

APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Slovenia

ECRI, in accordance with its country-by-country procedure, engaged in confidential dialogue with the authorities of Slovenia on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice, could only take into account developments up until 4 December 2013, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Comments on the Draft ECRI report on Slovenia (fourth monitoring cycle):

Point 67:

In the relevant point only the provisions of the Law on Audiovisual Media Services (ZAVMS) that are related to hate speech are mentioned, but not the provisions set in Article 8 and the third paragraph of Article 47 of the Mass Media Act (ZMED), which also prohibit hate speech in general.

Prohibition of Incitement to Inequality and Intolerance

Article 8

The dissemination of programmes that encourages national, racial, religious, sexual or any other inequality, or violence and war, or incite national, racial, religious, sexual or any other hatred and intolerance shall be prohibited.

(tretji odstavek 47. Člena)

The third paragraph of Article 47

(3) Advertising may not:

- ***damage the respect for human dignity;***
- ***incite discrimination on the grounds of race, gender or ethnicity, and religious or political intolerance;***
- ***encourage behaviour damaging to public health or safety or to the protection of the environment or the cultural heritage;***
- ***give offence on the grounds of religious or political beliefs;***
- ***harm users' interests.***

The Mass Media Act represents the national law on media and covers all media regardless of format or platform, meanwhile (AVMS) covers only audiovisual media services (i.e. television like services). For the sake of clarity this should be corrected in the report.

Point 73:

The recommendation is accepted. We would also like to point out that this task is being performed continuously.

Point 134:

An addition to this point is needed. Ex-Yugoslav minority groups are fulfilling their rights on the basis of Articles 61 and 62 of The Constitution of the Republic of Slovenia, where it is stipulated the following:

*Article 61
(Expression of National Affiliation)*

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script.

*Article 62
(Right to Use One's Language and Script)*

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other bodies performing a public function.

Point 144:

It is apparent that ECRI has accepted the previous comment made by the Ministry of the culture, since the part of text has been erased from the report (“The Office monitors the situation as concerns anti-Semitism.”)