

# **Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law**

**Slovenia**

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# 1 Civic space developments in 2021

<b>1.1 Constitutional Court considers the right to assembly</b>	
Area	Freedom of peaceful assembly
Topic	Participation to assemblies
Impact	Major

In Slovenia, as in 2020, anti-government protests, and informal Friday protests against its role in weakening of environmental and democratic standards in particular, were a regular feature of public life in the year 2021. Because of the COVID-19 pandemic, there were various measures in place to curb the spread of the new coronavirus in this period, including measures relating to public gatherings. In early March, two petitioners challenged before the Constitutional Court (*Ustavno sodišče*) the constitutionality of a government ordinance banning public gatherings, later expanding the challenge to another regulation adopted by the government, limiting assemblies to a maximum of ten people.

The Legal network for the protection of democracy (*Pravna mreža za varstvo demokracije*), an initiative of four non-governmental organisations providing legal support to individuals and organisations involved in legal proceedings due to non-violent public action, provided support to the applicant. (For more information on this initiative, please see the next chapter.) The network provided support in filing the petition, while several law firms, university teachers and other experts in the field of constitutional law contributed to the argumentation. The network provided support because of the events of 2020, when the right to protest was curtailed in Slovenia by restricting rallies, but also because of the threat of a new wave of epidemics. It deemed necessary that existing regulation was examined in regard to its conformity with the Constitution, so that conditions under which constitutionally protected rights could be restricted and in what way, if at all, were clearly determined.<sup>1</sup>

Eventually, the Constitutional Court looked at the proportionality of several provisions of government decrees in the part in which assemblies were completely banned during the COVID-19 epidemic from 27 February to 17 March and from 1 April to 18 April 2021. The court also observed the period from 18

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<sup>1</sup> Pravna mreža za varstvo demokracije (2021), '[Pobuda za presojo ustavnosti](https://civicspacewatch.eu/an-initiative-has-been-submitted-to-the-constitutional-court-of-the-republic-of-slovenia-to-review-the-constitutionality-of-a-decree-banning-protests/)', public release, 2 March 2021. For more information, see also web page of the European Civic Forum/ Civic Space Watch on <https://civicspacewatch.eu/an-initiative-has-been-submitted-to-the-constitutional-court-of-the-republic-of-slovenia-to-review-the-constitutionality-of-a-decree-banning-protests/>.

March to 31 March and from 23 April to 14 May 2021 when assemblies were limited to ten participants.<sup>2</sup>

In an earlier decision, the Constitutional Court had already found that the relevant provision of the Communicable Diseases Act (*Zakon o nalezljivih boleznih*), allowing the government to prohibit the gathering of people in schools, cinemas, bars and restaurants, and other public places until the threat of the spread of the communicable disease ceases,<sup>3</sup> lack a sufficient substantive basis for the government decision-making on interferences with the right to assembly and association, and was thus inconsistent with the Constitution.<sup>4</sup> In effect, this entailed that the government regulations at hand were automatically unconstitutional in the parts in which they prohibited assemblies or limited them to ten people. However, because of a lack of constitutional case law relating to public assemblies 'as a form of the collective expression of opinions on public matters', the court decided to further examine 'how and under which conditions it is admissible, during an epidemic, to interfere with the right of peaceful assembly and association, as determined by the first paragraph of Article 42 of the Constitution.'<sup>5</sup>

The Court, among other things, established that, '[t]he right of peaceful assembly and association protects all gatherings, unless the intention of the organisers or participants is to perform or incite violence or to deny the foundations of a democratic society. However, a gathering at which isolated instances of violence occur is not considered to be violent. The possibility that persons who are not members of the group of organisers join a gathering with the intention of performing violence does not eliminate the peaceful character of such gathering.' The court further noted that, 'the right of peaceful assembly and public meeting holds special importance in a free society, as the possibility of gathering without limitations and without the obligation to obtain prior

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<sup>2</sup> Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the prohibition of gathering of people to prevent the spread of SARS-CoV-2](#) (*Odlok o začasni delni omejitvi gibanja ljudi in prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 25 February 2021, and subsequent modifications; Slovenia, [The Ordinance on the temporary restriction of movement of people and on the prohibition of gathering of people to prevent the spread of SARS-CoV-2](#) (*Odlok o začasni omejitvi gibanja ljudi in prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 28 March 2021; Slovenia, [The Ordinance on the temporary restriction of movement of people and on the prohibition of gathering of people to prevent the spread of SARS-CoV-2](#) (*Odlok o začasni omejitvi gibanja ljudi in prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 9 April 2021, and subsequent modifications; Slovenia, [The Ordinance on the temporary prohibition of gathering of people to prevent the spread of SARS-CoV-2](#) (*Odlok o začasni prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 21 April 2021, and subsequent modifications.

