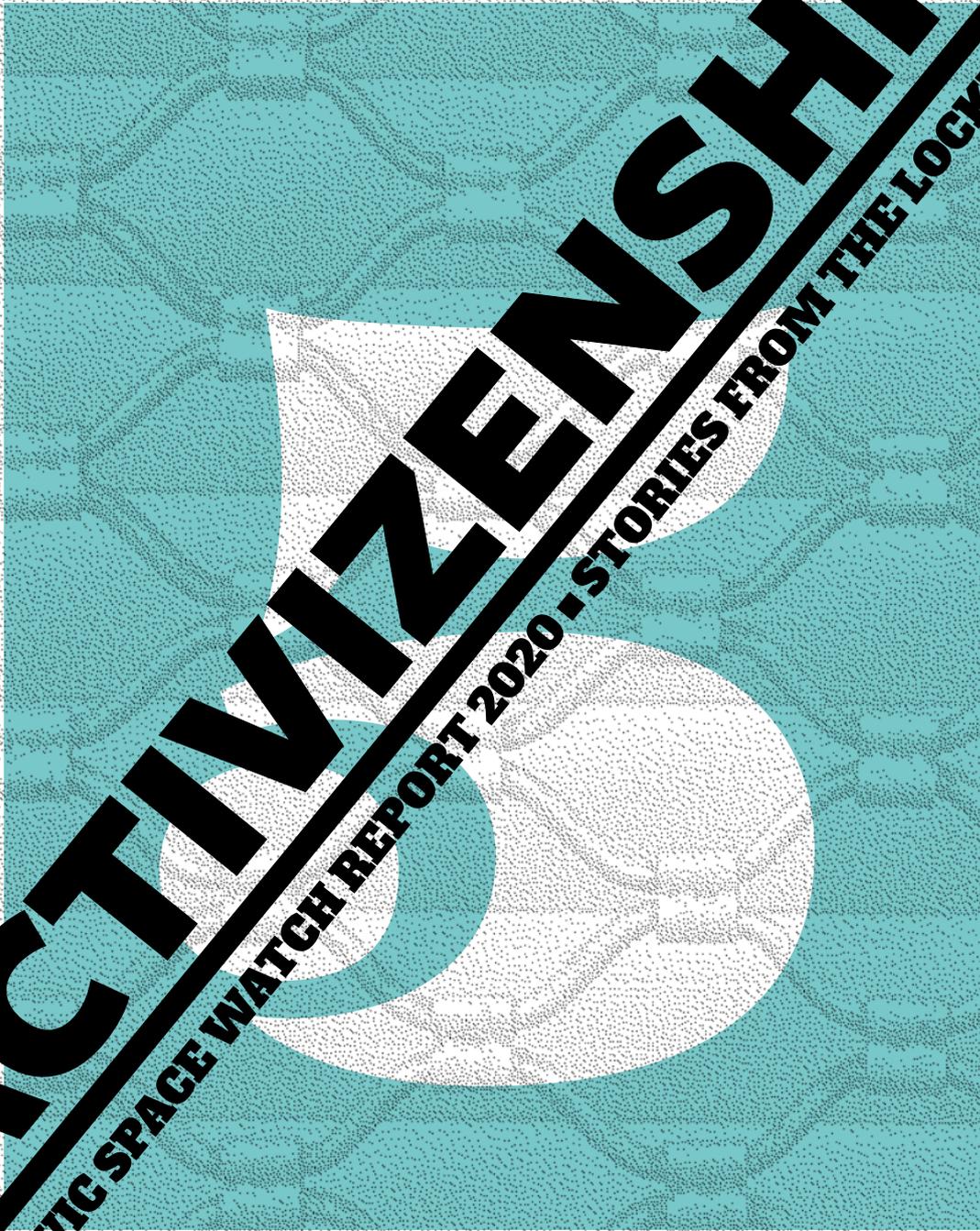
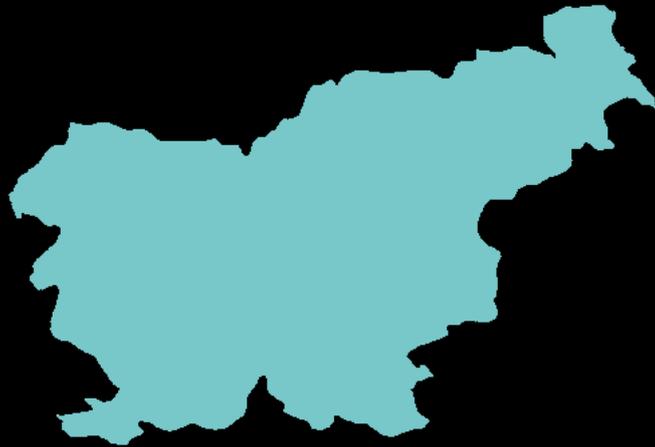


ACTIVIZENSHIP

CIVIC SPACE WATCH REPORT 2020 ■ STORIES FROM THE LOCKDOWN





SLOVENIA

Civic space in Slovenia was downgraded from "Open" to "Narrowed" on the CIVICUS Monitor.

Slovenian civil society covers wide-ranging areas of action, with relatively high levels of volunteering. Yet, CSOs have long experienced problems of limited financial and human resources, especially for advocacy. While vilification by political figures occasionally targeted civic actors, particularly in the field of environment and migration, the legislative environment significantly improved in spring 2018 when an NGO Law - among other things - defined the term "NGO" and created an NGO fund¹ to strengthen the sector, including the long-term employment rate. Nevertheless, a rapid deterioration of civic space and rule of law has characterised 2020, after the formation of a new right-wing Government coinciding with the declaration of the pandemic in the country. Since mid-March, the Government has repeatedly attempted and often succeeded in changing democratic rules and limiting dialogue with the sector. These moves found the opposition of civil society and citizens protesting and revitalising Slovenian civic mobilisations.

¹ CIVICUS Monitor, New Ngos Law welcomed as challenges to civic space remain, <https://monitor.civicus.org/updates/2018/04/04/slovenia-new-NGO-law-welcomed-umbrella-group/>, (April 2018).

