

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

Slovenia

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Contents

1	Five most significant civic space developments in 2020	3
1.1	Participation	3
1.2	Freedom of assembly	5
1.3	Financing of civil society	7
1.4	Other	9
2	Examples of promising practice	12
3	Any other developments	13

1 Five most significant civic space developments in 2020

According to observers, the year 2020 was not favourable to civic space in Slovenia: CIVICUS Monitor, a tool providing data on the state of civil society and civic freedom, for example, downgraded Slovenian civic space rating from “open” to “narrowed” in 2020. Slovenia’s rating has been downgraded on the ground of the decline of space for civil society under the new government, manifesting in e.g. deterioration of media independence, restricting the space for civil society organisations through funding cuts and placing further barriers to the work of environmental NGOs, often using COVID-19 as a reason. Likewise, threats of eviction of a group of NGOs from state-owned premises were also noted.¹ Similarly, according to a report published by the European Civic Forum, participants in protests against the alleged government’s abuses of power, corruption scandals and lack of actions concerning economic inequalities faced an “unprecedented rough approach by the police issuing fines despite the protesters being peaceful and mindful of social distancing”. The report also noted restrictions placed on environmental CSOs regarding their involvement in environmental impact assessments, a government office move to abolish 2020 project contracts with CSOs dealing with e.g. migrants, media literacy and human trafficking, depiction of NGOs as parasitic leftists who should be cut from public funding by the major government party and the media close to it.²

1.1 Participation

To counter the consequences of the COVID-19 pandemic, the Slovenian parliament adopted, for example, on 28 April 2020 amendments to the Intervention Measures to Contain the COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), the second in the series of the so-called anti-Corona stimulus packages.³ This package, among other things, includes provisions aimed at boosting the issuance of building permits issued under the Building Act (*Gradbeni zakon*).⁴ According to the government draft, the overall objective of these provisions is to increase the building of infrastructure and objects, hence boosting

¹ For more information, see the CIVICUS web page on <https://findings2020.monitor.civicus.org/rating-changes.html#slovenia>. See also CIVICUS (2020), *People power under attack 2020: A Report based on data from the CIVICUS Monitor*, Johannesburg, CIVICUS. If not otherwise stated, all hyperlinks were accessed on 5 March 2021.

² European Civic Forum (ed.) (2020), *Activizemship: Civic Space Watch report 2020 – Stories from the lockdown*, Paris, European Civic Forum.

³ Slovenia, *The Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act* (*Zakona o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020, and subsequent modifications

⁴ Slovenia, *The Building act* (*Gradbeni zakon*), 24 October 2017, and subsequent modifications.

the construction and related sectors in time of crises and preserving jobs.⁵ The package also regulates the involvement of NGOs with the authorised status of organisations in the public interest in the field of environmental protection in the building permits issuance procedures, laying down the new threshold for their involvement in such proceedings. Based on their legal status, these organisations shall fulfil the relevant conditions for the year when the relevant procedures commence as well as for the preceding two years. Associations (*društva*) shall have 50 active members, that is – individuals who paid membership fees in the mentioned period. 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.⁶ Foundations (*ustanove*) shall have at least 10,000 EUR in assets every year in the period in question.⁷

Despite protests by more than 50 NGOs after the submission of the draft law in the parliament, pointing to the retroactive effect of the legal changes, namely to the fact that at this point in time the NGOs needed to fulfil the set conditions including in the two preceding years when these conditions were not in place and they could not be aware of them, as well as to the fact that the threshold set by the law is too high for practically all Slovenian NGOs with the authorised status of organisations in the public interest in the field of environment protection,⁸ the parliament eventually passed the amendments. According to the data collected for 56 out of 77 NGOs, only 9 (16%) fulfilled the new requirements.⁹ Since provisions of the second anti-Corona stimulus package were valid until the end of May 2020, the measure was extended in the third anti-Corona stimulus package by the end of 2021, adopted by the National Assembly (*Državni zbor*) in late May 2020.¹⁰ Three NGOs eventually lodged a request for review of the constitutionality of the legal changes with the Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*). The court suspended the implementation of the provisions in question until deciding on the matter.¹¹ The case is pending.

⁵ Slovenia, The Draft Act amending Intervention measures to contain COVID-19 epidemic and to mitigate its consequences for citizens and economy act (*Predlog Zakona o spremembah in dopolnitvah Zakona o interventnih ukrepih za zaježitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 23 April 2020.

