

Legal environment and space of civil society organisations in supporting fundamental rights

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1 Five most significant civic space developments in 2020

1.1 Participation of civil society organisations in public policy

In 2020, there were several positive examples of civil society organisations' participation in the preparation of important public policy changes. This concerned mainly the reform of the system of prosecution and changes in the system of justice and other public policies, such as participation of NGOs in the preparation of anti-corruption legislation. For instance, the civic association Via Iuris was active in the election process of the general prosecutor with the aim to improve the quality and transparency of the election process.¹ Stop Corruption Foundation was involved in the preparation of anti-corruption legislation, such as the Law on the enforcement of decisions on the seizure of property.² The Ministry of Investments, Regional Development and Informatization invited civil society organisations to consult on the Partnership Agreement for the upcoming period (2021 – 2027).³

However, there were also shortcomings in the participation of civil society organisations. In 2020, Slovakia started to prepare the so-called Recovery and Resilience Plan of the Slovak Republic that is expected to restart the Slovak economy after the coronavirus pandemic⁴. In the beginning, PM Igor Matovič announced that the plan will stem from a broad public discussion involving a broad spectrum of actors. However, in autumn 2020, the plan was elaborated without involving other partners than state authorities in its preparation. The Ministry of Finance was charged with its preparation and lead the whole process. Civil society organisations expressed their concerns about the quality of the prepared document, as well as the quality of the preparation process that did not involve them. In November, the coalition Voice of Civil Society Organizations (*Hlas*

¹ Via Iuris (2020), available at: <http://www.zadobruvolbu.sk/>

² Information published at the of the Stop Corruption Foundation on 27 August 2020, available at:

<https://www.facebook.com/NadaciaZastavmeKorupciu/posts/2893773150862015>;
Slovakia, Law no. 312/2020 Coll. on on the enforcement of decisions on seizure of t and administration of seized property and amendments of other laws (), 21 October 2020, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/312/20210101>

³ Slovakia, Ministry of Investments, Regional Development and Informatization of the Slovak Republic (*Ministerstvo investícií, regionálneho rozvoja a informatizácie SR*) (2020), , available at: https://www.mirri.gov.sk/sekcie/cko/narodne-konzultacie-k-eurofondom-2021-2027/?fbclid=IwAR2-YKy08DkN4PPddZ6qRzOzjRwX6FFDao-aAC4m8WcWfSeaGHTt_FIPjY

⁴ The first version of document was published in the begging of October 2020 (Slovakia, Ministry of Finance of the Slovak Republic (*Ministerstvo financií SR*) (2020), available at: <https://www.mfsr.sk/sk/financie/institut-financnej-politiky/strategicke-materialy/ine-strategicke-materialy/>), the revised version of the document was published in December 2020 (Slovakia, Ministry of Finance of the Slovak Republic (*Ministerstvo financií SR*) (2020), , available at: <https://www.mfsr.sk/sk/media/tlacove-spravy/predstavujeme-dalsie-detaily-planu-obnovy.html>)

občianskych organizácií) together with other NGOs and independent experts sent a request to the government asking it:

1. to secure meaningful, transparent and inclusive engagement of the public in the preparation of the document
2. to divide planned investments into particular sectors of the economy in accordance with EU guidance
3. to establish a governmental committee for preparation of the Recovery and Resilience Plan
4. to secure capacity building that is needed for drawing the funds
5. to define clearly in the document that civil society organisations are partners of the public authorities in the implementation of the Plan⁵.

In January 2021, the Ministry of Finances announced that the Recovery and Resilience Plan of the Slovak Republic will be submitted to the interdepartmental commentary procedure as well as several round tables with representatives of civil society organisations, municipalities, associations of employers and trade unions will be organized to discuss the document.⁶

1.2 Participation of NGOs in addressing the COVID-19 pandemic

In 2020, civil society organisations played an important role in dealing with the impact of the COVID-19 pandemic. We have reported on many important activities of non-profit organisations during the pandemic in several of our last year's COVID-19-related reports⁷. Also, the Voice of Civil Society Organizations (*Hlas občianskych organizácií*) was mapping the activities of NGOs during the pandemic and regularly published information on the website mimovladky.sk. The Non-profit sector crisis staff was formed at the beginning of the pandemic as a communication channel for NGOs to share information on challenges they face and to help to coordinate the NGOs activities⁸.