THE SECTOR IN NUMBERS / SLOVENIA

Population of the country (2020)

2,08 Million

Number of NGOs registered in the country (2020)

27,996 (+ 27% compared to 2019)

Number of people employed by the sector (2018)

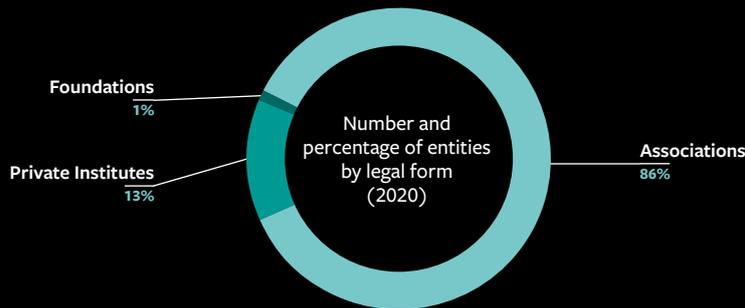
8,300 persons (11.92% of the total workforce)

*INSTITUTES EMPLOY MORE THAN A HALF

Number of volunteers (2018)

61,330 volunteers (2,98% of the total population of Slovenia)

*92,07% OF NGOS ARE ONLY COMPOSED OF VOLUNTEERS



THE ECONOMIC WEIGHT OF THE SECTOR

Availability of public funding for the sector (2018)

333,15 Million euros (The double compared to 2003, it represents 36,29% of the total revenue of the sector)

Total revenue of the sector (2018)

918 Million euros (4,9% increase compared to 2017)

1/3 is estimated to be generated by sales of services and products

67.37% was contributed by associations

17.36% of NGOs operated without profit

52.60% generated less than 50,000 euros in revenue

% of the national GDP (2018)

2%

SOURCE: CNVOS, NGO SECTOR: FACTS AND NUMBERS, [HTTPS://WWW.CNVOS.SI/EN/NGO-SECTOR-SLOVENIA/](https://www.cnvos.si/en/ngo-sector-slovenia/)

ILLIBERAL GOVERNMENT TAKES OVER THE COUNTRY

Core foundations of democracy are eroded

By Nika Kovač, Research Institute 8th of March

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On 13 March, only one day after the announcement of the Covid-19 epidemic in Slovenia, a new government was formed. Four political parties, led by the right-wing Slovenian Democratic Party (SDS), had already agreed to form a coalition government on 25 February. The agreement followed the resignation of Prime Minister Marjan Šarec on 27 January, after a law – which has nationalised supplemental private health insurance – split his minority government coalition, made of five small parties. This coalition was formed after the 2018 elections: despite SDS being the largest parliamentary party, other parties refused to form a coalition with the party's leader Janez Janša due to his right-wing policies. Šarec wanted his resignation to open the way for early elections but, instead, two parties from his coalition decided to enter the alliance with SDS.

Janša had previously served as Prime Minister from 2004 to 2008 and again from 2012 to 2013. One of the most controversial figures in Slovenian politics since the country gained independence in the 1990s, he spent six months in prison after having been convicted of corruption in an armoured vehicle deal with the Finnish defence company Patria. The constitutional court later overturned his conviction due to insufficient evidence.

ON 13 MARCH, ONLY ONE DAY AFTER THE ANNOUNCEMENT OF THE COVID-19 EPIDEMIC IN SLOVENIA, A NEW GOVERNMENT WAS FORMED

In 2018, he was also given a three-month suspended sentence for insulting two journalists by calling them prostitutes.

During the last 30 years, the SDS party changed its ideology from social democracy to neoliberalism to far-right nationalism, and it is now known for its racism and WWII revisionism. It is also close to Hungary's Prime Minister Viktor Orbán. In the last few years, companies from Orbán's sphere of influence have poured millions of euros into SDS's media projects, including its publishing house Nova obzorja and *Fox news* alike television station Nova24 TV, that often smear or attack critical journalists and activists¹. At the end of September, Slovenia's third most-viewed TV station Planet TV was bought by one of the two biggest Hungarian media companies, T2².

¹ <https://monitor.civicus.org/updates/2018/04/04/slovenia-new-NGO-law-welcomed-umbrella-group/>
² <https://english.sta.si/2813616/telekom-recapitalises-planet-tv-and-completes-sale-to-hungarian-tv2-media>

RULING BY DECREES, EMERGENCY LEGISLATION AND LIMITING THE RIGHT TO REFERENDUM PERMANENTLY

A state of emergency was never proclaimed in Slovenia. All the measures were introduced on the basis of the COVID-19 epidemic, declared on 12 March. Soon after the epidemic was announced, the Parliament suspended its regular sessions for two months. The Government formed a task force that had no legal basis and whose powers were unclear. Government decrees that pushed the boundaries of legality became the Government's main tool of regulating life in society. The Constitutional Court is now evaluating many of them. Public life was virtually shut down; schools were closed on 16 March. On 19 March, the *Ordinance on the temporary prohibition of public gathering at public meetings and public events and other events in public places in the Republic of Slovenia* banned public gatherings and shut down the service sector of the economy.³

One of the most controversial decrees limited the movement of people to the boundaries of their municipality⁴. In the eyes of many, this was arbitrary as no argumentation or analysis existed for this decision. At first, the Constitutional Court deemed unconstitutional the articles of the decree that vaguely determined the timeframe for the measure, although it did not suspend the decree.

³ <https://www.gov.si/en/news/2020-03-19-ordinance-on-the-temporary-prohibition-of-public-gathering-at-public-meetings-and-public-events-and-other-events-in-public-places-in-the-republic-of-slovenia/>
⁴ <https://www.gov.si/en/news/2020-03-29-the-prohibition-of-movement-outside-the-municipality-of-permanent-or-temporary-residence-in-force-from-midnight/>

The Research Institute of 8th march

is an institute dealing with different forms of inequalities. It is organising the Slovenian #metoo campaign and organising theoretical roundtables about different topics. It is one of the leading Slovenian feminist organisations.

Nevertheless, Prime Minister Janša accused the court of being “politically biased”⁵. In September, long after the decree was waived, the Constitutional Court ruled that the decree is in accordance with the Constitution. In its argumentation, the Government is entitled

**DURING THE LAST
30 YEARS, THE SDS
PARTY CHANGED
ITS IDEOLOGY FROM
SOCIAL DEMOCRACY
TO NEOLIBERALISM TO
FAR-RIGHT NATIONALISM**

to broad powers and leeway in critical situations like the epidemic.⁶

In response to the social, economic and health crisis, the Government proposed a series of emergency legislations, later called the “Anti-corona packages”. However, the packages contained a number of other proposals that were not related to the emergency and that will affect the socio-economic and democratic life of Slovenia beyond the epidemic.