⁶ For more information, see the webpage 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.

⁷ 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.

⁸ EKO KROG – društvo za naravovarstvo in okoljevarstvo, Pravno-informacijski center nevladnih organizacij – PIC, Ekologi brez meja et al. (2020), '[Izjava nevladnih organizacij glede 42. člena novega proti-koronskega zakona](#)', public release, 23 April 2020

⁹ European Civic Forum (ed.) (2020), [Activizem: Civic Space Watch report 2020 – Stories from the lockdown](#), Paris, European Civic Forum, p. 146.

¹⁰ Slovenia, [The Intervention measures to mitigate and eliminate the consequences of the COVID-19 epidemic act](#) (*Zakon o interventnih ukrepih za omilitev in odpravo posledic epidemije COVID-19*), 29 May 2020, and subsequent modifications.

¹¹ Slovenia, Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije), [Order No. U-I-184/20-27](#), 2 July 2020.

The National Assembly adopted in 2009 the Resolution on Legislative Regulation (*Resolucija o normativni dejavnosti*) to strengthen the quality standards of drafting laws and regulations. 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.¹² This provision was later incorporated in the Rules of Procedure of the Government of the Republic of Slovenia (*Poslovnik Vlade Republike Slovenije*).¹³ 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 25 January 2021, the current government failed to observe the relevant provisions regarding public consultations in 66 % of the cases. The former government, in office from 13 September 2018 until 13 March 2020, failed to meet this obligation in 60 % of the cases.¹⁴

1.2 Freedom of assembly

In 2020, informal Friday anti-government protests, including against its handling of the purchase of the protective equipment and its role in alleged weakening of environmental and democratic standards during the pandemic, have been a regular feature of public life in Slovenia since April. After the outbreak of the pandemic, the government introduced various measures to curb the spread of the coronavirus and to provide for physical distancing. For example, on midnight, 20 March, an assembly of people in public places and public surfaces, and access to such places was virtually banned. Pursuant to this regulation, movement, accessing and staying in public places, subject to maintaining a safe distance to other persons, are only allowed for an individual person in specified situations (e.g. going to work; performing economic, agricultural and forestry activities; preventing imminent threat to health, life and property).¹⁵

Since then, there have been different arrangements in place. The restrictions in place were somehow relaxed due to favourable epidemiological situation, and, for example, since mid-June until the end of that month, gatherings of up to 500

¹² Slovenia, [The Resolution on legislative regulation](#) (*Resolucija o normativni dejavnosti*), 19 November 2009.

¹³ Slovenia, [The Rules of procedure of the Government of the Republic of Slovenia](#) (*Poslovnik Vlade Republike Slovenije*), 10 May 2001, and subsequent modifications.

¹⁴ For more information, see the web page of the Centre for Information Service, Co-operation and Development of NGOs (*Center za informiranje, sodelovanje in razvoj nevladnih organizacij*) on www.cnvos.si/stevec-krsitev/

¹⁵ Slovenia, [The Ordinance on the temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia](#) (*Odllok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji*), 19 March 2020.

persons were possible.¹⁶ Worsening of the epidemiological situation led to the adoption of stricter measures. For example, from 20 October, gatherings of more than six people, unless they are close family members or members of the same households, were banned.¹⁷ At the end of the year, apart from groupings of family members, all gatherings were fully banned.¹⁸

In the course of the protests, an unfavourable approach by the police was reported. They issued fines despite peaceful protests and protesters respecting physical distancing. For example, in the period of stricter measures, individual protesters or family members left their paper footprints with messages in front of the parliament, with some of them facing fines for violating ordinance on the prohibition of gatherings. In the period of more relaxed measures, when more people were allowed to assemble, some participants in protests received fines for writing protest slogans on the streets with chalk.¹⁹

On several occasions, concerns were raised over the excessive use of police powers. Amnesty International Slovenia (*Amnesty International Slovenija*), for example, called on police authorities to inspect the matter.²⁰