<sup>3</sup> Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications.

<sup>4</sup> Slovenia, Constitutional Court (*Ustavno sodišče*), [Decision No. U-I-79/20](#), 13 May 2021.

<sup>5</sup> Slovenia, [The Constitution of the Republic of Slovenia](#) (*Ustava Republike Slovenije*), 23 December 1991, and subsequent modifications.

authorisation has always been considered a symbol of the liberty, independence, and sovereignty of conscious citizens.’ And, ‘[w]hen ensuring the right of peaceful assembly and association, the state not only has the negative obligation to refrain from interferences therewith, but it also has the positive obligation to promote and protect the exercise thereof. The state must also proceed from the presumption *in favorem* of the organisation of public protests.’ It also established that, ‘[w]ithin the context of the right of peaceful assembly, non-organised (i.e. spontaneous) public protests are particularly important; their development has also been enabled by the development of new technologies and communication channels. At spontaneous public protests, participants gather without planning and without an organiser, in order to express opinions and positions on questions of public or joint importance.’

According to the court, in spite of exceptional importance of the right to peaceful assembly and association, this is not an absolute right, and lawful limitations of this right are permissible, including where so required for curbing the spread of communicable diseases. The court thus observed the right to health and life and the right to peaceful assembly association colliding, whereas both rights enjoyed significant constitutional protection. It had to assess whether interference with the right to peaceful assembly and to association was admissible. To this end, the court performed the assessment of the proportionality, namely it assessed the appropriateness, necessity, and proportionality of the interference.

The court found that prohibition of public assemblies or their limitation to up to ten people is, similar to other forms of reducing contacts between people, an appropriate measure for preventing the spread of the new coronavirus. The court further noted that interference with a human right or fundamental freedom was necessary if the pursued objective could not be attained without interference or by a milder equally effective measure, whereby the importance of the right to peaceful assembly and association, as set out in Article 42 of the Constitution, prompted the court to perform a stricter assessment of the necessity of the interference, compared to limitation of other forms of between people. In this regard, the court found, among other things, that, ‘it is not demonstrated with respect to any of the challenged ordinances that the general complete prohibition of public protests or the limitation thereof to up to ten persons was necessary. Similarly, the necessity of the complete prohibition of unorganised public protests is also not demonstrated. In fact, the Government did not ascertain the possibility of imposing milder measures known in comparable legal regulations, including the possibility to seek an agreement with organisers as regards the manner of carrying out a public protest as epidemiologically safely as possible. Concurrently, it eased the measures in other fields due to the improved epidemiological situation.’ Establishing that the government failed to demonstrate the necessity of the challenged measures, the court found the measures to be inconsistent with the Constitution. As such,

albeit not valid at the time of the court's decision, the measures were subject to abrogation.<sup>6</sup>

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<sup>6</sup> Slovenia, Constitutional Court (Ustavno sodišče), [Decision No. U-I-50/21](#), 17 June 2021.

## 1.2 Significant mobilisation of civil society organisations in referendum

Area	Participation and cooperation with authorities
Topic	Access to consultations / participation in decision-making
Impact	Major

In 2021, the Human Rights Ombudsman (*Varuh človekovih pravic*) found on several occasions that the public was denied effective participation in decision-making process relating to the activities of the Ministry of the Environment and Spatial Planning (*Ministrstvo za okolje in prostor*). For example, related to the procedure concerning draft amendments to the Water Act (*Zakon o vodah*),<sup>7</sup> the Ombudsman found that the government only arranged for a short public discussion and later importantly changed the draft after public consultations were completed. In the Ombudsman's opinion, this was not in line with provisions of the Constitution and the Environment Protection Act (*Zakon o varstvu okolja*) governing public participation, respectively, as well as the relevant provisions of the Aarhus Convention.<sup>8</sup>