At the beginning of April, the Government proposed a fundamental change in the law regulating referendums (Referendum and Popular Initiative Act). This Act used to allow citizens to call for a legislative referendum and overturn laws adopted by the Parliament within seven days from their adoption. The approved amendments gave the majority in Parliament the possibility to exclude referenda on certain matters, with the aim to speed up the legislative

⁵ <https://www.total-slovenia-news.com/politics/6120-jansa-calls-constitutional-court-politically-biased>

⁶ <https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-83-20-z-dne-27-8-2020/>

process. The change enacts Article 90 of the Constitution that regulates referendums, which had been changed during the financial crisis forbidding referendums on financial matters, international treaties, human rights and urgent matters of defence, safety and natural disasters. In the past, similar proposals by different governments failed to gain the two-thirds majority required to amend such law. Critics pointed out that such measures would be prone to abuse and take away the people's right to oppose by means of a referendum.

The Government has continued with the strategy of big emergency packages pushed through the Parliament with alarming pace, practically eliminating the space for a transparent and public debate. For all of them, the government coalition did not allow a referendum. The last of these emergency laws, the “Anti corona package 5”, was sent to Parliament on the 1 October and contained articles that could be aimed at privatising public healthcare.

TAKING OVER THE LEADERSHIP OF PUBLIC INSTITUTIONS

As one of its first acts, the new Government replaced the leadership of the Army, the police and the military's Intelligence and Security Service⁷. In the next weeks and months, it also changed the leadership of the National Institute of Public Health (a key institution in fighting the Coronavirus), the National Bureau of Investigations (part of the police investigating major crimes), the Slovenian Intelligence and Security Agency (the main civilian intelligence service), the Statistical Office (key institution of gathering and distributing key indicators and information) and the Financial administration (tax collecting and tax avoidance

⁷ <https://www.gov.si/en/news/2020-03-14-1st-regular-session-of-the-government-of-the-republic-of-slovenia/>



THE AUTHOR

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persecution) with officials loyal to the party of Prime Minister Janša.

These changes seem politically motivated. For example, the National Bureau of Investigations was conducting a criminal investigation regarding potential improprieties with the procurement process of masks and other Coronavirus protective gear. The same institution was also carrying out a criminal investigation into foreign financing of SDS-affiliated media. Also, the head of the national Statistical Office was replaced because he did not allow an informal government working group to access confidential and highly sensitive raw econometric data.

IMPACT OF THE PANDEMIC ON THE SOCIETY AND NGO SECTOR

The shutdown of public life and the service sector had immediate consequences on people’s livelihoods and their ability to stay afloat. In the first emergency measures, the Government prioritised help for big and medium-sized business over the self-employed - whose work was already the most precarious -, the service sector, and civil society organisations. For example, out of the three laws in this first package approved on 19 March,

payment moratorium. This package did not provide safeguards to the workers for which companies received subsidies against layoffs, nor for the self-employed. Additionally, civil society organisations and associations were not eligible for subsidies. Despite the loud dissatisfaction expressed by the civic sector through petitions and letters, the ruling coalition did not accept the amendments demanded.⁸⁹

Some of these issues were addressed on 2 April, when the Parliament confirmed the very first Government’s all-encompassing emergency package laws to mitigate the consequences of the pandemic. This package was worth 3 billion euros and named the *Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy*, or the ‘Anti-corona Mega Law’. The act widened the range of supports for businesses but also included self-employed, CSOs and some vulnerable groups in society. However, this act also left out many or provided them insufficient support. For example, CSOs were also included in the help, under the same conditions as other employers, i.e. if their income in 2020 will be 10% lower than in 2019. Furthermore, humanitarian and

GOVERNMENT DECREES THAT PUSHED THE BOUNDARIES OF LEGALITY BECAME THE GOVERNMENT’S MAIN TOOL OF REGULATING LIFE IN SOCIETY

the first dealt with emergency measures for the farming sector; the second with administrative procedures and deadlines; the third and most important one with wages, social security contributions subsidies for employers and a monthly loan

⁸⁸ <https://www.civos.si/novice/2466/dz-pozvali-da-naj-interventna-pomoc-velja-tudi-za-drustva-zavode-in-ustanove/>

⁸⁹ <https://www.rtvsllo.si/zdravje/novi-koronavirus/sircelj-za-podjetja-bo-omogocen-12-mesečni-odlog-placevanja-kreditov/517533>

2004 - 2008: First term of Janez Janša as Prime Minister and leader of Slovenska Demokratska Stranka (SDS).	SEPTEMBER 2008: Borut Pahor, from the Social Democrats party, becomes Prime Minister.	FEBRUARY 2013: Janša’s government falls after an investigation report reveals systematic violation of the law by failing to properly report his assets.	2014: Janša is imprisoned after being convicted of corruption in an armoured vehicles deal with the Finnish defence company Patria. After 6 months he is released. The Constitutional Court overturns the ruling previously confirmed by three judiciary stages.	SUMMER 2017: Vilification campaign against environmental civil society organisations that take part in the impact assessment process for greater environmental protection in opening of car-painting plant in Maribor.	MARCH 2018: New NGO law is welcomed as “huge step forward” for relationship between the government and NGOs.
2004: Slovenia joins the European Union.	2012-2013: Second term for Janez Janša as Prime Minister.	MARCH 2013: Social Democratic candidate Alenka Bratušek becomes Prime Minister.			SPRING 2018: Heated electoral campaign leads to increased attacks against journalists and artists. SDS pledges to cut public support for NGOs.
JANUARY - JUNE 2008: Slovenia as first “new member state” presides the EU Council.	2012-2014: Massive protests against Government’s corruption and the political elite.				

disability organisations were excluded from this condition.

The initial conditions for self-employed to receive government aid were stricter than for businesses and seemed to have been designed in a way that discouraged eligible people from applying¹⁰. If all conditions were not met, the aid would have to be repaid. As a result, a lot of people were afraid to apply, since they could not know whether their earnings at the end of the year would meet the Government's conditions. Additionally, partially self-employed parents who entered into a government programme that allowed them to spend more time with their kids and receive full-time pension payments,

CONSIDERING PUBLIC FUNDING OF CSOS, 2020 HAS BEEN A TURBULENT YEAR

were excluded from any help. Several NGOs and humanitarian institutions, including our Institute, initiated fund-raising for the groups that were hit the hardest and found themselves in financial

¹⁰ This was later unified.

distress and facing poverty, including cultural workers, self-employed and partly self-employed parents¹¹.

