place every Friday in Ljubljana but have not led to a change of the political situation in the country. The protestors are a fortified group of people that do not seem to be able to increase or expand their influence.

A group of eight intellectuals have already signed petitions and demands for the coalition parties and their deputies to leave the government. In early October they proposed Jože Damjan, a professor of economics, as a possible candidate to head a new government after a constructive no-confidence vote against Janez Janša to four opposition parties. A new government would be a coalition of a 'constitutional arch' inspired by post-war Italy when pro-fascists and monarchists were excluded from the coalition. In Slovenia, according to this initiative, the SDS and the nationalistic SNS are to be excluded from this arch. The presidents of the four opposition parties accepted this initiative, in principle, at a joint press conference. They emphasized that their common goal is to end the Janša government, which they regard as harmful to Slovenia. However, for a successful constructive no-confidence vote they would need the votes of the government parties DESUS and SMC. Both parties entered the Janša government after they had been part of the Marjan Šarec government despite the fact that in 2018 they had promised to their voters that they would never go into coalition with Janez Janša. The 'constitutional arch' is thus actually the name for a potential new coalition of parties that were in the government of Marjan Šarec, plus the N.Si party that actually is part of the ruling coalition.

SOCIAL DEMOCRATS: 13TH CONGRESS AND THE FIRST WOMAN AT THE TOP

The Social Democratic Party (SD) held an extraordinary congress on October 10th, at which a new president, MEP Tanja Fajon was elected. Former president Dejan Židan, who had led the party since May 2014, resigned in May 2020 on the grounds that he had failed to strengthen the party's position in Slovene politics; for years the SD was stuck receiving around 10% of the vote in elections. Vice president Fajon took over and led the party from May until the Congress. MP Jani Prednik also ran for the SD presidency, but 276 delegates voted for Fajon (72%), while Prednik received 107 votes (28%). Fajon's mandate is valid until the next congress, which according to the party's statute must be held no later than six months after the next parliamentary elections, which will be at the latest in the first half of 2023. Fajon is the first woman president in the party's long history. As she said in her address after the election, her ambition is to turn Slovenia into one of the ten best countries in the world.

The Congress also elected a new vice-president, Dominika Švarc Pipan, a former secretary of state at the ministry of law, and a member of the SD's presidency. This was the first time the congress was held online. It featured 510 minutes of live programming. It was followed by 413 delegates from all over Slovenia, who voted for the president, vice-president and the

members of the presidency on-line without any complications. This kind of event was new and had never been seen in Slovenia before.

A large part of the digital congress consisted of programmatic debates over the drafting of an alternative government program. Seven thematic panels worked out policy options and goals, e.g. for the construction of 10,000 apartments, more investment in research and development, the regulation of long-term care, strengthening the healthcare system, measures to curb the epidemic and increase productivity, the future of the country's social security system, the construction of high-speed railways and incentives for energy efficient renovations of buildings and houses.

The Congress pushed the boundaries considering digitalisation within the party and in political life, and showed that the Social Democrats in Slovenia represent not only a political alternative, but also one in terms of technological skills and innovation. It illustrated in fact the motto that the 'SD knows and is able to lead Slovenia differently'. In terms of organization, the party proved to be the best in this respect in Slovenia.

Despite this positive record, the SD had to face two challenges: the first one was that Jože Damjan addressed the congress as a possible candidate for PM. This slightly compromised Tanja Fajon's earlier announcement that both the party and she personally were aiming for the post of prime minister as soon as possible.

Secondly, The SD congress came at a time when the party had slipped from second to third place in public opinion polls, paralleled by a decrease in support for Fajon. Despite the fact that she is the most popular SD politician and came second after President Pahor in early polls in the summer 2020, she has been losing support ever since, and came third in August and September and stood at tenth place in November 2020.

One of the reasons for this could be is due to her long stay in Brussels, where she was a correspondent for RTV and then an MEP for the last twelve years. As a result of her time in Brussels she is not very familiar with the way politics work in Slovenia. This can especially be seen in her public appearances, where she conveys European messages as an MEP, rather than those of a Slovenian party leader. If she does not solve this problem, then it is likely that the SD will fail to increase public support and votes in coming elections.

FOREIGN POLICY - PROXIMITY TO ORBAN

At the end of August, the Slovenian government organized the Bled Strategic Forum, the central, annual, high-level meeting in the field of foreign policy in Slovenia. This year it was attended by the largest number of prime ministers ever: from Serbia, Hungary, Poland, Croatia, the Czech Republic, Slovakia and Slovenia. The Prime Ministers highlighted the special efforts of the Visegrad Group to achieve its specific goal of illiberal democracy (strong power of the government

and authorities, inclinations towards a one party regime, a conservative agenda towards migrants, human rights and rule of law) within the EU. They also made no secret of their conservative agenda, which they are enforcing in their own countries. The EU recognizes this agenda as a departure from the rule of law, an increased violation of human rights, as a step towards authoritarianism, and as an initiative to undermine unity in the EU.