As the National Assembly eventually passed amendments to the Water Act in late March in a shortened procedure,<sup>9</sup> 11 non-governmental organisations, mostly environmental organisations, but also feminist groups, joined forces in the "Movement for drinking water" (*Gibanje za pitno vodo*) in collecting at least 40,000 signatures of voters for the National Assembly to call a legislative referendum on the amended law. Pursuant to these civil society organisations, the adopted amendments threatened the safety of Slovenian waters. In particular, amended provisions allowing for the construction of public use infrastructure (e.g. inns, business and administrative facilities, shops) on water land and coastal areas could hamper public access to water and could increase the risk of contamination of surface and groundwater and, consequently, of drinking water.

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<sup>7</sup> Slovenia, [The Water act](#) (*Zakon o vodah*), 12 July 2002, and subsequent modifications.

<sup>8</sup> For more information, see web page of the Human Rights Ombudsman with description of the case on [www.varuh-rs.si/obravnavane-pobude/primer/razvrednotenje-pravice-javnosti-do-sodelovanja-pri-sprejemanju-okoljskih-predpisov/](http://www.varuh-rs.si/obravnavane-pobude/primer/razvrednotenje-pravice-javnosti-do-sodelovanja-pri-sprejemanju-okoljskih-predpisov/). Slovenia, [The Constitution of the Republic of Slovenia](#) (*Ustava Republike Slovenije*), 23 December 1991, and subsequent modifications; Slovenia, [The Environment protection act](#) (*Zakon o varstvu okolja*), 31 March 2004; for more information on the Aarhus Convention, see web page of the United Nations Economic Commission for Europe on <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

<sup>9</sup> For more information on this procedure, see web page of the National Assembly on [www.dz-rs.si/wps/portal/Home/zakonodaja/izbran!/ut/p/z1/04\\_Sj9CPykssy0xPLMnMz0vMAfIjo8zivSy9Hb283Q0N3E3dLQwCQ7z9q7w8nAwsnMz1w9EUGAWZGgS6GDn5BhsYGwQHG-pHEaPFAAdwNCBOPx4FUfiNL8gNDQ11VFQEAAXcoa4!/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uid=C1257A70003EE6A1C12586A8004FFEAB&db=konzak&mandat=VIII](http://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran!/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zivSy9Hb283Q0N3E3dLQwCQ7z9q7w8nAwsnMz1w9EUGAWZGgS6GDn5BhsYGwQHG-pHEaPFAAdwNCBOPx4FUfiNL8gNDQ11VFQEAAXcoa4!/dz/d5/L2dBISEvZ0FBIS9nQSEh/?uid=C1257A70003EE6A1C12586A8004FFEAB&db=konzak&mandat=VIII).

Upon successful collection of signatures, the National assembly called the referendum for 11 July. The referendum campaign necessitated further significant mobilisation by civil society and volunteers to deliver their message to voters across the country, as the Constitution requires for a law to be rejected in a referendum that a majority of voters oppose it, provided that at least 20 % of all qualified voters have voted against the law.<sup>10</sup> The July referendum eventually saw the second largest turnout for a legislative referendum in the history of Slovenia (the largest taking place in 2007 at the same day as the presidential election), with 46.46 % of all voters heading to polling stations and 86,75-percent majority rejecting amendments to the Water Act.<sup>11</sup>

<b>1.3 Diminishing the role of non-governmental organisations</b>	
Area	Safe space & protection
Topic	Intimidation / negative narrative / smear campaigns / disinformation campaigns
Impact	Major

During the course of 2021, the Prime Minister (PM) and the major government party kept spreading disinformation about non-governmental organisations and smearing their work, in particular organisations located at Metelkova Street No. 6 in Ljubljana.<sup>12</sup> For example, in late January, after unknown perpetrator(s) had damaged a Ljubljana Cathedral fresco, the PM tweeted that, '[i]ntolerance towards Christians and towards dissidents in general in Slovenia began to increase drastically in parallel with the emergence of @strankalevica (i.e. the Left, a political party) and substantial state funding of so-called # NGOs from Metelkova 6, Ljubljana.'