On 19 June, the police stopped random people who allegedly went to protest and completely closed access to the Republic Square (*Trg republike*) in Ljubljana. The latter is a site of high symbolic importance in Slovenia, located opposite to the national parliament, and the police action was a historical precedent. The Human Rights Ombudsman has dealt with police procedures for establishing the identity of individuals during the protests in question (the procedure for establishing the identity of individuals was carried out in 69 cases). To this end, the body addressed a comprehensive inquiry to the Ministry of the Interior (*Ministrstvo za notranje zadeve*). Upon receipt of the response, the Ombudsman found that the ministry failed to eliminate all the doubts raised regarding the justification for carrying out the identification of individuals, that is – the question remained whether the measures of establishing identity in these cases were actually carried out in a lawful manner and did not represent an encroachment on the rights to privacy and

¹⁶ Slovenia, [The Ordinance on the temporary general restriction of the assembly of people in public places and areas in the Republic of Slovenia](#) (*Odlok o začasni splošni omejitvi zbiranja ljudi na javnih krajih in mestih v Republiki Sloveniji*), 15 May 2020, and subsequent modifications.

¹⁷ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 19 October 2020, and subsequent modifications.

¹⁸ 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*), 21 December 2020, and subsequent modifications.

¹⁹ European Civic Forum (ed.) (2020), [Activizem: Civic Space Watch report 2020 – Stories from the lockdown](#), Paris, European Civic Forum.

²⁰ Amnesty International Slovenija (2020), '[Navedbe o prekoračitvi policijskih pooblastil je treba preiskati](#)', public release, 16 June 2020; Amnesty International Slovenija (2020), '[Odziv na petkove proteste: Covid-19 vladi ne daje prostih rok, da "potepta" mednarodne standarde](#)', public release, 12 October 2020.

personality rights, as set out in the Constitution. The Ombudsman recommended that police officers provided for careful assessment of conditions laid down by law and other regulations when exercising their powers to establish one's identity.²¹

1.3 Financing of civil society

In December 2020, in the course of drafting the so-called seventh anti-Corona stimulus package, the government moved to effectively abolish the Fund for the development of non-governmental organisations (*Skład za razvoj nevladnih organizacij*).²² Since 2007, personal income taxpayers may give 0.5% of their personal income tax for publicly beneficial purposes.²³ In 2018, there were 6,194 eligible NGOs among 6,434 potential donations recipients.²⁴ By 2018, however, if taxpayers failed to make donations, the relevant percentage of their taxes was not allocated and remained in the state budget.

To counter this, the Act on Non-governmental Organisations (*Zakon o nevladnih organizacijah*) was passed in 2018. The law provides a legal basis for setting up the Fund for the development of non-governmental organisations. According to the law, the fund shall provide resources for projects and programmes of horizontal networks and regional hubs providing the support environment and promoting the development of non-governmental organisations, as well as projects and programmes of non-governmental organisations and other persons implementing measures aimed at the development of individual fields and promoting the development of non-governmental organisations and the development of the support environment for non-governmental organisations. The sources of financing for the fund shall include personal income tax assets not earmarked for publicly beneficial purposes by individual personal income taxpayers, that is - if taxpayers failed to make donations, the relevant percentage of their taxes shall now go to the fund.²⁵

In 2019, financing from the fund was provided to projects of development and professionalization of NGOs and to projects enabling a supportive environment for NGOs via public call, administered by the Ministry of Public Administration

²¹ Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic*) (2020), '[Policijski postopki ugotavljanja identitete ob protestu 19. 6. 2020 v Ljubljani](#)', public release, 25 August 2020.

²² Slovenia, [The Draft Intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic act](#) (*Predlog zakona o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 20 December 2020.

²³ Slovenia, [The Personal income tax act](#) (*Zakon o dohodnini*), 26 October 2006, and subsequent modifications.

²⁴ For more information, see the web page of the Centre for Information Service, Co-operation and Development of NGOs (*Center za informiranje, sodelovanje in razvoj nevladnih organizacij*) on www.cnvos.si/nvo-sektor-dejstva-stevilke/donacije-iz-05-dohodnine/.

²⁵ Slovenia, [The Act on non-governmental organisations](#) (*Zakon o nevladnih organizacijah*), 20 March 2018.