President Borut Pahor balanced the government's policy towards the Visegrad Group through meetings with the presidents of Germany, Italy and Austria in September and October. He stands for Slovenia to remain in the core of the EU, in alliance with Germany and France as countries that give the EU its main stamp and direction. His position is, at this point, still the official position as stated in the strategic guidelines of Slovenia's foreign policy.

On October 13th, Hungarian PM Viktor Orban and Croatian Foreign Minister Gordan Grlić Radman were guests of Slovenian PM Janez Janša at the start of the construction of the Cirkovce-Pince power line. They discussed joint issues, the situation regarding Covid-19 and current issues in the European Union.

In mid-October, PM Janez Janša tweeted support for Donald Trump as a candidate for president of the United States and wrote that Biden would be the weakest president in history. He tweeted again on November 5th while votes in the US were still being counted to say that Trump had won US elections. The government, especially the SDS and PM Janša, continue to move closer to an alliance led by Orban, thus imitating him in foreign and domestic policy.

It is against this background that Slovenia is accelerating its preparations for the EU presidency, which it will hold from July 1st to December 31st 2021.

THE GOVERNMENT IS RAPIDLY RESTAFFING AND CHANGING THE POLITICAL IMAGE OF SLOVENIA

At a press conference on June 30th, Aleš Hojs the Minister of the Interior informed the public that he was resigning and that he had sent his resignation letter to the Prime Minister. PM Janša initially accepted the resignation, but then did not forward the resignation letter to the National Assembly in order to continue the replacement process. On September 18th, Hojs had an interpellation in the National Assembly and remained in office. Following the interpellation, Minister Hojs publicly tore up his resignation. This is the first such case in the history of Slovene democracy that a minister has resigned, informed the Prime Minister, but continued to hold office because he changed his mind. The public reacted in horror at this conduct. The minister and the government as a whole lost more credibility with the public.

One of the political projects of the ruling SDS is to gain an absolute majority in the Constitutional Court. In July,

the president's candidate Andraž Teršek, a professor of constitutional law and government critic, did not get the necessary majority in parliament. In October, the same happened with Anže Erbežnik, despite the fact that he was closer to SDS; he received 44 votes, two votes short of election. Also, vice-governor candidate Arjana Brezigar Masten did not receive a majority, although he was also a candidate of the coalition. These two votes show that the government majority is not as strong as it had been at the beginning, when it easily could obtain the required majority in the National Assembly. As a result, the SDS has so far failed to establish a majority in the Constitutional Court.

In mid-October, the government also put the Civil Protection Commander on the side-lines. His organization has particularly important powers in the fight against the corona virus. He remained in office, but his powers were delegated to other individuals.

In the fight for control over the media and especially the public broadcaster RTV S, the government and, in particular the SDS party, managed to build a majority in the program council of the broadcaster. They also tried to replace RTV director Igor Kadunc but were short of one vote, and Kadunc is able to remain director until the end of his mandate. The SDS has been publicly critical of RTV since 2014 when Janša was after a no-confidence vote and replaced as PM by Alenka Bratušek.

In June, the SDS also drafted a new law on the media and public broadcasting, which was suspended due to sharp criticism from journalists and editors. At the end of October, a group of 22 editors and journalists wrote an open letter to the public and announced that they will stand up against governmental regulation and pressure on the media. On the other side, SDS supported media Nova24 TV is helping with fake news and propaganda against opponents.

In October the Ministry of Culture cancelled the free use of premises by a number of NGOs, which had previously been denied a large share of funding by the same Ministry. Liberal NGO's have always face strong criticism from SDS.

In mid-October the opposition demanded the convening of an extraordinary session of the National Assembly in order to prevent or at least limit the unjustified replacement of office holders and other people of high rank in state institutions and companies just because they are not in the right party.

The Janša government has appointed four different people to head the National Investigation Office (a special police department for the investigation of the most serious criminal acts) in the last six months. One after the other left again because of the pressures exerted by the interior minister and the prime minister on what to investigate, although they had all been appointed by the government from among its sympathizers. This is certainly an indicator of the authoritarian character of this government.

In October, the Administrative court reversed the dismissal of Darko Muženič as the director of the National Investigation Office (NPU), who was first to be dismissed from this position in March 2020. The government will now have to dismiss the Director in accordance with the law.

