

SLOVENIA

Based on ECF research for the CIVICUS Monitor¹, with the support of CNVOS – Centre for Information service, cooperation and development of CSOs

Summary:

*A **rapid deterioration of civic space and rule of law** has followed the formation of a new right-wing Government in 2020. Since then, the Government has repeatedly attempted and often succeeded in changing democratic rules and decrease democratic standards, particularly on media freedom. This trend has continued in 2021. Examples of attack include: 1) **Restrictions to the right to protest and unlawful sanctions of peaceful protesters**; 2) Changes to the criteria for environmental organisations' public benefit status to exclude them from environmental impact assessment procedures; 3) **Repeated attacks to civic organisations' financial and economic viability**, including by attempting to exclude NGOs from the EEA & Norway grants; 4) Smear campaigns against critical organisations and voices. While the overall financial viability of the sector is good and not affected by the COVID-19 pandemic, some thematic areas, especially, protection of environment, nature conservation and culture, were affected by the national budget cuts, while individual more critical NGOs are left without funding or affected by significant decrease (similarly to critical media). The changes to the Rules on the procedures for implementing the budget passed in January 2022 risk further politicising access to NGO fund thus creating new barriers for critical NGOs. Additionally, the Government continues to **disregard the consultation framework and dialogue** with the sector. An emblematic example is the draft law on de-bureaucratisation which was proposed through unlawful practices. A new amendment to public law and order act also threatens the right to expression. These developments significantly affect the ability of civil society to act as a counterbalance in the rule of law framework. Nevertheless, a number of initiatives led by civil society have had a positive contribute to rule of law. CSOs representatives appealed the Constitutional Court over restrictions of freedom of assembly which were found an unconstitutional curb of fundamental rights. In response to controversial amendments to the Water Act, which took place without sufficient public consultation, civil society groups collected thousands of signatures demanding a referendum on the reforms to the Water Act.*

*Since March 2020, thousands of cycling protesters have met in major Slovenian cities every Friday to condemn the government's use of the COVID-19 pandemic to restrict fundamental freedoms and have called for Prime Minister Janez Janša's resignation. The government has responded by blaming protests for the spread of COVID-19 and intimidating protesters with **heavy-handed police practices and hefty fines**. In December 2021, the state attorney filed its first lawsuit against protest organisers for security costs amounting to over 2000 Euro. In two years of protests, police handed out fines for nearly 2 Million euro. Additionally, the government has repeatedly targeted critical CSOs with smear campaigns and **administrative harassment**. Several NGOs and collectives are at risk of eviction from their headquarters in Metelkova streets. The Ministry of Environment is stalling the partnership*

¹ See: <https://monitor.civicus.org/country/slovenia/>

contract, which is generally an automatic procedure, for the leading environmental NGO Lutra in the context of a LIFE+ European grant, which is therefore unable to access the European funding.

Institutional landscape and safe space

Smear campaign against critical organisations

The Prime Minister, other ministers, members of Parliament and other members of the leading political party continuous to smear civil society especially on social media. During such campaigns, authorities usually distort data on public funding, listing specific organisations supported with public funding. Such (wrong) data was used also by the prime minister in the Parliament during his speech on the occasion of the vote of non-confidence and shared not only by the Facebook and Twitter profiles of SDS, but also by the official Governmental social media profiles. Furthermore, a very suggestive question on lack of usefulness of NGOs was included in a questionnaire that SDS sent out to all households in Slovenia.

Evictions of alternative social centres housing NGOs in Ljubljana

A group of NGOs in Ljubljana reported facing administrative harassment, including an eviction case in which the government terminated the lease of a building on Metelkova Street which serves as offices for internationally renowned NGOs. The building, which is state owned, houses 20 non-governmental organisations and collectives in Slovenia, including The Peace Institute and the Legal Information Centre, PIC. The Slovenian Ministry of Culture, which owns the building, justifies the need for eviction by saying it needs to renovate it. However, many NGOs suspect the eviction is a political move to silence critical voices in the NGO sector. On 19 October 2020, the NGOs operating at No. 6 Metelkova Street in Ljubljana received a

proposal for an amicable termination of the lease from the building manager of the Ministry of Culture and an order 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. Whilst the NGOs have managed to litigate to preserve their rights via a complaint to a court, in the last year the government has continued to undermine CSOs through restrictions on their offices and public funds to NGOs in other bills. A final decision regarding the eviction is expected for some of the organisations in the coming months. However, the dispute has resulted in significant legal costs to NGOs.