(*Ministrstvo za javno upravo*).²⁶ In the draft submitted to the parliament in December 2020, the government proposed an increase in donations a personal income taxpayer can give for publicly beneficial purposes, from 0.5 to 1 % of their income tax, while simultaneously emptying the fund of the money of those taxpayers who did not make donations. According to the government proposal, the fund was to be financed from the state budget or other donors.²⁷ While increase in the size of possible donations by taxpayers was welcomed, the manoeuvre was regarded as another attack on NGOs by the biggest party in the government coalition, since the fund is the only systemic source of funding for non-governmental organisations. At the same time, the government cannot withdraw the money from the fund at its pleasure, because it is protected by the NGOs-related law. It was also highlighted that, unlike the fund which provides rather generous backing to individual projects, taxpayers' donations, if any, tend to be much dispersed and primarily function as an instrument of support for local NGOs. In 2019, for example, 5,394 organisations received an average € 913, with almost 800 organisations receiving less than € 5. Overall, with the abolition of the fund, the share of public funds for non-governmental organisations would be reduced by € 0.5 million.²⁸

After significant mobilisation by civil society,²⁹ the parliament did not back the government proposal concerning the NGO fund. In the process, the fund thus stood as initially designed but with increased resources, since the parliament passed the increase in the size of money taxpayers can allocate for publicly beneficial purposes.³⁰

²⁶ For more information, see the government web pages on www.gov.si/zbirke/javne-objave/javni-razpis-za-razvoj-in-profesionalizacijo-nvo-in-prostovoljstva-2019/ and www.gov.si/zbirke/javne-objave/javni-razpis-za-podporno-okolje-za-nvo-2019-2023/

²⁷ Slovenia, [The Draft Intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic act](#) (*Predlog zakona o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 20 December 2020.

²⁸ Center za informiranje, sodelovanje in razvoj nevladnih organizacij – CNVOS (2020), '[SDS-ov pogrom nad NVO: V #PKP7 ukinitev sklada za NVO](#)', public release, 21 December 2020.

²⁹ For more information, see Facebook page of the Centre for Information Service, Cooperation and Development of NGOs (*Center za informiranje, sodelovanje in razvoj nevladnih organizacij*, CNVOS) on www.facebook.com/cnvos/posts/2911384182428213?_tn=-R.

³⁰ Slovenia, [The Intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic act](#) (*Zakon o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 29 December 2020.

1.4 Other

On 19 October, the premises manager at the Ministry of Culture (*Ministrstvo za kulturo*) issued a proposal for an amicable termination of the lease to the non-governmental organisations operating at Metelkova Street No. 6 in Ljubljana. The organisations were requested to vacate the building by 31 January 2021. If they fail to do so, the ministry has threatened to take the case to the court and to enforce the eviction at the expense of the NGOs concerned. In its public release, the ministry later stated that it had good reasons to terminate the lease. Amongst others, the ministry said that building is dangerous for occupants due to its dilapidation, and the ministry, as the owner, was obliged to renovate it. The government department needed the building, as it would be converted into a Natural History Museum. According to the ministry, the funds for the renovation have been provided, and the renovation and conversion into a museum were already planned by the previous ministers.³¹

In their response, the occupants noted that the termination of the leases was issued on the day the COVID-19 epidemic and curfew were declared in Slovenia, with the ministry failing to facilitate any dialogue with the NGOs concerned or to offer any replacement premises, and the funds for the building renovation only being envisaged in the 2023 state budget. They highlighted the fact that the building had been for decades home to internationally recognized NGOs engaged in independent cultural and artistic production, as well as in research and advocacy on behalf of minority and marginalised groups. They further stressed that this was the only building in the country dedicated by the state to independent cultural, artistic and research organisations, and that the occupants were recognised as operating in the public interest. They strongly protested the action of the ministry, seeing it as an attack on civil society and independent culture intended to silence critical voices.

According to the NGOs, the government in office and particularly its largest party have never hidden such intentions. The occupants pledged not to leave the premises and to resist what was seen as an attack on civil society, independent culture, and democracy. Various NGO associations, academic institutions and trade unions expressed their support to the occupants.³² The Committee on Culture of the National Assembly (*Državni zbor, Odbor za kulturo*) discussed the issue at its 27th extraordinary session on 29 October and on 2 and 4 November 2020, and called on the Ministry of Culture and the government to coordinate, in cooperation with all stakeholders in the Slovenian capital, the provision of alternative premises to all eligible tenants and users of the premises at Metelkova by June 2021.³³

³¹ Slovenia, Ministry of Culture (*Ministrstvo za kulturo*) (2020), '[Odziv ministrstva v zvezi s stavbo na Metelkovi ulici 6](#)', public release, 6 November 2020.