Considering public funding of CSOs, 2020 has been a turbulent year. One of the first moves under the new Government was a decision by its Communication Office to abolish project contracts with CSOs for 2020 dealing with migrants, media literacy, human trafficking, etc.¹². After a long fight, the Office succeeded with its intention as it found a legal basis in the contracts saying that all projects need to be implemented on time. Due to the national lockdown this was not possible, many projects were therefore in delay and hence, the abolishment. However, it must be emphasised that such actions by one of the public institutions were witnessed for the first time and may very well lead to similar actions. It also should be noted that the whole size of the programme is only 100.000 EUR. Also, in March, the Government passed a decision to amend the state budget, instructing ministries that all costs should be cut by 30%. This instruction again led to quite some advocacy efforts in order to secure the funding for CSOs. The changes were passed in September. With the exception of the Ministry of

¹¹ For example the initiative Pomoč staršem v stiski (<https://www.petkazanasmeh.si/aktualno/pomoc-starsem-v-stiski>)

¹² <https://www.cnvos.si/novice/2496/nujno-obvestilo-za-izbrane-izvajalce-na-razpisu-ukom-2020/>

Culture, who let go of €8 million and consequently abolished public tenders and other financial support for the sector, other ministries did not cut the funds for CSOs. Some, as the Ministry of Social Affairs, even published additional funds to support CSOs with their activities during the pandemic. At the last session of Government Council for development of NGOs, most ministries confirmed that there are also no cuts planned for 2021.

Militarisation of measures

The draft 'Anti-corona Mega Law' also contained constitutionally controversial extension of police powers in articles 103 and 104. Article 103 gave police wider repressive powers and access to people's personal health information. Article 104 made provision for the surveillance of citizens through their mobile phones. During the legislation process, the law was watered down, tracking through mobile phones was erased, but remained controversial. This led opposition parties to file an initiative for constitutional review of these articles.¹³

The Government also attempted to invoke Article 37a of the Defence Act which gives police powers to military personnel for protecting the wider border area. The leading government party is openly anti-migrants, and it tries to use

¹³ <https://www.rtvlo.si/slovenija/sd-lms-sab-in-levicav-ustavno-presojajo-posiljajo-tri-vladne-ukrepe/521258>

JUNE 2018: SDS wins majority of votes in the elections but most parties in Parliament pledge against forming a coalition with Janša.

SEPTEMBER 2018: A five-party centre-left coalition, led by Prime Minister Marjan Sarec, forms a minority Government.

NOVEMBER 2018: Janša gets a three-month suspended sentence for insulting two journalists by calling them prostitutes.

27 JANUARY 2020: Prime Minister Marjan Sarec resigns.

3 MARCH 2020: Four political parties form a coalition. Janša becomes Prime Minister-designate.

12 MARCH 2020: Announcement of the COVID-19 epidemic in Slovenia.

13 MARCH 2020: Janša starts his third term as Prime Minister of Slovenia.

14 MARCH 2020: The new government replaces up to 7 heads of public institutions with leaders close to SDS. These changes seem politically motivated as some of these institutions are carrying out investigations against Janša's party.

19 MARCH 2020: Ordinance bans public gatherings, public meetings and public events and shuts down the service sector.

29 MARCH 2020: Decree prohibits freedom of movement outside the municipality.

2 APRIL 2020: The government launches "Anti-corona Mega Law" to help businesses, self-employed and CSOs. It contains several problematic articles for fundamental rights.

THE POLICE ALSO SYSTEMATICALLY ENFORCED "SOFT" ACTS OF REPRESSION LIKE ARBITRARY IDENTIFICATION AND CONTINUED TO BRANISH FINES FOR ABSURD REASONS

the pandemic as a pretext to enforce harsher anti-refugee politics, presenting them as our country's enemies.

Considering that the Army is already assisting border police, the fear was that the use of this article would last for an unclear period of time and be abused by the Government. Furthermore, since the closure of the Balkan corridor in 2016, Slovenian police have reportedly pushed back more than 16,000 people into Croatia. From Croatia, they were most often violently returned to Bosnia where the number of migrants is steadily growing, and a humanitarian disaster is already taking place. If the Army were to be granted police powers, this would prevent more people from applying for international protection, a basic human right. In the end, the Government did not

gain the two-thirds majority needed to activate this article but has announced it will try again.

THE RIGHT TO PROTEST

The people's response to Government's (in)actions during the past months has been quite strong. However, the already mentioned *Ordinance on the temporary prohibition of public gathering at public meetings and public events and other events in public places in the Republic of Slovenia* prohibited all public gatherings, and restricted people's movement to work, farming, essential services (pharmacies, grocery stores, banks and post offices etc.) and walking. The public gathering restriction had only two exceptions: people living in the same household and a group of up to 5 co-workers driving to work. Consequently, people expressed their protest in unconventional ways.¹⁴

Had the restrictions not been in place, protests against the new Government would have started in the first weeks, as they already did in February when the first signs of the SDS-led coalition became visible. In the absence of opportunities for mass physical protests, people took to social media to express their discontent, displayed banners on their balconies, protested alone in front of Parliament and elsewhere respecting

¹⁴ The public gathering restriction had only two exceptions: people living in the same household and a group of up to 5 coworker driving to work.

the limitations, made noise from their windows every Friday afternoon, and more.

During one of these actions, on 22 April, the activist group Portestival started an initiative called *Footprints of resistance*¹⁵ in which solo protesters and families left paper cut-outs of their feet with messages written on them in front of Parliament. Police fined some of the participants 400 euros for breaking the public gathering Ordinance. This was perceived as an arbitrary act of oppression.

On 24 April, the protest went *From*

SDS AND AFFILIATED MEDIA SYSTEMATICALLY PORTRAY NON-GOVERNMENTAL ORGANISATIONS AS PARASITIC LEFTISTS WHO NEED TO BE CUT FROM PUBLIC FUNDING

the balconies to bicycles in the capital city of Ljubljana. A few thousand protesters came to "exercise and protest". The

¹⁵ <https://www.facebook.com/watch/?v=520042205329435>

3 APRIL 2020: People start to express their discontent, displaying banners on their balconies, protesting alone in front of Parliament and elsewhere respecting the limitations, making noise from their windows every Friday afternoon.

APRIL 2020: Government Communication Office starts a long process of pressure on NGOs in order to abolish project contracts for 2020, dealing with migrants, media literacy, human trafficking, etc.