⁵ The Voice of Civil Society Organizations Platform (*Platforma Hlas občianskych organizácií*) (2020), , 23 November 2020, available at: https://www.platformahlas.sk/mimovladne-organizacie-ziadaju-kvalitnu-pripravu-planu-obnovy-a-odolnosti/?fbclid=IwAR2uBkHjPE7iKxPLApnWRH2G-Y1pxVwuI3ZctiQ6vu9_Xy6L5gXaI0hCKU

⁶ Slovakia, Ministry of Finances of the Slovak Republic (*Ministerstvo financií SR*), Plán obnovy pôjde aj na pripomienkové konanie, 14 January 2021. available at: <https://www.mfsr.sk/sk/media/tlacove-spravy/plan-obnovy-pojde-aj-pripomienkove-konanie.html>

⁷ FRANET country report on the impact of COVID-19 pandemic from [March](#), [May](#), [June](#), [July](#) and [November](#), as well as the [country report on the impact of COVID-19 pandemic on Roma and Travellers](#).

⁸ The Facebook page of the Non-profit sector crisis staff is available at: <https://www.facebook.com/krizovystabneziskovehosektora>

In August 2020, the Ministry of Investment, Regional Development and Informatization called on non-governmental organisations for support of activities in order to mitigate the effects of the COVID-19 crisis. The regions thus received another €1.1m euro from the state budget, i. e. twice the amount of funding than originally planned. The subsidies supported development activities to improve the quality of life of vulnerable communities.⁹

49 non-governmental organizations of a wide range were supported - from working with the elderly, through assistance in online education, in the prevention of homelessness, to working with the Roma communities. The money was given to NGOs during November 2020 and they could claim them for projects they did throughout the year 2020. 164 NGOs from the whole territory of Slovakia applied for the call. They could apply for amounts from 10 to 50 thousand euros.¹⁰

1.3 The situation of NGOs working in the area of gender equality

For the first time since 2013, state subsidies for the promotion of gender equality from the Ministry of Labour, Social Affairs and Family have not been granted to the organisations long involved on this topic. Of the 15 organisations applying for financial support, only three succeeded: Forum for Life, Counselling Centre Alexis (mainly providing support to families) and the Union of Mother Centres, which unites family and mother centres in Slovakia. In fact, two of the three organisations that received the subsidy have been openly opposing gender equality for a long time.¹¹

The media received an official position of the Ministry of Labour, in which it mocks the activities of feminist organisations and explains that they wanted to support those who had not received a subsidy in the past.¹²

⁹ Slovakia, Ministry of Investments, Regional Development and Informatization of the Slovak Republic (*Ministerstvo investícií, regionálneho rozvoja a informatizácie Slovenskej republiky*) (2020), , 12. August 2020, available at:

<https://www.mirri.gov.sk/aktuality/podpredsednicka-vlady/vicepremierka-remisova-11-miliona-eur-na-pomoc-mimovladnym-organizaciam-v-boji-s-covid-19/>

¹⁰ Slovakia, Ministry of Investments, Regional Development and Informatization of the Slovak Republic (*Ministerstvo investícií, regionálneho rozvoja a informatizácie Slovenskej republiky*) (2020), Remišová rozdelila mimovládny organizáciám na boj s covidom 1,1 milióna Eur, 4 November 2020, available

at: <https://www.mirri.gov.sk/aktuality/regionalny-rozvoj/remisova-rozdelila-mimovladnym-organizaciam-na-boj-s-covidom-11-miliona-eur/index.html>

¹¹ Information published on the [Facebook page](https://www.facebook.com/MoznostVolby) of NGO Možnosť voľby on 14 January 2021, available at: <https://www.facebook.com/MoznostVolby/posts/4081061495241768> and 22 January 2021, available at:

<https://www.facebook.com/MoznostVolby/posts/4103575459657038>; Zsilleová, M. (2020), *zenyvmeste.sk*, 10 October 2020, available at: <https://www.zenyvmeste.sk/dotacie-ministerstvo-prace-feministicke-organizacie-rodova-rovnost-mesochoritisova-zaborska?>

¹² Gehrerová, R. (2021), , *Denník N*, 22 January 2020, available at : <https://dennikn.sk/2235009/krajniak-utoci-na-feministicke-organizacie-dotacie-vraj-nedostali-lebo-v-minulosti-ich-mali-privela/?cst=ccf64c8ac4620509ed8213ea287fba172de8dac&>

Several civic organizations and media outlets drew attention to the non-transparent process of redistribution of subsidies and the overall situation at the Ministry. After several unsuccessful attempts, the Ministry finally made the evaluation sheets available to them. There was a significant discrepancy between the received score of individual applicants and the resulting redistribution of subsidies. Despite high ratings of professional evaluators, gender equality organizations were not supported¹³. On their website, the Voice of Civil Society Organizations Platform expressed their concern about the Minister Krajniak who, by means of publishing such defense divides the civic sector and ideologies an issue that requires a professional approach.¹⁴