In mid-February 2021, the opposition parties launched a no-confidence vote in the parliament. The vote, which the government survived, concerned democratic downturn in the country and the government's handling of the pandemic. In his

<sup>10</sup> Slovenia, [The Constitution of the Republic of Slovenia](#) (*Ustava Republike Slovenije*), 23 December 1991, and subsequent modifications.

<sup>11</sup> For more information, see e.g. web pages of the Movement for drinking water on <https://zapitnovodo.si/> and <https://zapitnovodo.si/pridruzi-se-kampanji/>. For more information, see also web page of the European Civic Forum/ Civic Space watch on <https://civicspacewatch.eu/slovenia-voters-strongly-reject-water-development-act-in-referendum/>. Slovenia, [The Report on the final result of the referendum on the Act Amending the Water Act \(ZV-1G\)](#) (*Poročilo o končnem izidu glasovanja na referendumu o Zakonu o spremembah in dopolnitvah Zakona o vodah (ZV-1G)*), 7 September 2021.

<sup>12</sup> For more information about past examples, please see Petković, B. (2020), [Značilnosti napadov na civilno družbo v Sloveniji](#), Ljubljana, Mirovni inštitut.



address to the parliament, the PM stated the following, amongst others: 'To continue, if we are speaking only about nursing homes and college dormitories, investments in nursing homes, that is, construction, adaptation and renovations, amounted to 25 million euros in ten years. College dormitories, new construction, investment maintenance 31 million euros. A total of 37 million euros just for the non-governmental organisations whose offices are located at Metelkova 6. Those were your priorities. People died because of this. Can you list one achievement on a national level of any single non-governmental organisation located at Metelkova 6? Does anybody know? Yes, spreading the virus throughout the country last year, plus of course defacing the facades of the ministries, and death threats, those were the achievements. With the eighth oldest population in the world, in the last ten years we have invested 367 million in the parental supplement, financial assistance for childbirth, the large family supplement, and the childcare supplement. In the same ten-year period, non-governmental organisations received 706 million, more than twice as much. And then you have to fight an epidemic in such conditions. So, you have to take a look at the numbers.'<sup>13</sup> In March, the PM repeated some of these claims at a press conference and stated, 'One of the goals that has been included in all coalition agreements for a long time is to regulate long-term care. The fact is that in the last 10-15 years Slovenia has not invested in long-term care for the elderly and that more money has been allocated for some non-governmental organisations on Metelkova than for the construction of homes for the elderly. There is a big shortage here, which, in the fight with the epidemic, has also greatly affected the victims.'<sup>14</sup> An investigative online platform, which also includes a fact-checking component, found that the PM manipulated the facts, namely using known and accurate data but explaining them in a misleading way, leading to inaccurate or incorrect conclusions (i.e., a distortion of the facts).<sup>15</sup>

In mid-February 2021, the major government party also launched so-called "2021 consultations with voters". A questionnaire, which was at the time available on the party's website,<sup>16</sup> was also sent to Slovenian households. The questionnaire included suggestive questions, one of which was the following: '[f]rom 2009 to 2019 inclusive, 31,841,020 € were allocated from the Republic

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<sup>13</sup> Slovenia, Prime Minister of the Republic of Slovenia (*Predsednik Vlade Republike Slovenije*) (2021), '[Prime Minister Janez Janša: Today we are not dealing with a constructive vote of no confidence, but with a destructive farce](#)', public release, 15 February 2021.

<sup>14</sup> Slovenia, Prime Minister of the Republic of Slovenia (*Predsednik Vlade Republike Slovenije*) (2021), '[Predsednik vlade Janez Janša: Spopad z epidemijo koronavirusa je vladi vzel 80% časa in energije](#)', public release, 12 March 2021.

<sup>15</sup> Čas, Z. (2021), '[Iz proračuna več za dolgotrajno oskrbo kot za nevladne organizacije na Metelkovi](#)', *Oštro*, 12 April 2021.