On 19 January 2021, members of an autonomous social and cultural community who have been occupying the defunct Ljubljana bicycle factory Rog for years were forcibly evicted from the premises by private security companies and the police. The community was formed by “hundreds of creative individuals, sportists, circus artists, skaters, rollerskaters, bmx-ers, dancers, tattoo artists, activists, migrants”, who will as a result of the eviction be homeless. The removal was initiated by the local authorities. According to local news portals, the eviction happened after many years of court procedures and disagreements. People in the building were not allowed to take their belongings.

Environmental NGOs fight against government plans to build hydropower plants faces administrative harassment

The government continues to target NGOs working on environmental rights. Lutra, the Institute for Conservation of Natural Heritage, is one of the leading environmental NGOs fighting against Environment Minister Vizjak's

attempts to build the Mokrice hydropower plant on Slovenia's biggest river. The NGO warns that the project could have a serious impact on the natural habitats and ecosystems surrounding the river and therefore has taken the case to court. On several occasions, the court has upheld their arguments, in recognition of the irreparable damage that the construction of the Mokrice hydropower plant could cause to protected nature and animal species in special protection areas.

Despite these legal successes, the ongoing debate with the environment minister has impacted Lutra's ability to carry out other projects. For example, in 2020, Lutra signed a contract for the LIFE+ European funding, for which they are obliged to seek partner funding and approval from the Ministry of Environment². Despite Lutra's application to the ministry's call for partner funding, Minister Vizjak continues to stall completion of his obligation to sign the partnership contract. This is yet another obstruction to an enabling environment and freedom of association in Slovenia. It is not the first instance of environmental NGOs being targeted under Janša's government.

[The regulatory environment for and implementation of civic freedoms](#)

New attempts to exclude environmental NGOs for impact assessment procedures

In January 2021, the Ministry of Environment proposed new changes to the Environmental Protection and Spatial Planning Acts which would exclude environmental NGOs from key relevant procedures. The law is currently under consultation. The draft bill would allow only individual citizens demonstrating legal interest – and not environmental and nature

conservation NGOs – to initiate an administrative dispute against Spatial Implementation Acts.

In Spring 2020, the government had proposed changes to the Construction legislation (in April, prolonged in June 2020 until the end of 2021) and the Nature Conservation Act (in May 2020) attempting to change this within the Coronavirus packages. The first law was challenged in the Constitutional Court which suspended its implementation until a decision would be reached. According to environmental NGOs, these new bills would restrict participation of NGOs in environmental impact assessments even further.

Anti-government protests continue despite heavy-handed policing and huge fines

Protest of citizens mobilising against Janša's right-wing government, rising inequalities and the degradation of democracy continue since spring 2020. For months, the protests have been subject to police scrutiny, with the use of excessive force on some occasions. The protests bring together trade unions, cultural and environmental organisations, intellectuals and many others. Despite the peaceful protest, police used intimidation tactics when it comes to policing demonstrators, and CSOs reported that student groups were targeted with fines. Several incidents involve the police dragging people across the floor in attempts to break up the protest. Protesters have become increasingly organised in monitoring incidents of heavy-handed policing, deploying legal observers and media to the protests.

According to media reports, following the order of the Ministry of the Interior, the State Attorney's Office is being forced to consider the possibility of bringing lawsuits against

² <https://monitor.civicus.org/updates/2021/08/02/more-200-days-without-funding-slovenian-press-agency-attempts-block-funds-ngos/>

organisers of unannounced/unregistered protests in order to recover the costs of police intervention during these rallies. The amount of compensation depends on the number of participants in the protest, the place and time of the event, and the security assessment. These costs can increase up to 10,000 euros.

