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Number: 44/15/BS  
Date: 13 April 2015

Dear Mr. Gruden,

I would like to thank you for your letter from 2 April 2015, informing me on the platform for the safety of journalists and protection of journalism, and on the alerts submitted by the partner organisations.

As there was an alert submitted also with regard to Slovenia, on which we had informed the competent authorities, I am pleased to send you a letter of the Minister of Justice, Mr. Goran Klemenčič, addressed to the Secretary General of the Council of Europe, as a response of Slovenia.

We would be grateful if the position of Slovenia could be taken into account while examining the submitted alert.

Sincerely Yours,



  
Eva Tomič  
Ambassador  
Permanente Representative

**Mr Matjaž GRUDEN**  
Director  
Directorate of Policy Planning  
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Encl: 1



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REPUBLIKA SLOVENIJA  
**MINISTRSTVO ZA PRAVOSODJE**

Podpisnik: Goran Klemenc  
Izdajatelj: slgov-ca  
Številka certifikata: ac 97 cc aa  
Potek veljavnosti: 24.09.2019  
Čas podpisa: 13:26, 13.04.2015  
Ref. št. dokumenta: 542-5/2015/26

**Secretary General Thorbjørn Jagland**  
**Council of Europe**  
**Avenue de l'Europe**  
**F – 67075 Strasbourg Cedex**  
**France**

Number: 542-5/2015  
Date: 13 April 2015

Dear Secretary General Jagland,

Slovenia welcomes the launch of "Platform to promote the protection of journalism and safety of journalists", set up and hosted by the Council of Europe. Government of the Republic of Slovenia is committed to the respect of freedom of expression, as guaranteed by the Constitution and international instruments, including Article 10 of the European Convention on Human Rights.

Regarding the mention of Slovenia under the recorded alerts on the Platform's website, we would like to make the following observations.

Slovenian legal framework regarding media freedom is in line with both the Constitution and international conventions, including ECHR and its case law.

In the field of criminal law, Criminal code is in line with the aforementioned legal instruments, with criminal procedure providing for legal remedies, including a constitutional appeal as well as an individual complaint to the European Court of Human Rights, should media freedom be in any way violated.

Nevertheless, certain relevant incriminations in the Criminal Code (Article 260) were already internally deliberated upon since June 2014 within the Ministry of Justice of the Republic of Slovenia and I have, in the function of the Minister of Justice, publicly assessed on 13 October 2014 that the Criminal Code of 2008 is too restrictive in respect of media freedom (concerning the official secret data and journalists who disclose violations of human rights and procedures etc.). Therefore the Ministry of Justice of the Republic of Slovenia proposed on 19 March 2015 to amend the Article 260 of the Criminal Code, which relates to disclosure of classified information. The amendment would introduce a partial exclusion of criminality of disclosure of classified information in the case of "whoever publicly reveals, acquires, possesses or transmits classified information for the purpose of disclosure, if - with regard to the circumstances of the case - the public interest in the disclosure of classified information outweighs the public interest to preserve its secrecy, and if this act does not pose a direct threat to life of one or more persons." The proposal was put forward on 19 March 2015 to inter-ministerial coordination and public consultation, which includes also journalists' associations, as is the good, democratic and usual administration practice, which will be followed by a legislative procedure in the National Assembly of the Republic of Slovenia. And it might seem that ideas in the aforementioned proposal of the Ministry of Justice are quite close to independent drafting proposals of the journalists' associations of Slovenia.

The proposed amendment is an expression of the Government's efforts to strengthen the freedom of expression, which is a fundamental right inherent to the functioning and respect for constitutional democracy.

Please accept, Mr Jagland, the assurances of my highest consideration.

Mag. Goran Klemenčič,  
minister