<sup>16</sup> For more information, see the webpage of the Slovenian Democratic Party (*Slovenska demokratska stranka*). At the time, the questionnaire was available on [www.sds.si/posvet2021](http://www.sds.si/posvet2021).

of Slovenia budget for the renovation of homes for the elderly, and we did not build any new ones. At that time, only 35,672,609 € were earmarked for the maintenance and construction of student dormitories. At the same time, the 20 best-funded so-called "non-governmental organisations", mostly from Metelkova 6 in Ljubljana, received as much as 70,481,020 € from the budget. This order of funding seems to me to be: a) fully appropriate, "non-governmentalists" are the most important; b) inappropriate, the essential needs of students and pensioners must be given priority; c) scandalous, because they are pointlessly spending our money.' In April, the Prime Minister boasted on his twitter account that the people had spoken and stated that it had been their money thrown in the black hole at Metelkova 6 for paramilitary units of a left and centre-left party, respectively. The PM published results showing that 60 % of respondents (N=17,951) opted for answer c), while further 34 % opted for answer b).<sup>17</sup> Available data, however, show that, in 2019, for example, there were only four NGOs from Metelkova 6 on the list of 100 civil society organisations that received most public funds (from e.g. government ministries, municipalities and other public law entities), and these were all placed in the bottom third of the list.<sup>18</sup> In 2020, there were none of them on this list.<sup>19</sup> Recently, in December, the PM gave an interview to a media close to the major government party. Commenting on the 2022 parliamentary election, the PM stated that, 'These elections will decide whether the money will go to the people who create it or to the NGOs at Metelkova 6, a KUL's (i.e. Constitutional arch coalition (*Koalicija ustavnega luka*), a group of opposition parties in the parliament) paramilitary, who have not contributed any national achievement so far, but have spent tens of millions belonging to workers, entrepreneurs and pensioners.'<sup>20</sup>

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<sup>17</sup> For more information, see the Prime Minister's twitter account on <https://twitter.com/jjansasds/status/1379763242701103108>.

<sup>18</sup> Stražišar, B. (2020), [Obseg javnega financiranja nevladnih organizacij v 2019](#), Ljubljana, Center za informiranje, sodelovanje in razvoj nevladnih organizacij.

<sup>19</sup> Stražišar, B. (2021), [Obseg javnega financiranja nevladnih organizacij v 2020](#), Ljubljana, Center za informiranje, sodelovanje in razvoj nevladnih organizacij.

<sup>20</sup> Brlec, M. (2021), '[Janez Janša: "Dokazali smo, da Slovenija zmore več!"](#)', *Demokracija.si*, 4 December 2021.

## 2 Examples of civil society contributions to the rule of law

### 2.1 Violation meter

Topic	Contributing to law and policy making (including involvement in public consultations)
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The National Assembly adopted in 2009 the Resolution on Legislative Regulation (*Resolucija o normativni dejavnosti*) to strengthen the quality standards of drafting laws and regulation. To improve the quality of regulations drafting, the resolution lays down minimum standards for public consultations, including allocation of a minimum of 30 to 60 days for public consultation.<sup>21</sup> This provision was later incorporated in the Rules of Procedure of the Government of the Republic of Slovenia (*Poslovnik Vlade Republike Slovenije*).<sup>22</sup> The Centre for Information Service, Co-operation and Development of NGOs (*Center za informiranje, sodelovanje in razvoj nevladnih organizacij, CNVOS*), an umbrella NGO, set up a violation meter (*števec kršitev*), a tool to monitor how often provisions related to public consultations are breached. The meter covers all regulations for which the resolution sets a minimum time for public consultations, as well as all other acts for which such consultations are laid down in the government rules of procedure. Since taking office on 13 March 2020 until 15 November 2021, the current government failed to observe the relevant provisions regarding public consultations in 68 % of the cases – which is a higher percentage than for the former government (60 %).<sup>23</sup>

### 2.2 Legal network for the protection of democracy

Topic	Fostering a rule of law culture (Monitoring the legality and proportionality of laws, measures and practices; triggering the judicial review of laws, measures and practices and the enforcement of rulings; strategic litigation)
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<sup>21</sup> Slovenia, [The Resolution on legislative regulation](#) (*Resolucija o normativni dejavnosti*), 19 November 2009.

<sup>22</sup> Slovenia, [The Rules of procedure of the Government of the Republic of Slovenia](#) (*Poslovnik Vlade Republike Slovenije*), 10 May 2001, and subsequent modifications.