Decree banning protests found unconstitutional

The first half of 2021 has been characterized by continuous changes of rules regarding COVID-19 leading to legal uncertainty and restrictions on the right to peaceful assembly. In two rulings in June and July 2021, the Slovenian Constitutional Court declared provisions of the Communicable Diseases Act that restrict movement and assembly unconstitutional³⁴. The ruling highlights insufficient safeguards for curbs on fundamental rights such as prohibition of peaceful assembly. The Constitutional Court declared that a “complete ban on rallies meant an extremely serious encroachment on the right to peaceful and public assembly” as defined in the Constitution. Moreover, the restriction of the number of participants in rallies also severely encroached on the right to peaceful assembly and public gatherings. The judgment came after two representatives from the Legal Network for the Protection of Democracy (PMVD) filed an initiative to assess the legality of the temporary restriction of the movement of persons and the prohibition of the gathering of persons for the prevention of COVID-19 infections. The PMVD provided professional support in filing the case, and several law firms, university teachers and other experts in the field of constitutional law contributed to the argumentation with their legal knowledge. The significant need to involve people in democratic processes has

been demonstrated by the response of people who applied to PMVD for legal knowledge and free assistance since its inception in January 2021. Nearly 40 per cent found themselves facing legal proceedings for exercising their right to peaceful assembly.

Amendment to public law and order act threatens fundamental rights

On 1 September 2021 the Slovenian government proposed an amendment to the Act on Public Law and Order introducing fines for indecent behaviour towards officials. The proposed amendment initially specified that a person “arguing with, shouting at or behaving indecently to a public official who is conducting their official duties, or to a high-level representative of the state, MP, member of the National Council or the government, a Constitutional Court or Supreme Court judge, or their family members” could face a fine of up to €1,000. The new legislation would allow fines to be handed out on the spot if police detect such behaviour.

The amendments raise concerns for freedom of speech in the country. When introducing the amendment the government stated that “threats against MPs and other senior representatives of the state have intensified lately”, referring to an incident several months ago when a small group of individuals who opposed COVID-19 vaccines confronted and verbally attacked several MPs at the entrance of the parliament in Ljubljana. However, critics feared the law would be used in the context of ongoing protests against the government.

Following public outcry, the amendment was rejected. However, in October, changes to the law on Protection of the Public Order Act were again submitted to the National Assembly for voting, this time without the disputed amendment. It passed successfully.

³https://www.euractiv.com/section/politics/short_news/parts-of-slovenias-communicable-diseases-act-declared-unconstitutional/

⁴ <https://n1info.si/novice/slovenija/ustavno-sodisce-prepovedi-shodov-neustavne/>

The framework for civic organisations' financial viability and sustainability

While the overall financial viability of the sector is good and not affected by the COVID-19 pandemic, some thematic areas, especially, protection of environment, nature conservation and culture, were affected by the national budget cuts, while individual more critical NGOs are left without funding or affected by significant decrease (similarly to critical media).

Attempt to exclude NGOs from EEA grants

In July 2021, the Minister responsible for cohesion, Zvone Černač, introduced discriminatory criteria to exclude the participation of NGOs in the calls for Norway and European Economic Area (EEA) grants. The criteria were discriminatory as no additional criteria were included for other entities applying for the grants. Significantly, it risked blocking access to 34 million Euros in grants⁵. However, after strong advocacy and international pressure, the Minister responsible for cohesion later announced that the additional criteria had been removed. The attempt to block access to the EEA funds for NGOs would have significantly affected the capacities of the sector to work on rule of law and democracy themes.

Harsh funding cuts in the state budget for cultural and environmental CSOs

NGOs working in culture have also faced significant challenges from the government. On 8 December 2021, the Slovenian parliament approved the state budget for 2022⁶, with projections for 2023 and 2024.

⁵ <https://monitor.civicus.org/updates/2021/08/02/more-200-days-without-funding-slovenian-press-agency-attempts-block-funds-ngos/>

⁶ <https://www.vecernji.hr/vijesti/sabor-izglasao-drzavni-proracun-za-2022-godinu-1545693>

⁷ <https://www.delo.si/kultura/razno/vec-denarja-za-kulturo-a-ne-za-vse/>

However, the budget hampers funding available to NGOs working on culture and environmental rights⁷, which civil society believe is a continuation of the government's attempts towards "destabilising the sector"⁸. The biggest cut was made to the item of promoting cultural creativity, which was decreased from 6,4 million to 3,6 million Euros, while no funds were allocated for environmental projects for 2022 or 2023. In addition, the climate fund for which environmental CSOs are eligible has been reduced by 70 percent⁹.