22 APRIL 2020: The activist group Portestival starts an initiative called Footprints of resistance: solo protesters and families left paper cut outs of their feet with messages written on them in front of Parliament. Police fines them.

23 APRIL 2020: Opaque and corrupt practices involving the Government purchase of masks is unveiled by whistleblower on the Public TV.

24 APRIL 2020: Masks scandal triggers protests *From the balconies to bicycles* on the streets of the capital city of Ljubljana on Fridays.

26 APRIL 2020: Janša calls the Constitutional Court "politically biased".

28 APRIL 2020: Adoption of a new *Regulation Establishing a Monitoring Committee of the Operational Program for the Implementation of the European Cohesion Policy for the period 2014-2020* changes the membership of the Monitoring Committee. NGO representative - elected

protest became bigger - the largest exceeded 15 thousand people - and expanded to other Slovenian towns and cities in the following weeks. In different forms and scale, protests continued every Friday since (Ed.: for more information concerning the protest, read the interview).

All these protests do not have a formal organiser, and information are circulated on social media. The protests have been very peaceful. On the other hand, the authorities reacted quite heavily-handedly. The police systematically cordoned off the Square of the Republic in front of the National Assembly with an iron fence: first, just a part of the square and later, for the first time in history, the entire square which is synonymous with free speech and right to protest. In an act of defiance to this, on 19 June, protesters set on the ground of the square in the afternoon before it was cordoned off, reading article 42 of the Constitution: *“The right of peaceful assembly and public meeting shall be guaranteed. Everyone has the right to freedom of association with others.”* The police dispersed the protesters, also using force carrying them out of the square.^{16,17} The Slovenian Ombudsman found that in the protest on 19 June, people were unjustifiably and

unlawfully identified. He discovered that the police exceeded their powers under the pressure of the Minister of Interior.¹⁸

The police also systematically enforced “soft” acts of repression like arbitrary identification and continued to brandish fines for absurd reasons like writing protest slogans on the streets with chalk. Additionally, Amnesty International Slovenia reported on the use of violence towards the protesters on a few occasions¹⁹.

TARGETING CRITICS

In the week after the first cases of Covid-19 were confirmed in Slovenia, Government’s press conferences were a stage for experts to talk and for journalists to ask questions. As soon as the new Government came to power, official communication was reduced to a single public speaker and, allegedly due to health concerns, journalists were prevented from attending press conferences with no option to pose questions to the speakers directly.

At the same time, all the processes described above were widely criticised by the public, the civil society, the media and the opposition and any criticism was met with attacks and discreditation from the media network around SDS, as well

as by government officials. For example, a smear campaign targeted investigative journalist Blaž Zgaga. After Zgaga sent a (freedom of information) request to the Government’s Secretary-General to obtain information on the functioning and structure of the newly founded Crisis Headquarters of the Republic of Slovenia

SDS SEEMS TO HAVE THE AMBITION TO DOMINATE THE SLOVENIAN MEDIA LANDSCAPE

charged with combating the pandemic, a tweet from the official account of the same Crisis Headquarters declared that Zgaga was part of a group of “four patients who escaped quarantine” and that he suffered from “the Covid-Marx/Lenin virus”.

In a statement to the Council of Europe, the Government stated that “The majority of the main media in Slovenia have their origins in the communist regime” and attacked the Slovenian public broadcaster RTV Slovenija for being politically biased and having too many people employed.²⁰ Later,

¹⁶ <https://www.mladina.si/199288/fotogalerija-petkovi-protivladni-protesti/>

¹⁷ <https://www.vecer.com/slovenija/spremljamo-policija-pred-drzavnim-zborom-iz-ograjenega-dela-odstranila-protestnike-10185846>

¹⁸ <https://www.dnevnik.si/1042937430>

¹⁹ <https://www.amnesty.si/odziv-na-ravnanje-oblasti-protesti>; <https://www.amnesty.si/navedbe-o-prekoracitvi-policijskih-pooblastil-je-treba-preiskati.html>

²⁰ <https://necenzurirano.si/cdn/public/files/2020/04/08/5e8db4e636351.pdf>

by NGOs through inclusive and democratic procedure - is removed and replaced by Government-appointed NGO.

19 JUNE 2020: Protesters sit on the ground of a square in Ljubljana calling for freedom of assembly. The police disperse the protesters using force.

JUNE 2020: Government refuses the proposed list of candidates for the European Economic and Social Committee on the ground of lack of gender equality. Instead of asking the representative organisation to change their candidates, the Ministry of foreign affairs takes over the

process.

15 JULY 2020: Constitutional Court decides to suspend articles of the anti-corona mega law, passed in April, that changed conditions for NGOs participating in environmental impact assessment due to their public benefit status.

29 JULY 2020: Courts stop the SDS moves to take over the public radio-television (RTVS) supervisory board by illegal means.

9 JULY 2020: Government proposes extensive changes to the media law that will include a 13 million euro cut for RTVS.

4 AUGUST 2020: In a communique to the Council of Europe, Government states that “The majority of the main media in Slovenia have their origins in the communist regime”

8 OCTOBER 2020: Minister of Interior introduces new restrictive measures and blames on cyclist protesters for the rise in coronavirus cases.

19 OCTOBER 2020: NGOs face eviction from the self-governed compound Metelkova claim Janša wants them silenced.

Prime Minister Janša tweeted a similar message.²¹

Simultaneously SDS tried to take over RTV Slovenija supervisory board by illegal means. First, it dismissed three members despite the fact that their terms had not expired. This move was stopped by the courts.²² Then, it attempted to replace two more members but was aborted by a parliamentary committee²³.

²¹ <https://www.mladina.si/196896/jansevi-napadi-na-rtv-slovenija-so-nesprejemljivi>

²² <https://www.rtv-slo.si/slovenija/upravno-sodisce-zadrzalo-predcasno-razresitev-treh-nadzornikov-rtv-slovenija/532041>

²³ <https://rsf.org/en/news/slovenia-trumps-disciple-at-tacks-journalists-and-introduces-systemic-change>

SDS seems to have the ambition to dominate the Slovenian media landscape. As mentioned in the beginning, it is partly trying to do so with the help of Hungarian corporations close to Orban that are financing SDS' media network and making it bigger with acquisitions. The other part of SDS' strategy is to change the three main laws regulating the media field. With them, they are trying to change the current leadership of the Slovenian Press Agency (STA), reduce funding of RTV Slovenija²⁴ and change

²⁴ <https://www.total-slovenia-news.com/politics/6579-culture-ministry-releases-proposals-for-media-reform-major-funding-cut-for-rtv-slovenija>

THE GOVERNMENT ALSO SYSTEMATICALLY ACTED IN A WAY THAT EXCLUDED CSOS FROM INFLUENCING POLICY MAKING AND MADE PUBLIC DEBATE AND SOCIAL DIALOGUE MORE DIFFICULT,

the current leadership, put public money in SDS affiliated media and regulate the media market in the way they seem fit²⁵. This endeavour that would erode the basis of free expression and freedom of the press also ran into opposition from inside some of Janša's coalition partners and was at least temporarily put on hold.