<sup>23</sup> For more information, see web page of the Centre for Information Service, Co-operation and Development of NGOs on [www.cnvos.si/stevec-krsitev/](http://www.cnvos.si/stevec-krsitev/).

In early 2021, four NGOs, Amnesty International Slovenia (*Amnesty International Slovenija*), Legal Centre for the Protection of Human Rights and Environment (*Pravni center za varstvo človekovih pravic in okolja – PIC*); formerly Legal-Informational Centre for NGOs (*Pravno-informacijski center nevladnih organizacij – PIC*), Today is a new day (*Danes je nov dan*) and Institute for Culture of Diversity Open (*Zavod za kulturo raznolikosti Open*) jointly set up the Legal network for the protection of democracy (*Pravna mreža za varstvo demokracije*). The initiative provides legal support to individuals and organisations involved in legal proceedings due to non-violent public action.<sup>24</sup>

According to the initiative, the imbalance of access to finance and legal means between the state and individuals is extremely high, so it is necessary to strengthen the position of those whose human rights are violated. The initiative thus provides support for the use of legal means to challenge procedures and practices that are illegal, unconstitutional and undemocratic (e.g. disproportionately high fines for public engagement, criminal and damages actions to intimidate and limit criticism, pressure on the media and civil society, threats and punishment of public servants who choose to speak out). According to a statement by the organisations involved, they believe that it is necessary to counteract such practices with a professional and systematic application of the law. Within the network, professional assistance is provided by highly qualified lawyers and law firms.<sup>25</sup>

By November 2021, the network of lawyers provided support in about one thousand cases.<sup>26</sup> Among other things, the Legal network for the protection of democracy provided support to two applicants who successfully challenged government decrees restricting movement of people and banning the gathering of people to curb Covid-19 infections before the Constitutional Court. The network provided support in filing the petition, while several law firms, university teachers and other experts in the field of constitutional law contributed to the argumentation. The network deemed necessary that existing decrees were examined in regard to their conformity with the Constitution, so that conditions under which constitutionally protected rights could be restricted and in what way, if at all, were clearly determined.<sup>27</sup> (For more information on this case, please see the preceding chapter.)

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<sup>24</sup> For more information on its mission, see the web page of the Legal network for the protection of democracy on <https://pravna-mreza.si/o-mrezi/>.

<sup>25</sup> see <https://pravna-mreza.si/o-mrezi/>.

<sup>26</sup> For more information, see web page of the Peace Institute with stories relating to the work of non-governmental organisations on [www.mirovni-institut.si/nevladniki-policija-mora-proteste-omogocati-ne-povzrociti-eskalacij/](http://www.mirovni-institut.si/nevladniki-policija-mora-proteste-omogocati-ne-povzrociti-eskalacij/).

<sup>27</sup> Pravna mreža za varstvo demokracije (2021), '[Pobuda za presojo ustavnosti](#)', public release, 2 March 2021.

In May 2021, the network set up a mechanism for monitoring protests, the first such a scheme in the country. The tool was set up upon claims by participants that the police used excessive force and treated the protesters selectively, contrary to the principle of equality. The monitoring is based on tools for monitoring assemblies made available by the OSCE Office for Democratic Institutions and Human Rights.<sup>28</sup>

Other public interventions include the organisation of a roundtable discussing police procedures during the pandemic (e.g. increased repression and disproportionate fines) in cooperation with daily newspaper Dnevnik.<sup>29</sup>

The network also drafted amendments to the Communicable Diseases Act (*Zakon o nalezljivih boleznih*).<sup>30</sup> The proposal was forwarded to all parliamentary groups in the National Assembly in late November. It involves amendments to the provisions of this act which the Constitutional Court had found unconstitutional. Since the court's decision has not been implemented in due time, the network formulated the proposal in conformity with decisions of the Constitutional Court adopted and the principles of proportionality, legality and separation of powers. The draft bill determines, among others things, purposes, types and scope of measures, conditions for their introduction and extension, as well as stricter parliamentary control over measures.<sup>31</sup>

<b>2.3 Defending watchdog role of civil society and journalists in Slovenia</b>	
Topic	Fostering a rule of law culture

The Association of Slovenian Journalists (*Društvo novinarjev Slovenije*), the Bottom Line (*Pod črto*), a non-profit media portal, and the Peace Institute (*Mirovni inštitut*), an NGO, started in 2019 the project "Defending watchdog role of civil society and journalists in Slovenia" (*Zaščita nadzorne vloge civilne družbe in novinarjev v Sloveniji*). The project addresses threats and challenges to the

<sup>28</sup> Pravna mreža za varstvo demokracije (2021), '[V Pravni mreži za varstvo demokracije \(PMVD\) bomo na današnjih protestih izvajali monitoring](#)', public release, 28 May 2021.