Changes to the Rules on the procedures for implementing the budget risk politicising access to NGO fund

At the end of January 2022, the Ministry of Finance passed Changes to the Rules on the procedures for implementing the budget of the Republic of Slovenia. One of the amendments affects the implementation of the NGO fund. While for all other public calls the responsible ministry is the one which selects and confirms the selection commission (i.e. people in charge of evaluating the projects), now the rules state that for the NGO fund the commission is appointed by the Government. The change is discriminatory against NGOs as this is the only call affected. Given the toxic political atmosphere and tensions with Ministries headed by representatives of the SDS party, NGOs also fear that the Government could obstruct the appointment of the commission and, consequently, the disbursement of funding for NGOs. A similar tactic was used in the case of the appointment of the EU prosecutors, when the government stalled the decision for months even though the candidates were already selected by the

⁸ <http://www.asociacija.si/si/2021/10/28/krovna-zdruzenja-v-kulturi-odlocevalcem-ohranite-tradicijo-in-inovativnost/>

⁹ <https://monitor.civicus.org/updates/2022/01/11/independence-rtv-slovenija-under-threat-culture-and-environmental-csos-face-funding-cuts/>

Ministry of justice. Additionally, the move centralises the control of the appointment of the commission selecting the distribution of the NGO fund, thus increasing the political control of the SDS party on the process. There is a concern that this will create obstacles for critical advocacy organisations to access the funding.

New amendment increases tax relief for donations to CSOs

On 29th October 2021, the Slovenian parliament adopted an amendment to the Corporate Income Tax Act, providing an increase in tax incentives for donations to NGOs as of January 2022. The general tax incentive has increased from 0.3% to 1% of taxable income, while donations for specific purposes (for which the tax incentive remains 0.2% of taxable income) have been broadened to include sport associations (previously, it included only culture and voluntary associations working on prevention of natural, or other, disasters). Furthermore, the amendment introduced a new tax incentive of 3.8% of taxable income for donations to professional sports organisations¹⁰.

The right to participation and dialogue between the sector and governing bodies

Consultation framework continues to be disregarded by the Government

The counter of breaches of consultation deadlines¹¹ shows that in the mandate of this Government the minimum 30-days consultation deadline was breached in 68 % of cases.

The current decrease of civil dialogue is not connected with the pandemic, but with the ruling political party. While dialogue with the ministries that are run by other coalition

parties still functions normally, there is almost no dialogue with the SDS run ministries.

Controversial law on bureaucratisation proposed without consultation

In March 2021, the Strategic Council of the Slovenian government, a body appointed by the Prime Minister with no formal role in the system of law making, drafted a law on de-bureaucratisation, a 'super law' with provisions that would change 20 other laws and abolish more than 200 laws. Of particular concern is that the preparation of this law has failed to include any form of public consultation, and the government's office for legislation declared that the law was prepared neither in accordance with the Constitution, nor with the system of law making in Slovenia¹².

As the office of the Prime Minister is not formally entitled to submit draft laws for the government's sessions, and the Ministry of Public Administration refused to do so, the government's Rules of Procedure were changed to allow the President of the Strategic Council of the Government, who is appointed by the Prime Minister's office, to submit a draft law to the government. Based on the change in rules, the draft law on de-bureaucratisation was adopted by the government and submitted for the parliamentary law-making procedure. This "super-law" also contains many "intruders", i.e. provisions with no connection to de-bureaucratisation.

In addition to the constitutionally controversial way in which this law was introduced, other key concerns include the proposal for the introduction of electronic service consignments in administrative and civil proceedings, including the collection of phone numbers and emails (discriminating against those without telephone or internet

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<https://monitor.civicus.org/updates/2022/01/11/independence-rtv-slovenija-under-threat-culture-and-environmental-csos-face-funding-cuts/>

¹¹ CNVOS, <https://www.cnvos.si/stevec-krsitev/>

¹² <https://monitor.civicus.org/updates/2021/05/13/jansas-government-continues-its-attack-media-freedom-spreads-misinformation-about-csos/>

access); a so-called social cap (which should fall under the system law, not bureaucratisation law); and the speeding up of the issuance of fines (meaning that police can issue fines without a statement from the offender and without a description of the offence). Critics argue that the bill is harmful to the state, financially burdensome, and has little to do with de-bureaucratisation, particularly due to its interference with other laws under the pretext of reducing regulations.