³² For more information, see dedicated web pages on the Peace Institute's website on www.mirovni-institut.si/metelkova6/ and www.mirovni-institut.si/en/metelkova6/.

³³ For more information, see the web page of the National Assembly (*Državni zbor*) on www.dz-rs.si/wps/portal/Home/deloDZ/seje/izbranaSejaDt?mandat=VIII&seja=57%20027.%20Nujna&uid=2858971C0672A1C2C1258609002126DF.

In mid-November 2020, the NGOs sent a draft agreement to the ministry in which they suggested the premises be renovated in cooperation with the tenants. The ministry invited the tenants to individual meetings to discuss tenancy relationships. The NGOs then drafted a letter calling on the ministry to organise a joint meeting with all the tenants, as they share a common historical and legal basis regarding the tenancy. They further suggested to the ministry the meeting takes place after the end of the pandemic when public gatherings would again be allowed. As the ministry insisted on individual meetings, the organisations reported that they would not be able to attend and excused themselves from the meetings. Since late November, there have been no formal developments.³⁴

The Human Rights Ombudsman (*Varuh človekovih pravic*) also looked into the matter. Amongst others, the Ombudsman noted that, during the pandemic, they also monitored the activities of civil society, especially non-governmental organisations working in the field of human rights. In this light, the body stressed the need for dialogue between the authorities and non-governmental organisations. According to the Ombudsman, *"It is not the Ombudsman's task to assess the justification or even the legality of a lease, use or termination of a tenancy, so we did not comment on these issues. However, the Ombudsman should draw attention to the duty of the state regarding non-governmental organisations working in the field of human rights, such as the Peace Institute and the Legal-Informational Centre for NGOs (PIC), which operate at Metelkova 6, the duty to assist them in fulfilling their mission and remove unnecessary, illegal or arbitrary restrictions on the civil society space, in particular those relating to freedom of assembly, association and expression. The important work done by both organisations must not be jeopardized, especially during the Covid-19 epidemic, when the protection of human rights and freedoms must be at the forefront of social action."* The Ombudsman thus called on the Ministry of Culture to engage in a constructive dialogue with NGOs operating at Metelkova 6 in a joint search for solutions that would ensure the smooth operation of non-governmental organisations working in the field of human rights and freedoms. The body also asked the ministry to pay the same care to other non-governmental organisations at Metelkova, which also make an important contribution to society. The Ombudsman did not receive any response by the ministry concerned by the end of 2020.³⁵

(The major government party often expresses their views on the role of NGOs in society, including organisations on Metelkova Street No. 6. For example, 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 handling of the pandemic. In their address to the parliament, the Prime Minister stated the following, amongst others: *"In addition, let's look, if we're just talking about nursing homes now, student dormitories. You see, homes for the elderly are an investment, that is - construction, adaptation, renovation. 25 million € in ten years. Student dormitories, new buildings, investment maintenance - 31 million €. In this period,*

³⁴ Information was provided by the Peace Institute (*Mirovni inštitut*).

³⁵ Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic*) (2020), '[Varuh ministrstvo za kulturo pozval k dialogu z nevladnimi organizacijami, to se ni odzvalo](#)', public release, 31 December 2020.

37 million € only for non-governmental organisations based at Metelkova 6, these were your priorities. That's why people were dying. List one national achievement of a single NGO at Metelkova 6 that you remember. Anyone knows? Yes, the spread of the virus last year across the country, that was, and of course, staining facades of ministries, and death threats, these were the achievements. The eighth oldest population in the world in the last 10 years, parental allowance, childbirth allowance, large family allowance, childcare allowance - 367 million. Funds for NGOs in the same ten-year period – 706 million, more than double. And then you fight an epidemic in a situation like that. So, one needs to look at the numbers a little bit.”³⁶

In mid-February 2021, the major government party also launched so-called 2021 consultations with voters. A questionnaire, available on the party's website, was also sent to Slovenian households. The questionnaire is composed of ten questions, one of which is the following: *"From 2009 to 2019 inclusive, 31,841,020 € were allocated from the Republic 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.”³⁷*