RESTRICTIONS ON CIVIL SOCIETY AND CSOS ACTIVITY

We have already mentioned about the turbulent year for CSOs' public funding. This comes as no surprise given that SDS and affiliated media systematically portray non-governmental organisations as parasitic leftists who need to be cut from public funding.

The Government also systematically acted in a way that excluded CSOs from influencing policy making and made public debate and social dialogue more difficult, thus reducing the influence of CSOs. The first anti-corona package laws were practically written behind closed doors without social dialogue with trade unions - that is usually a condition *sine qua non* in Slovenia before passing such important measures – and without consultation with civil society.

²⁵ <https://ipi.media/new-administration-old-agenda-press-freedom-strained-again-in-slovenia-under-veteran-pm-jansa/>

TARGETING ENVIRONMENTAL ORGANISATIONS

By Tina Divjak, Head of advocacy at the Centre for Information Service, Cooperation and Development of NGOs (CNVOS)

Anti-corona measure affecting construction legislation

In Slovenia, according to Environmental Protection Act, non-governmental organisations that obtain the status of acting in the public interest in the field of environmental protection can be parties in the procedures and can go to court and challenge the decisions in environmental matters. So far, several major investments, which would severely affect the environment, have been successfully challenged by environmental organisations in the courts or within the administrative procedure for obtaining an environmental permit.¹

Some of the conditions for obtaining the status of acting in the public interest in Environmental protection law included:

- ▶ For associations: at least 3 members,
- ▶ For institutes: at least 1 expert co-worker,
- ▶ For foundations: at least 400 EUR of founding assets.

Changed conditions for NGOs included in the anti-corona law package (April 2020, prolonged in June 2020 until the end of 2021) and considered provisions aimed at deregulation of construction legislation and speeding up of infrastructure investments during the economic recovery:

¹ <https://www.liberties.eu/en/news/slovenia-new-government-restricts-access-to-public-participation-for-environmental-ngos/19290>

- ▶ For associations: at least 50 active members, which NGOs shall prove with regularly paid membership fees and participation at general assemblies,
- ▶ For institute: at least 3 fully employed staff with university education in the field,
- ▶ For foundations: at least 10.000 EUR of founding assets.

The most controversial is the condition to meet these requirements *retrospectively in the last two years*.

Data collected for 56 out of 77 NGOs currently meeting this criteria shows that only 9 of them (16%) fulfil the new conditions.

In May 2020, a coalition of NGOs submitted a constitutional review initiative. In July 2020, the Constitutional Court *temporary suspended the implementation of these articles*, meaning that until the final court's decision, the procedures should be carried out in accordance with the basic legislation.

Nature Conservation law

The same conditions were proposed also for the Nature Conservation Law in May 2020, which would be the first of the basic laws that would restrict NGO access to court and administrative procedures. At the end, the conditions were a bit changed, some exclusions were added and most importantly the law is not retrospective, NGOs that already have a status need to fulfil new conditions in 6 months after the law becomes valid.

Similarly, in the Parliament, a change in the internal rules foresees that one member per organisation can come to present their opinion on a given topic; however, in practice, almost no one was invited, and even this restrictive rule was not respected. For example, the 8th of March Institute requested an invitation to argue for partly self-employed parents left without help but was denied citing pandemic limitations.

Environmental CSOs were probably the biggest targets of the Government who see them as an obstacle to big investments. First, the Government pushed through a law that made it more difficult to obtain the status of acting in the public interest in the field of environmental protection. Then, the third Anti-corona package attempted to deregulate the building sector, including with the total exclusion of environmental civil society organisations and actors in environmental impact procedures in the construction of large facilities until the end of 2021. Fortunately, in this case, the Constitutional Court temporarily withheld the execution of these articles²⁶, but the majority of such articles stands. By removing CSOs which can point out at irregularities from the proceedings, the law opens the door to abuses. It allows investors to build without a valid building permit; it subordinates the competent public institutions and puts them in the service of private investors. This act appears to be directly connected to moves to fast-track the building of Mokrice hydroelectric plant, in which the Minister for Environment Vizjak has a vested interest.²⁷

CSOs and civil society responded to such measures with a petition *Narave ne damo* (We won't give away our nature), which collected more than 36,000

support signatures.²⁸ Additionally, one of the biggest "Friday protest" was organised on the day of this law was passed, with more than 10.000 people attending. But the authorities ignored it. Luckily, the Constitutional court intervened, but that did not stop the Government to propose a law that would permanently deregulate the building laws (Ed: see box "Targeting environmental organisations").

Although almost seven months have passed since the epidemic was declared in Slovenia and the new Government came to power, the politics of emergency legislation that impacts areas not connected with the coronavirus crisis continues. At the same time, the Government is

THE GOVERNMENT IS STILL CIRCUMVENTING OR REDUCING DIALOGUE WITH CIVIL SOCIETY TO A FORMALITY

still circumventing or reducing dialogue with civil society to a formality. For this reason, at the end of September, trade unions walked out of the negotiation on the fifth corona package in a sign of protest.²⁹

CONCLUSION

At the time of finishing this article, Slovenia is experiencing record rises in coronavirus cases and the Government is limiting public life and gathering again, restricting private and public gathering to 10 people. On 8 October, in a press conference, the minister of Internal Affairs introduced new measures and put the blame for the raise in cases on cyclist protesters, falsely claiming that Ljubljana - where the

protests are happening - is one of the most critical clusters.³⁰ He also announced that the police will be "much, much stricter" in issuing fines in the future.³¹

The unique situation of the pandemic coinciding with a change of Government in Slovenia has resulted in attacks on civil liberties, freedom of the press and limiting the people's right to a referendum. And sadly, these processes are continuing and amplifying, eroding some of the core foundations of a democratic society. ■

The analysis is updated to 13 October 2020. Thanks to Tina Divjak, Head of advocacy at the Centre for Information Service, Cooperation and Development of NGOs (CNVOS), for the help with revision.