This year's ministerial subsidy for gender equality promotion is to be the last. From the next year on, the law on the allocation of subsidies is changing; instead of gender equality, equal employment opportunities will be promoted and family support will be added.¹⁵

1.4 Financial situation of civil society organisations

As for the financial situation in 2020, civil society organisations reported that their financial situation became less stable because of the coronavirus pandemic. Even though civil society organisations employ a significant number of people, they were not included in the state compensation schemes. The main reason was that those schemes were intended for organisations producing profit. Such organisations were allowed to get compensation if they proved a loss in profit. Since the main aim of civil society organisations is not to produce profit, they were not able to benefit from the scheme. However, their ability to pay their employees' salaries and to pay other operational costs may have been impacted by the pandemic related measures, as it was in the case of businesses.¹⁶

Furthermore, civil society organisations received fewer funds from the so-called assignation of two percent of income tax, they also expect this situation to continue in 2021. This financial mechanism enables every legal and natural person to assign two percent (or less) of their tax paid from income (or profit) to civil society organisation(s) they prefer. For many civil society organisations, this income forms a significant part of their overall budget. In 2020, the deadlines for

¹³ Žureková, M. – Braxatorová, K. (2021), *SME.sk*, 14 January 2021, available at: <https://domov.sme.sk/c/22573564/dotacie-na-rodovu-rovnost-ziskali-organizacie-ktore-v-bodovom-hodnoteni-vyrazne-zaostavali.html>

¹⁴ The Voice of Civil Society Organizations Platform (*Platforma Hlas občianskych organizácií*) (2021), , 22 January 2021, available at: <https://www.platformahlas.sk/ministerstvo-prace-socialnych-veci-rozdeluje-obciansky-sektor/>

¹⁵ Slovakia, Law no. 417/2020 Coll. that amends the Law no. 544/2010 Coll. on subsidies within the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic, as amended (), 17 December 2020, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/417/20210801.html>

¹⁶ Amnesty International (2020), , An interview with Ivana Kohutkova from Via Iuris from 18 December 2020, available at: <https://www.youtube.com/watch?v=w-OfG2O-HT0>

legal and natural persons to pay the taxes were postponed and the mechanism of assignation has been maintained which, however, means that civil society organisations will receive the finances from assignation later. The deadline for using the money was postponed as well. At the same time, the amount of money assigned to civil society organisations could be impacted by the overall decrease in income of natural persons as well as the profit of legal persons.¹⁷

1.5 A new register of non-governmental and non-profit organisations

On 1 January 2021, the Ministry of the Interior launched a register of non-governmental non-profit organisations on the basis of the provisions of § 7 para. 1 of Act No. 346/2018 on the register of non-governmental non-profit organisations¹⁸. It should be an up-to-date and unified resource register of civic associations, trade unions, employers' organisations, organisations with an international element, non-profit organisations providing services of public interest, foundations and non-investment funds.

All previous, separate registers, records and lists of non-governmental non-profit organisations ceased to exist as of 31 December 2020 and the existing data on them will be automatically transferred to the new register.¹⁹ The NGO VIA IURIS, which participated in the preparation process of the act, claim on their Facebook page that this act both increases transparency and improves public access to information about civic organisations.²⁰ Besides the VIA IURIS NGO, also other civil society organisations submitted their comments to the act within the interdepartmental commentary procedure, for instance, Slovensko. Digital, Slovak Disability Council. The comments of NGOs were partly accepted²¹. No criticism related to the new act has been recorded so far.

¹⁷ SME Daily (2020), , 5 April 2020, available at:

<https://index.sme.sk/c/22376079/kriza-moze-zlikvidovat-mimovladky-dve-percenta-dostanu-ale-neskoro.html>;

Nadácia Pontis (2020), , 2 October 2020, available at:

<https://www.nadaciapontis.sk/novinky/ako-sa-meni-prostredie-neziskovych-organizacii-na-slovensku/>

¹⁸ Slovakia, Law no. 346/2018 Coll on the register of non-governmental non-profit organizations and on amendments to certain acts (), 27 November 2018, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2018/346/20210101>

¹⁹ Slovakia, Ministry of Interior of the Slovak republic (*Ministerstvo vnútra SR*) (2020), , 1 December 2020, available at: <http://www.minv.sk/?tlacove-spravy&sprava=novy-register-mimovladok-ministerstvo-vnutra-spusti-1-januara>

²⁰ FB post, VIA IURIS, 2 December 2020 available at:

<https://www.facebook.com/viaiuris/posts/10158010111004811>

²¹ Slovakia, Government of the Slovak Republic (*Vláda SR*), Návrh zákona o registri mimovládnych neziskových organizácií a o zmene a doplnení niektorých zákonov - nové znenie. Vyhodnotenie pripomienkového konania. Approved by the Government on 22 August 2018, available at: <https://rokovania.gov.sk/RVL/Material/23142/1>

2 Example of promising practice

A coalition of NGOs was formed during 2019 to advocate for the issues that are key to civil society organisations. The coalition named the Voice of Civil Society Organizations (*Hlas občianskych organizácií*) was set up by three NGOs (Via Iuris, Rada mládeže Slovenska, Centrum pre filantropiu) and gradually joined by other NGOs. At the end of 2019, Voice of Civil Society Organizations had 45 members²². The coalition has formulated three main goals:

1. to promote positive development of the legislative, financial and institutional framework for civil society organisations
2. to strengthen integrity, transparency and cohesion of civil society
3. to create a space for the cooperation between civic initiatives and organisations and to support of their activities²³.

The coalition also carried out public opinion research on public civil society organisations as a reaction to many negative views and a negative discourse on civil society organisations. According to the results presented in autumn 2019, 55 percent of the population trust or mainly trust NGOs and 64 percent of the population think that NGOs are able to meet the needs of citizens in some areas of their lives better than the state.²⁴

Before the parliamentary elections on 29 February 2020, the coalition focused its activities on defending the position of civil society organisations in the light of upcoming political change after the parliamentary elections. Before the elections took place, the initiative evaluated the changes in legislation during 2016 – 2020, produced an assessment of the programs of candidate political parties in relation to civil society organisations and initiated meetings with candidates' political parties to discuss the main issues of interest to civil society organisations.²⁵

²² Pontis Foundation (*Nadácia Pontis*) (2020, 2 October 2020, available at: <https://www.nadaciapontis.sk/novinky/ako-sa-meni-prostredie-neziskovych-organizacii-na-slovensku/>)

²³ The Voice of Civil Society Organizations Platform (*Platforma Hlas občianskych organizácií*), available at: <https://www.platformahlas.sk/nase-ciele/>

²⁴ The Voice of Civil Society Organizations Platform (*Platforma Hlas občianskych organizácií*) (2019), 28 November 2019, available at: <https://www.platformahlas.sk/vacsina-ludi-na-slovensku-doveruje-mimovladnym-organizaciam/>

²⁵ The Voice of Civil Society Organizations Platform (*Platforma Hlas občianskych organizácií*) (2020), 25 February 2020, available at: <https://www.platformahlas.sk/volby-2020-postoj-politicky-stran-k-obcianskej-spolocnosti/>

3 Any other developments

The new government led by PM Igor Matovič adopted its Programme Manifesto on 19 April 2020.²⁶ The government declared its support for the promotion of human rights, cooperation with NGOs and for the open government initiative. It counts on the participation of civil society organisations in developing public policies. Thus, the representatives of non-governmental organisations agree that the government's Programme Manifesto can be viewed as positive for civil society organisations.²⁷ According to the Voice of Civil Society Organizations, the government's Programme Manifesto contains several suggestions made by civil society organisations to improve the financial, legislative and institutional stability of civil society organisations.²⁸

During 2020, the new government continued in activities within the Open Government Initiative, maintained the existence of the Office of Governmental Plenipotentiary for the Development of Civil Society and other advisory governmental bodies in which the CSO are involved and thus fulfilled its pledges enshrined in the Programme Manifesto.

As for the other planned activities, there have been no steps taken so far to adopt systemic changes in the financing of the activities of NGOs. For instance, the Government planned to broaden the mechanism of assignation of two percent of income tax which has not been initiated so far.

The Government also declared that it wants to strengthen the participation of the public and CSO in public policy preparation which was successful only partially (as is explained in the first section of this report).

²⁶ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Návrh programového vyhlásenia vlády SR, adopted on 19 April 2020, available at: <https://rokovania.gov.sk/RVL/Material/24756/1>

²⁷ Teraz.sk (2020), , 21 April 2020, available at: <https://www.teraz.sk/publicistika/tri-otazky-trom-expertom-ako-hodnotit/461839-clanok.html>

²⁸ The Voice of Civil Society Organizations Platform (*Platforma Hlas občianskych organizácií*) (2020), , 30 April 2020, available at: <https://www.platformahlas.sk/mimovladne-organizacie-vlada-sa-v-pvv-prihlasila-k-podpore-ludskych-prav-aj-aktivnych-obcanov/>