Available data indicate that in comparison to their colleagues abroad, Slovenian NGOs, on average, have access to fewer funds. Data collected by the CNVOS show that in 2019, for example, Slovenia allocated 0.77 % of its GDP to non-governmental organisations (0.73 % in 2018), In 2013, the year for which the data are available, the global average was 1.38 %, while the EU countries allocated an average of 2.2 % of their GDP to non-governmental organisations.³⁸ Similarly, in 2019, the only year for which the CNVOS published data, there were 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), all placed in the bottom third of the list.³⁹)

³⁶ For more information, see the web page of the National Assembly (*Državni zbor*) on www.dz-rs.si/wps/portal/Home/deloDZ/seje/evidenca?mandat=VIII&type=mag&uid=9BDD3BA08622AFB5C125867D00346AC3.

³⁷ For more information, see the webpage of the Slovenian Democratic Party (*Slovenska demokratska stranka*) on www.sds.si/posvet2021.

³⁸ Stražiščar, B. (2019), *Obseg javnega financiranja nevladnih organizacij v 2018*, Ljubljana, Center za informiranje, sodelovanje in razvoj nevladnih organizacij; Stražiščar, B. (2020), *Obseg javnega financiranja nevladnih organizacij v 2019*, Ljubljana, Center za informiranje, sodelovanje in razvoj nevladnih organizacij.

³⁹ Stražiščar, B. (2020), *Obseg javnega financiranja nevladnih organizacij v 2019*, Ljubljana, Center za informiranje, sodelovanje in razvoj nevladnih organizacij.

2 Examples of promising practice

As noted in the preceding section on developments in 2020, the Act on Non-governmental Organisations provides a legal basis for setting up the Fund for the development of non-governmental organisations.⁴⁰ As long as the fund is operational, it can be considered an example of promising practice. (Please see the preceding section for more details.)

The Gaming Act (*Zakon o igrah na srečo*) provides that lottery revenues are used for funding activities of disability and humanitarian organisations and sports organisations as well. To this end, lottery operators earmark 5 % of revenues garnered from the sale of tickets, reduced by the prizes paid out, for this purpose. Likewise, 80 % of funds from concession fees payable for the operation of number lotteries, instant lotteries and lotto games shall be used for funding activities of disability and humanitarian organisations, while 20 % shall go for funding activities of sports organisations. The situation is the opposite when it comes to concession fees payable for the operation of sports prediction games, sports betting and quiz lotteries, with 80 % of funds going for the financing of activities of sports organisations and 20 % for funding activities of disability and humanitarian organisations. Mostly, disability, humanitarian or sports organisations in Slovenia are civil society organisations.⁴¹

The Centre for Information Service, Co-operation and Development of NGOs (CNVOS), an umbrella NGO, compiles statistical data on the operation of the NGO sector in Slovenia and publishes them on its website in the Facts and figures (*Dejstva in številke*) section. For transparency reasons, the organisation publishes data on e.g. number of NGOs, number of their employees, their revenues and the amount of funding from the state and local authorities and its allocation. The most recent data capturing the year 2019 show the following, amongst others:

- there were 27,986 NGOs registered in Slovenia, 24,030 associations (*društva*), 3,693 (private) institutes (*(zasebni) zavodi*) and 263 foundations (*fundacije*);
- in 2019, their revenues amounted to € 986 million, with 88.97 % of organisations with less than € 50,000 in revenues;
- 0.92 % of Slovenian active population was employed with the NGOs in 2019, with the percentage generally increasing over years, but still very low, compared to the situation abroad;
- in 2019, public funding represented 37.71 % of the revenues in the NGO sector, with funding on the rise since 2017, but still 2.29 % less than in 2010;

⁴⁰ Slovenia, [The Act on non-governmental organisations](#) (*Zakon o nevladnih organizacijah*), 20 March 2018.

⁴¹ Slovenia, [The Gaming act](#) (*Zakon o igrah na srečo*), 9 May 1995, and subsequent modifications.