In early October, the European public was briefed on the first comprehensive report on the state of the rule of law in the Member States of the European Union, which was expected to be most critical of the situation in Hungary and Poland. Whilst Slovenia was not exposed in the report as a country that has problems with the principles of the rule of law, the report did realize that Slovenia has some particular problems, such as prosecuting economic crime, sharp verbal attacks on journalists by government bodies and staff, and the sufficient financing of central judicial bodies and institutions. In reactions to the report, the government said that the problems are in fact much bigger. It claims that courts remain in the hand of the former communist regime and therefore it is hostile towards right wing parties. They argue that some of judges must be replaced and only then will the rule of law in Slovenia be installed.

Following the examples of Hungary and Poland the government is striving to create the legal basis for intervening into the legal system and the courts. Its criticism of the functioning of the judicial system in Slovenia is exceptionally sharp, especially in cases where the verdict is unfavorable for SDS clientele or the government itself. PM Janez Janša is at the forefront of public criticism of such judgments. The SDS perceives the Slovenian judiciary (30 years after the introduction of liberal democracy of multi-party-system and 29 years after independence) to act in the tradition of the socialist era against the right wing.

There are some indicators that PM Janša has used the intelligence services to surveil critics of the SDS. In one case, the director of Slovenian Central Intelligence Service, Janez Stušek, sent him a photo of a whistle-blower, Ivan Gale, taken during demonstrations on November 5th. Gale had reported on the immoral and supposedly also corrupt activities of some ministers and high officials in April, during the first lockdown. PM Janša published the photo in a Tweet with the senders name at the top, proclaiming that Gale was the main organizer of the protests. A parliamentary body will discuss the topic on November 13th and has invited PM Janša to explain his behavior and his relations to the intelligence service.

As a result of all this the public support for government fell again in October. In August, 42% of respondents had rated the work of the government as successful, while in October only 39% share this opinion. According to a public opinion survey in mid-October 52,8% of the public support a constructive no-confidence vote against the government of Janez Janša.

THE FIGHT AGAINST THE CORONA CRISIS CONTINUES: THE NUMBER OF PEOPLE TESTED POSITIVE INCREASED DRAMATICALLY IN OCTOBER

The parliament has passed the fifth anti-corona law, which extends some existing measures to mitigate the effects of the covid-19 epidemic and also introduces new ones. The emphasis of the programs is on job protection, while there are many additional measures ranging from health to social care. Most of the measures will be valid until the end of this year, the value of which is estimated to be 420 million euros. Of the 77 deputies present, 48 voted in favor of the law and 29 against. The opposition warned that the government, under the guise of justified measures, intends to increase the powers of the police and wardens.

Criticism has also been strong on healthcare measures that they see as a clear indication of the governments will to further privatize the healthcare system. The opposition argues that instead of allocating public funds to private medical clinics in order to reduce patient queues the public health institutions need to be strengthened. They believe that patients will not benefit from the transfer of public money to the pockets of those who own private medical practices.

On October 18th, the government declared an epidemic emergency for 30 days, and on October 20th, it introduced a restriction on movement between 9 pm and 6 am. The so-called curfew, banned the gathering of more than 6 people and restricted crossings between regions. The government has also introduced the mandatory wearing of masks in open public places initially for identified red regions and then for the entire country.

From the week of October 26th, the government also closed kindergartens, restricted public traffic to a third, closed hotels and restaurants, and shops (except for food and building materials). From October 27th once again, citizens are isolated within the borders of their local communities. From November 9th elementary school children began attending online-classes. The number of newly discovered infections in Slovenia reached a peak of 2605 on October 27th. Out of 7471 tests, showing a positive rate of 34,9%.

Apart from a large increase in positive tests, there are no major problems. The death toll from COVID-19 is not growing significantly, and hospitals are reacting appropriately. In some places there are problems due to the lack of nurses and doctors, but the situation seems manageable. The intensification of measures and bans is therefore questionable because it is still modeled on the first closure of the country, when the fear of the high lethality of the virus was justified on the basis of the experience in northern Italy.

Public support for the measures taken by Janez Janša's government against the corona crisis fell from 70% in

March to 44,7% in September. 6,5% believed in March they were sufficient while in September 26,6% felt the same; In March 2020, 16% saw the measures as insufficient and in September that number had risen to 21,2%. The data shows that public support for the government's handling of the crisis is decreasing in parallel to the overall decrease of support for the Janša government.

REPLACEMENT AT THE TOP OF THE COALITION PARTNER DESUS: PROSPECTS FOR A NEW GOVERNMENT?