²⁶ <https://focus.si/odlocitev-ustavnega-sodisca-o-zadrzanju-sprememb-gradbene-zakonodaje/>

²⁷ <https://www.liberties.eu/en/news/slovenia-new-government-restricts-access-to-public-participation-for-environmental-ngos/19290>

²⁸ <https://www.naravenedamo.si/>

²⁹ <https://www.zsss.si/sindikati-protestno-zapustili-sejo-ekonomsko-socialnega-sveta/>

³⁰ In the cases per inhabitants Ljubljana is somewhere a little above average compared with other municipalities: <https://covid-19.sledilnik.org/embed.html#/si/chart/Map>

³¹ <https://www.rtvsllo.si/slovenija/od-polnoci-zbiranje-najvec-10-ljudi-strezba-le-za-mizami-omejitve-tudi-v-trgovinah/538505>

“ One of my last trips before the pandemic was in September 2019 to speak at Active Citizens Days in Oslo on the debate European civil society at risk. I was considered as a counterpart to Veronika Mora from Hungary. I explained how in 2018 an NGO law was passed - among other things establishing an NGO fund to support the implementation of the Strategy for development of NGOs, how the Government supports civil society, how we have regular contacts, how the Prime Minister condemns populism, ... In February 2020 the Prime Minister resigned. On March 12 the pandemic was declared. On March 13 a new Government, led by Janez Janša, came into the office.

Since then we have witnessed smear campaigns and attacks on media and CSOs, replacements of the huge majority of directors of public institutions and enforcement bodies, a number of anti-COVID measures and restrictions, on which the Constitutional Court is still deliberating. In short, we went to sleep in Slovenia and woke up in Hungary. However, we have also witnessed a revival of civil society. Protests on balconies started soon after the declaration of a pandemic, followed by Cyclist Fridays, Tuesdays for culture, etc. Social media are full of guerilla campaigns. Protest letters are being drafted and signed by a variety of different actors almost weekly. Different civil society actors and organisations started cooperating. People are responding rapidly. Solidarity in the sector has increased tremendously. Thus, the whole situation has brought about also positive developments. We can just hope that this energy will keep spreading and that democracy and human rights will be defended.

”

Tina Divjak,
Centre for Information Service,
Cooperation and Development of NGOs (CNVOS)

DEFENDING FREEDOM AND DEMOCRACY

Raising voices against inequalities

Interview with Nika Kovač, Inštitut 8. marec - Institute of the 8th March

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What sparked the protests and what messages did they initially want to convey?

In early March, during the lockdown, our Institute started protests called 'Out of the window'. We invited people to put banners on their windows and send us photos. As an institute, our main focus



Nika Kovač

is on women's rights, but we also deal a lot with social and economic inequalities. What sparked our action was the fact that when the lockdown started in Slovenia, the Government decided not to help people who are self-employed and precarious workers. As elsewhere in Europe, many people lost their jobs, but the Government did not take care of them. Instead, soon after coming to power the Government decided to raise the salaries of the ministers by about 400€. The Government's PR response was flat out denying this simple and verifiable fact¹.

On 23 April, the main public television's investigative and political weekly TV show Tarča (The Target) made contact with whistleblower Ivan Gale, an employee at the Agency for

Commodity Reserves, responsible for the purchase of masks and respirators, who exposed opaque and corrupted practices involving visible politicians part of the Government, including the Minister of Economy.² The public outcry was huge but the Government was not shaken. People got very angry because the economic situation for many is extremely difficult. This is when the protests moved from the balconies to the bicycles.

² <https://www.rtvsllo.si/slovenija/v-tarci-razkrili-politice-pritiske-na-dobave-zascitne-opreme/521695>

¹ <https://www.24ur.com/novice/slovenija/vladni-clani-so-si-dvignili-placo-gre-za-delo-v-nevarnih-razmerah-tako-kot-pri-zdravnikih.html>

THE MAIN CONCERNS ARE THE ACTIONS OF THE GOVERNMENT AND GROWING SOCIAL INEQUALITIES



White feet glued to a protest in front of the government. 21 August 2020

Since then, every week on Friday there is a protest and so far, there have been fourteen in total. At the beginning, people were cycling around Ljubljana. But then the protests spread across Slovenia. Our Institute asked people to send pictures from their villages and cities, and we are getting them from around 20 towns every week. Other groups started contributing to the protests, each in their way. We say that the protests do not have organisers; they have initiators. Last week there was an action for women's rights and there we were very involved.

The main concerns are the actions of the Government and growing social inequalities, but there are different formations and groups inside. For example,

WHAT IS UNIQUE ABOUT TODAY'S PROTESTS IS THAT PEOPLE ARE COMING TO THE STREETS EVERY FRIDAY

the culture sector is hugely represented because it has been harshly affected by the Governmental cuts. They organised protests in front of the Ministry of Culture under very different forms: once, they were clapping their hands; another time, artists brought things from theatre performances and concerts in front of the Ministry as a symbol of the death of culture in Slovenia. One of the most visible people in the protests is a street artist that during the quarantine was recording videos of himself running to the Parliament and doing sports activities as a form of protest because the Government said we could only do recreational activities. These videos became viral on social media, and now he is one of the animators of the protests. People are following him. Trade unions are also active in the protests. Every week the main protest is at 7 pm, but before there is always a special action connected with the most recent developments. So, at every protest, there is some new group emerging.

The Government is doing a lot of shady things right now. For instance, it

decided to change the law in order to impede environmental organisations to take part in environmental assessment plans when building construction or in development plans. A group called 'Balkan River Defence' together with the national platform of NGOs, CNVOS started a huge movement called 'We do not sell our nature'. They held a protest in front of the Government when the law was discussed in the Parliament. This was the beginning of this movement. They also did a petition and other actions, such a sit-in in front of the Ministry of environment. During that gathering, the police came, threw them in their cars, brought them away and arrested them. The people became very angry because these were peaceful protesters. So, the week after the protest was about the environment. Every week the protesters pick up some new content. That week there was a huge sign stating 'we do not sell our nature' and people were screaming this message as well.

MANY INITIATORS ARE FROM THE CULTURAL SECTOR AND AT EVERY PROTEST, THEY THINK ABOUT SOME SPECIAL ACTION

Are there messages that are recurrent?

Yes, the main message is that we do not want this Government. It could be argued that many people are not anxious because of Covid-19, but because of what the new Government might do and implement under the cover of this pandemic. As a popular banner from one of the protests reads: 'the virus will leave, but the dictatorship might stay'.