- in 2019, state ministries funded the NGO sector with € 129.49 million, with 52.57 % more funds available than in 2009; the local authorities provided further 118 million, 28.85 % more than in 2009.⁴²

As mentioned in the preceding section, apart from these data, this umbrella organisation also tracks violations of the Resolution on Legislative Regulation, a document adopted by the National Assembly to strengthen standards of the legislative process and public participation in decision-making.⁴³

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 watchdog role of civil society and journalists in Slovenia. It focuses on a) mapping and reporting media ownership and financing patterns; b) mapping and reporting attacks on journalists and civil society; developing recommendations and advocacy for policy changes; c) advancing capacities of the coalition members and other civic actors for legal defence, strategic communication, and solidarity actions to counter threats and challenges. In 2020, apart from several workshops and public discussions, the project produced guides on legal remedies available to NGOs and activists in the case of attacks and threats, on legal aspects regarding the right to assembly, and on communication responses in the case of online attacks on journalists. A cartoon presenting the role of NGOs in society was also produced. It is available online and was also exhibited in the Ljubljana City Hall. The project also monitored examples of attacks, threats and restrictions placed on the operation of NGOs, civil society groups and individuals, resulting in a report.⁴⁴

3 Any other developments

In January 2021, four NGOs, Amnesty International Slovenia (*Amnesty International Slovenija*), 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*) joined efforts and 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. 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

⁴² For more information, see the Facts and figures (*Dejstva in številke*) section on the web page of the Centre for Information Service, Co-operation and Development of NGOs (*Center za informiranje, sodelovanje in razvoj nevladnih organizacij*) on www.cnvos.si/nvo-sektor-dejstva-stevilke/.

⁴³ For more information, see the organisation's web page on www.cnvos.si/stevec-krsitev/.

⁴⁴ For more information, see the project web page on www.mirovni-institut.si/projekti/zascita-nadzorne-vloge-civilne-druzbe-in-novinarjev-v-sloveniji/.

shall thus provide 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). The organisations involved believe that it is necessary to counteract such practices with a professional and systematic application of the law. Apart from involvement in individual proceedings, the initiative shall publish legal opinions and issue public releases.⁴⁵

On 23 October, the government adopted an ordinance, applicable from 26 October, almost completely closing down education institutions at all levels.⁴⁶ The Constitutional Court reviewed the constitutionality of the ordinance and subsequent government orders extending the measure. Unlike the ordinance, several November orders extending the measure were not published in the Official Gazette of the Republic of Slovenia (*Uradni list Republike Slovenije*). According to the court, an act must be considered a regulation if it contains general and abstract legal norms by which the rights and obligations of legal subjects are regulated or if these norms cause legal effects. The court established that the orders in question had to be regarded as regulations and should have been published in the Official Gazette. It thus found that the orders did not enter into force and could not apply.⁴⁷

The Legal network for the protection of democracy produced a legal opinion with the list of all ordinances of which validity was extended by the government in an unlawful manner (e.g. ordinance related to the prohibition of public gatherings), the argumentation regarding the general validity of the Constitutional Court's decision for all relevant ordinances, and legal possibilities to redress the injustices available to state authorities and affected persons who have been fined on the basis of such regulations. Since the Ministry of Justice seems to be reluctant to address the matter in a systematic manner, and is of the opinion that the application of the court's decision to all cases when a fine has been issued is premature, the Legal network called on the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) to step in and act proactively by systematically lodging requests for the protection of legality (*zahteva za varstvo zakonitosti*) with the Supreme Court (*Vrhovno sodišče*). The latter, an extraordinary legal remedy, is in the network's opinion among the rare instruments for rectifying irregularities in the case of final decisions on minor offences, and the Supreme State Prosecutor's Office has a key

⁴⁵ For more information, see the website of the Legal network for the protection of democracy (*Pravna mreža za varstvo demokracije*) on <https://pravna-mreza.si/>.

⁴⁶ Slovenia, [The Ordinance on the temporary prohibition of gatherings in education institution, universities and independent higher education institutions](#) (*Odlok o začasni prepovedi zbiranja ljudi v zavodih s področja vzgoje in izobraževanja ter univerzah in samostojnih visokošolskih zavodih*), 23 October 2020.

⁴⁷ Slovenia, Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*), [Partial decision and order No. U-I-445/20-13](#), 3 December 2020.

role to play in ensuring the rule of law and the protection of human rights and fundamental freedoms in the periods when these are under threat.⁴⁸

⁴⁸ Pravna mreža za varstvo demokracije (2020), '[Javni poziv Vrhovnemu državnemu tožilstvu RS za vložitev zahteve za varstvo zakonitosti zaradi nezakonito izdanih glob](#)', public release, 21 January 2020.