<sup>29</sup> Pravna mreža za varstvo demokracije (2021), '[Okrogla miza Policijski postopki v času epidemije](#)', public release, 20 May 2021.

<sup>30</sup> Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications.

<sup>31</sup> Pravna mreža za varstvo demokracije (2021), '[PMVD je s pravnimi strokovnjakinjami ki ter ob posvetovanju z epidemiološko stroko pripravila predlog sprememb 39. člena Zakona o nalezljivih boleznih in ga poslala vsem poslanskim skupinam v DZ](#)', public release, 29 November 2021.

watchdog role of civil society and journalists in Slovenia. The project lasted until the end of November 2020, but was then extended for three more years.

In early 2021, reports on attacks, threats and restrictions placed on the operation of NGOs, civil society groups and individuals, as well as journalists were released. The reports cover the period from 2018 until the end of 2020.<sup>32</sup> In the same year, an online platform for monitoring and reporting attacks on journalists was also launched.<sup>33</sup>

In 2021, a cartoon presenting the role of NGOs in society was at display in Maribor, Murska Sobota and Ptuj, following a similar 2020 exhibition in Ljubljana.

In terms of capacity building, a workshop, for example, on how to address online harassment of journalist was organised, and the protocol for newsrooms to address online harassment, produced by the International Press Institute, was translated into Slovenian. An online discussion was held about how the right to protest, namely the fundamental right to assembly and association, was exercised and defended in Poland and France, and what could be lessons for Slovenia. Another discussion dealt with the role of journalists and civil society in exposing and opposing extremist neo-Nazi groups.<sup>34</sup> In the course of the project, stories presenting the work of various non-governmental organisations are also published.<sup>35</sup>

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<sup>32</sup> For more information on these reports, see web pages of the Association of Slovenian Journalists on <https://novinar.com/novica/8256/> and of the Peace Institute on [www.mirovni-institut.si/napadi-na-civilno-druzbo-v-sloveniji-pregled-znacilnosti-napadov-komunikacijski-nasveti-za-nevladnike-in-sistemska-priporocila-za-izboljsanje-zascite/](http://www.mirovni-institut.si/napadi-na-civilno-druzbo-v-sloveniji-pregled-znacilnosti-napadov-komunikacijski-nasveti-za-nevladnike-in-sistemska-priporocila-za-izboljsanje-zascite/).

<sup>33</sup> For more information on this platform, see web page of the Association of Slovenian Journalists on <https://novinar.com/prijavi-napad/>.

<sup>34</sup> For more information on these events, see web pages of the Association of Slovenian Journalists on <https://novinar.com/drustvo-novinarjev-slovenije/projekti/pretekli-zakljuceni-projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji/> and <https://novinar.com/drustvo-novinarjev-slovenije/projekti/tekoci-projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji-podaljsana-faza/> and web pages of the Peace Institute on [www.mirovni-institut.si/projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji/](http://www.mirovni-institut.si/projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji/) and [www.mirovni-institut.si/projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji-podaljsana-faza/](http://www.mirovni-institut.si/projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji-podaljsana-faza/).

<sup>35</sup> For more information on these stories, see web page of the Peace Institute on [www.mirovni-institut.si/nevladniki/](http://www.mirovni-institut.si/nevladniki/).

## 3 Other relevant developments

### 3.1 Foreign funding

As in 2020, when the government, led by the major party in the coalition, attempted, albeit unsuccessfully, to abolish the Fund for the development of non-governmental organisations (*Sklad za razvoj nevladnih organizacij*),<sup>36</sup> the year 2021 saw another attempt at reducing access to funds for non-governmental organisations.