In September 2021, the Slovenian government submitted a new bill to the National Assembly, raising similar concerns on the lack of consultation, which presented few minor changes compared to the original version. The current bill on de-bureaucratisation contains amendments to the Act on the Realisation of the Public Interest in Culture (ZUJIK), which “will result in lowering the role of professionalism and increasing the level of political interference in decision-making processes” concerning the access to funding in the field of culture¹³. The law passed in December.

Trade union federations walk out of Economic and Social Council

On 13 May 2021, trade union confederations made the decision to leave the Economic and Social Council, which serves as the country's main industrial relations forum. The unions stated they had left due to the "government's systematic violation of rules on the functioning of the ESS". They are protesting a lack of social dialogue and negotiation on major reforms that negatively impact workers. The unions report that they have been raising issues about the absence of social dialogue and the government's disparaging attitude

toward social dialogue and social partners for over a year now. They also report that the government has failed to consult on the national recovery plans despite the EU's call to do so.

This ongoing structural disempowerment not only means that the Economic and Social Council loses its fundamental meaning, but also systematically violates the rules relating to the functioning of the body, and the constitutional right to participate in decision making processes as social partners¹⁴.

Civil society's responses to challenges to democracy, the rule of law and fundamental rights

Grassroots NGOs win referendum against threatening Water Act

In response to controversial amendments to the Water Act, which took place without sufficient public consultation, environmental and feminist civil society groups formed a coalition called the Movement for Drinkable Water and mobilised across the country to collect thousands of signatures demanding a referendum on the reforms to the Water Act. The group successfully triggered a nationwide referendum in July 2021, which found that 86 percent of people are against the changes to The Water Act¹⁵. Despite this, the environment minister said that the referendum was “stolen” and “misused to achieve other goals”.

CSOs launch new “Voice of the people” initiative

In early November 2021, a group of NGOs - encouraged by the success in mobilising citizens for defending the environment at the water law referendum in July 2021 - launched

¹³ <https://monitor.civicus.org/updates/2022/01/11/independence-rtv-slovenija-under-threat-culture-and-environmental-csos-face-funding-cuts/>

¹⁴ <https://monitor.civicus.org/updates/2021/06/23/our-watchlist-rapid-decline-civic-freedoms-government-restricts-fundamental-rights/>

¹⁵ <https://monitor.civicus.org/updates/2021/08/02/more-200-days-without-funding-slovenian-press-agency-attempts-block-funds-ngos/>

an initiative called Glas ljudstva (“Voice of the People”), joined so far by more than 100 organisations defending the environment, labour, housing, human rights and transparency, as well as by the protest movement for the protection of democracy which rose in popularity in 2020 (the so-called bicycle protests).

The initiative has put together, through a consultative process, at least 100 demands to candidates in the coming parliamentary elections in April 2022 (which will be followed in the same year by presidential elections and local elections). These demands address ten different areas, including democracy, rule of law and human rights. The group will conduct joint actions throughout 2022 to support public participation in election debates, to monitor the election process and to inform citizens and mobilise them to vote.

Recommendations

The Government shall:

- Respect the right to freedom of association and create an enabling environment that allows civil society to fully participate in decision-making processes by refraining from harassing NGOs and observing the framework for consultation.
- Refrain from taking any actions that seek to remove NGOs from the premises where they operate and publicly affirm the contributions which NGOs make to the social and economic development of Slovenia.
- Respect the right of civil society organisations to associate and organise freely by lifting all restrictions that prevent environmental rights groups including LUTRA from accessing funding and from carrying out their activities without fear or intimidation.

- Respect the right to peaceful assembly and allow peaceful protesters to demonstrate in a safe and enabling environment without the threat of violence and harassment.