The shifts in the political party arena have been relatively large since March 2020, when the Janez Janša government took office. The non-parliamentary opposition has focused its criticism on the two coalition parties DESUS and SMC, which had previously been in the government of Marjan Šarec. Both parties have lost immense public support, so they are unlikely to remain in parliament after the new elections (the threshold for entering parliament is 4 %). Support for DESUS has fallen to 1,2%, and SMC to 0,8%. In October, support for the SAB, the party of former PM Alenka Bratušek, rose to 3,2%, the Left party to 8%, the SD to 12%, and the LMŠ party to 13%. These parties form the core of the opposition and could potentially form a new government. Support for the SDS is constantly between 21 and 23%, while coalition partner N.Si fluctuates between 4 and 6%. The percentage of undecided voters dropped by 5% to 19% in October and the declared non-voters stand at a constant 9,5% of voters.

Public pressure on DESUS President Aleksandra Pivec, who was also the Minister of Agriculture, ended with an interpellation and her resignation from the post of Minister and then also as the President of the party. Until the congress at the end of November 2020, DESUS was led by the acting Minister of Health Tomaž Gantar. Karel Erjavec, who led DESUS from 2005 to the autumn of 2019, also runs again for president of the party.

CONCLUSION

The government of Janez Janša has not been able to effectively handle the corona crisis; the crisis escalated at the beginning of November at a time when - utterly late - the first serious steps to manage the problems in the healthcare sector were undertaken (such as building new capacities for the treatment of COVID-patients in Ljubljana Central hospital).

The government, and Janša personally, have been stirring the political situation all the time by restaffing all public institutions at the highest levels, by verbally attacking media and journalists, attacking political leaders and opponents of the government in brutal ways, and by also **trying to recreate Slovenia in the image of Donald Trump's political style and agenda**. Janša's government has increased repressive measures against protesters and critics in an unprecedented way. As a result, opposition and even revolt against the government is increasing through various organized actions: petitions, initiatives and extraordinary sessions of different bodies in the National Assembly. But, also internationally, PM Janša is seen more and more as an Orban-Trump-like politician.

But can this lead to the fall of the government? For once, there are not enough votes for a new coalition in the National Assembly. The strongest initiative is the "Coalition Arch" that has so far collected 36 votes and is short 10 votes for the 46 votes need a constructive no-confidence vote (see table below, last column). The DESUS party could possibly join if Karel Erjavec becomes its new president, but that would still make only 41 votes. As long as there is no sign on the horizon that the majority of SMC deputies (who were in the coalition of Marjan Šarec's government until March) could leave the coalition, the government of Janez Janša will stay firmly seated in the saddle. The SMC party president minister Počivalšek and president of the National Assembly Zorčič have been repeating that the policy of the government and that of the SDS are fully in line with their values and political goals.

As matter of fact, Janša has never resigned in his political carrier and there is no reason to believe that this could happen during this mandate. At this moment we can conclude that elections in Slovenia are unlikely to be held before spring 2022

APPENDIX

Table

Party structure of the National Assembly and of the two governments

Type of the party	Party in the National Assembly	Number of MP	Janša's government	Šarec's Government	'Constitutional arch' initiative
			March 13th -	September 13th 2018 - March 13th 2020	
			Majority	Minority	
			right-centre	centre-left	
right	SDS	26	26		
right	N.Si	7	7		? (invited)
right	SNS	3	3		
One issue party	DESUS	5	5	5	? (invited)
liberal	SMC	8	8	8	? (invited)
liberal	SAB	5		5	5
liberal	LMŠ	14		14	14
moderate left	SD	12		12	12
Left	Levica (Left)	8		(support)	8
	Minorities	2	(support)	(support)	
Total MP		90	49	44	36

ABOUT THE AUTHOR

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In Slovenian politics the year 2020 started with the resignation of Prime Minister Marjan Šarec. He proposed early elections but instead, Janez Janša, leader of the right-wing Slovenian Democratic Party (SDS), managed to put together a coalition, and formed a new government on March 13, 2020. The SDS had won the 2018 elections with roughly 25% of the vote, but had failed to win coalition partners at the time. As a result, Marjan Šarec from Lista Marjan Šarec



(LMS) with the second-best result put together a coalition government that was able to last for only a year and a few months. The government is intensively engaged in expanding its political control by replacing office holders at the top of government agencies and state-owned companies despite their successful professional records. From the beginning, the government has been fighting a war with the media and journalists. It is gradually



strengthening its own SDS media outlets (e.g. Nova24 TV) and is also taking control over public Radio&TV (RTV S). The opposition has suggested replacing PM Janša through a constructive no-confidence vote, but does not yet have enough votes. The opposition managed to shake up the ruling DESUS party and forced its president, who was also the Minister of agriculture, to resign.

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