In late June, the Centre for Information Service, Co-operation and Development of NGOs – CNVOS reported that the Office of the Government of the Republic of Slovenia for Development and European Cohesion Policy (*Služba Vlade Republike Slovenije za razvoj in evropsko kohezijsko politiko*), headed by a representative of the major government party, introduced discriminatory conditions as part of a call under Norway Grants and European Economic Area (EEA) Grants schemes aimed at limiting the participation of NGOs. NGOs set up as associations (*društva*) shall have 50 active members, that is – individuals who paid membership fees in the current year and the two preceding years, while NGOs set up as institutes (*zavodi*) shall have at least three full-time staff achieving level 7 of the Slovenian qualification framework (*Slovensko ogrodje kvalifikacij*) in the field in which the organisation is active. In effect, almost no civil society organisation could meet these criteria and would thus be disqualified from the public call.<sup>37</sup> No similar criteria, however, were applicable to other entities (e.g. enterprises). Pursuant to the CNVOS, donor countries were not informed about this move. The CNVOS also noted, for example, that similar conditions were introduced in 2020, as an attempt to limit the involvement of NGOs in the building permits issuance procedures,<sup>38</sup> and that the Constitutional Court

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<sup>36</sup> Center za informiranje, sodelovanje in razvoj nevladnih organizacij (2020), '[SDS-ov pogrom nad NVO: V #PKP7 ukinitiv sklada za NVO](#)', public release, 21 December 2020; Center za informiranje, sodelovanje in razvoj nevladnih organizacij (2020), '[Sklad za NVO ostaja!](#)', public release, 22 December 2020.

<sup>37</sup> For more information, see the web page on Slovenian qualification framework set up by the Institute of the Republic of Slovenia for Vocational Education and Training (*Center Republike Slovenije za poklicno izobraževanje*) on [www.nok.si/en](http://www.nok.si/en).

<sup>38</sup> Slovenia, [The Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act](#) (*Zakona o interventnih ukrepih za zaježitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020, and subsequent modifications; Slovenia, [The Building act](#) (*Gradbeni zakon*), 24 October 2017, and subsequent modifications.

suspended the implementation of these provisions.<sup>39</sup> As per the government side, 'the criteria for NGOs to be able to apply to the open call provide that the projects submitted will make best use the funds available. Having a responsibility towards the donors, Slovenia expects that the funds will be used efficiently to achieve the greatest added value, so the commission, with the consent of the donors, created tender conditions that ensure the economical use of funds. The conditions are the same for everyone and no one is discriminated against.'<sup>40</sup>

Eventually, these adverse criteria were dropped later in the month of July.<sup>41</sup>

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<sup>39</sup> Center za informiranje, sodelovanje in razvoj nevladnih organizacij (2021), '[Sloveniji grozi blokada 34 milijonov evrov zaradi diskriminatornih pogojev SVRK, ki izključujejo sodelovanje NVO na razpisih Norveške, Islandije in Lihtenštajna](#)', public release, 28 June 2021. For more information, see also CNVOS's statement on web page of the European Civic Forum/ Civic Space Watch on <https://civicspacewatch.eu/slovenia-discriminating-criteria-risk-impeding-ngos-access-to-norway-grants-and-european-economic-area-eea-grants/>. For more information on the Constitutional Court's order, see Slovenia, Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*), [Order No. U-I-184/20-27](#), 2 July 2020.

<sup>40</sup> Slovenia, Office of the Government of the Republic of Slovenia for Development and European Cohesion Policy (*Služba Vlade Republike Slovenije za razvoj in evropsko kohezijsko politiko*) (2021), '[Pogoji razpisa Norveškega finančnega mehanizma in Finančnega mehanizma EGP niso diskriminatorni](#)', public release, 30 June 2021.

<sup>41</sup> Služba Vlade Republike Slovenije za razvoj in evropsko kohezijsko politiko (2021), '[Spremembe razpisne dokumentacije Javnega razpisa za sofinanciranje projektov v okviru programa Izobraževanje – krepitev človeških virov in Javnega razpisa za sofinanciranje projektov v okviru programa Blaženje podnebnih sprememb in prilagajanje nanje](#)', Služba Vlade Republike Slovenije za razvoj in evropsko kohezijsko politiko.