The second message of the protest is to end the corruption. Since the Government took office, there have been many scandals, the biggest one concerned the masks that the Government purchased.

The third main message is to end police repression. Until now, we never really saw police violence in Slovenia. This changed with these protests. There have been a few cases of police misbehaviour, although the protesters are very calm and very aware of the issue of social distancing. One day people were trying to enter the Parliament saying, *'this is our house'* and the police were pushing them away quite roughly. Another time, there was an action in the main square against police repression: people were sitting in the square reading the Constitution for one hour. Then the police took them away. For the first time, they also put a fence around the square, and they wear anti-riot gear.

They are also giving penalties for silly things. For example, one of the first actions was to bring drawings of feet and to leave them in front of the Parliament to show how many people were angry. The Police officers were giving penalties, and when asked why they responded: it is not okay to voice their opinion. People got 400 Euro penalties for this. This never happened before. Once, protesters were painting on the streets with crayons, and the police started fining them. They said that it is forbidden in Slovenia unless it is performed by children. Nevertheless, the people keep coming. We have a history of protest against right-wing governments in Slovenia. In

**WHILE WE MARCH
ACROSS THE CITY,
ELDERLY PEOPLE FROM
THE BALCONIES WAVE
AND SUPPORT US**

**SOME PEOPLE TAKE THE
STREETS BECAUSE THEY
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NOT RECEIVE SUPPORT
FROM THE STATE**

2012-2013, we had four huge demonstrations against the then right-wing Government. They were called *'Rising up'*. People managed to make the government fall. But what is unique about today's protests is that people are coming to the streets every Friday. At the beginning, I thought that they would die down during the summer, but this did not happen.

What kept these protests alive?

The Government does not stop. Last week, for example, the Minister of Interior said that it is the victims' fault if they are raped. Every week something like this happens. In addition, social inequalities are getting bigger and bigger, and people are seeing that some are getting richer while most of us are struggling.

In Slovenia, we have a lot of self-employed people, and before COVID, one out of 4 of them lived under the poverty rate. Now, the numbers are getting higher and higher. Many had to close their shops. Many lost their contracts. Many have been out of work since March. In the beginning, the Government did not provide any funding to support them; then they did - 700 Euro per month. But now, not anymore, and people are still losing their jobs. I have a job in the public sector which means my salary was not affected. I could work from home and I was not afraid of the Coronavirus. I also managed to save some money. But self-employed people do not have this privilege, and the number of

those experiencing economic hardship is growing.

Among the most affected groups are also NGOs because they lost a lot of funding during the lockdown. The cultural sector was also heavily affected. There were huge difficulties for those that kept working during the crisis: police officers, shops that remained open. They have low salaries and did not receive enough support. A lot of small businesses are closing. Just today on the news, it was announced that police officers would get 100% higher salaries during the lockdown period. However, only those in higher positions will get this money, while normal police officers only got a 20% increase. Now they are also angry. There was also a big problem in elderly homes: people there were the most affected and the Government did not take care of them.

**PEOPLE GET ANGRY
WHEN THEY DO NOT
HAVE ENOUGH MONEY
FOR FOOD AND RENT**

Another good point is that many initiators are from the cultural sector and at every protest, they think about some special action. Thus, people come even out of curiosity to see what will happen. For example, one day, the Government said they would fly NATO airplanes across Slovenia to thank the health sector for their work. This was non-sense. People made paper airplanes and threw them at the Parliament.

How many people take part in the protests? What kind of constituencies do they mobilise?

In Ljubljana, there are usually between 3'000 and 10'000 people in each protest;

it depends. But most of the time, there were about 10'000 people on the streets. In other cities, it also depends, in some cases 500 or 1000 people. In some small villages, it is 40-50 people. There are many young people from the group 'Young people for environmental change', but also elderly people. Another beautiful action: while we march across the city, elderly people from the balconies wave and support us. So, there are many different people. There are also political parties, from the liberal and left side of the political spectrum. And then there are people from the NGO sector. I think that most protesters are already politicised. Though, some people take the streets because they lost their jobs and their income and did not receive support from the state. For example, the Institute works a lot with self-employed mothers. Many of them have beauty salons or are hairdressers. I asked them why they were marching, and they told me that they could not pay their bills.

Are there also far-right mobilisations in the streets?

Yes, there is a small neo-Nazi movement called "Yellow vests". But it is really small, about 20 people. They were saying that they are just people who care about Slovenia and have nothing to do with the Nazi ideology. But then one NGO showed the connection, so they stopped going to the protests. They said they would keep monitoring them though. When they started coming to the protests, the whole square took up a big flag with a swastika crossed out to show that they do not want this movement in Slovenia.

Are these protests connected with other strategies in different fora to obtain change?

It is difficult to say because there are many different groups and each of them has its agenda. There are rumours that some groups want to build a new party, but I do not know anything concrete on

this. It is good to see that different NGOs have started working together: there are new connections been made and new ways been used to call for change. For example, when there was an action for the protection of nature, the feminist groups - who are normally not involved on such topics - got very engaged. We thought it was important. We asked people to bring plants to the Parliament and walk around, in sign of protest. This action brought together NGOs working with nature and various groups. For example, there was a company making backpacks out of garbage. People are getting to know each other and doing things together. And I think that this will continue.

THE WHOLE SQUARE
TOOK UP A BIG FLAG
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Is there a desire to get also organised transnationally in Europe?

I can only speak from our point of view. We do not have many international contacts, but I think that it will be important in the future. For example, our Minister commented on what is happening in Poland with the Istanbul Convention saying that we should also do the same. So, we should fight together. I think it would be important for us to get in touch with people organising protests in other countries and learn from their experience.

Do you think that the European Union can be an ally in your struggle? In what way?

I think that the European Union should intervene in much more concrete ways and punish States that do not respect human rights. For me, the EU is currently not really fighting this hard enough.

What lessons can be learned from this initiative that can potentially inform a post-COVID-19 institutional and societal response?

I think that we need to tackle the issue of social inequalities. The COVID crisis showed us how big they are, and it made them more prominent. People get angry when they do not have enough money for food and rent. We are not caring enough for the self-employed and the precarious workers. A lot of these mobilisations occurred because people are afraid of how they will live through this year. Governments need to take care of their people. ■

The interview was carried out on 29 June 2020. As of 1 November, the protest have continued and multiplied.

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