

EU 2020: DEMANDING ON DEMOCRACY

*Country & Trend Reports on Democratic
Records by Civil Liberties Organisations
Across the European Union*

SLOVENIA



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Key concerns

- Media environment is increasingly hostile, characterised by increasing threats to independence of regulatory authority, lack of transparency of media ownership and government pressure on the national press agency
- Journalists and media activists are subject to ongoing attacks, harassment and intimidation, including SLAPPs
- Intimidation of rights groups and activists by authorities and pro-government media is mounting, including through virulent smear campaigns, increasing restrictions on participation in decision-making, attempts to cut funding and administrative harassment
- Freedom of assembly was restricted and many protesters tracked down and fined over the past year, even where they were complying with physical distancing rules imposed to contain the spread of COVID-19

Media environment and freedom of expression and of information

Media authorities and bodies

The main media regulatory authority in Slovenia, the Agency for Communication Networks and Services (AKOS), serves as an independent regulatory body for several sectors, including telecommunications, postal services, railway traffic as well as radio and television. It is a body functionally separate from the government. For years, one of the main threats for independence of the regulator has been connected to the appointment of the Director as the highest (individual) decision-making body in the Agency, being directly under control of the government. The collective body introduced in the form of the Agency's Council is also appointed by the government as a body supervising the work of the Agency in terms of annual plans and reports, and it can propose dismissal of the Director. One of the main instruments of independence of the regulator is connected to its financing pattern which is based on collection of spectrum fees, license fees etc.

The draft version of the amended Audiovisual Media Services Act expecting to transpose the revised Audiovisual Media Services Directive

contains specific provisions on independence of the media regulatory authority, as requested by the Directive, but the document is, in February 2021, still in the procedure of consultations within the government.¹

However, the governing structure of the Agency is regulated by another act – the Electronic Communication Act – and the risks for independence of the regulator arising from the procedure of appointment of the Director of the Agency will remain until the governing structure of the Agency and the appointment procedure for Director as individual decision-making body is changed in a way to take from the government the power of appointment.

Additional risks for independence of the media regulatory authority arose in 2020, from the initiative of the Government to merge eight regulatory agencies in two super-agencies, which was presented as a way to streamline public administration. One of the two super-agencies is envisaged as an agency for market and consumers which would absorb several existing agencies, including AKOS. The new super-agency would regulate the following markets: energy, telecommunications, postal services, media and audiovisual services, and all forms of transport, while also supervising mergers and takeovers and competition and consumer protection. Major Slovenian regulators have

voiced opposition to plans to merge eight independent agencies into two super-agencies. As reported by the national press agency, STA, the Agency for Communication Networks and Services (AKOS) said the merger did not ensure regulatory independence. “The proposal is incompatible with multiple EU directives, in particular in the sense of ensuring the independence of the regulatory authority, a demand of directives in all areas covered by the agency,” AKOS director Tanja Muha told the press.²

The enforcement powers of the agency include warnings and fines, but the AKOS role as regulatory authority in the field of radio and television remains highly invisible and passive in terms of using the existing regulation and powers to challenge the controversial practices not only related to the market, but also in terms of content regulation such as hate speech, or to play more active role in the field of promotion of media literacy. This can be partly assigned to lack of sufficient capacities in terms of staff in the departments related to implementation of media regulation. But, even more, lack of ambition to build strong capacities, take stronger position, challenge the controversial practices and gain public reputation in this field seems to be connected with the internal policy of the Agency leadership to keep low profile in the politically sensitive field of media regulation.

1 See <https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=11475>

2 See <https://www.total-slovenia-news.com/politics/7084-main-regulators-oppose-govt-merger-plans-say-will-reduce-independence-competition>

In addition to AKOS, there is a “media inspector” in the system of regulation of media in Slovenia, being part of the Inspectorate for Culture and Media, a body under the responsibility of the Ministry of Culture, which handle the complaints related to certain provisions in the media regulation in compliance with the Inspections Act, the Minor Offences Act and the General Administrative Procedure Act.

There is a self-regulatory body on national level with long tradition and good reputation, operating within the Slovenian Association of Journalists, called “Journalists’ Court of Honour”³. It includes representatives of journalists and the public, handing complaints and taking decisions based on the Code of Ethics and publicly announced on regular basis. The self-regulatory body is co-founded by the Association and Union of Journalists, and appointed by their representative bodies. In addition, an Ombudsman of public media RTV Slovenia⁴ exists, which is very operational and reputable. It handles more than 2,500 complaints in 2020, based on Professional Standards and other self-regulatory documents of RTV Slovenia. It is appointed by the governing body of RTV Slovenia – Programming Council – for a mandate of five years, and its independence is guaranteed by internal rules.

Transparency of media ownership and government interference

There are no specific obligations of the state bodies or media to report on allocation of state advertising in order to provide transparency and safeguards against political interference.

An online database (“Erar”⁵) serves as an instrument of general transparency of transactions from state budget. It is updated regularly with data on all transactions from the state budget, and it allows for searched based on state bodies and recipients. It also allows to obtain certain data on transactions between state bodies and media, but if it is the advertising agencies that are recipients of the funds from state bodies, the media as a final beneficiary of the advertisements are not listed in the online tool in relation to such transactions from the state budget.

For a long period, there have been indications that various governments in Slovenia have influenced distribution of advertisements from state bodies and public companies to the media engaging as an intermediary particular advertising agencies owned by businessmen close to the political grouping in power in order to channel the funds for advertisements

3 See <https://razsodisce.org/>

4 See <https://www.rtvlo.si/varuh>

5 See <https://erar.si/>

in the media close to that political grouping.⁶ The recent circumstances in Slovenia are particularly raising the issue of potential political instrumentalisation of the state advertising, since the ruling party, SDS, co-owns a number of media, where advertisements of the government bodies and publicly owned companies are disseminated. The observers raise the issue particularly because the same media affiliated to the ruling party and carrying the advertisements of the state bodies and public companies, are accused for spreading hate speech and smear campaigns against individuals and organisations critical to the government or the ruling party.⁷

There are provisions in the Mass Media Act obliging the media outlets to report media ownership above 5 percent in the Media Register administered by the Ministry of Culture, and also to annually publish the data on ownership and updates on the ownership changes in the Official Gazette.

However, the beneficiary owners are often hidden and are subject of journalistic investigations.⁸

Municipality owned media lack transparency and are often used for promotion of political interests of mayors.⁹

At the same time the ruling political party, SDS, is involved in ownership of a media group, co-owned by the Hungarian businessmen close to the Hungarian ruling party and Prime Minister Orban. This model of ownership and financing of the media group, involving directly or indirectly ruling parties of Slovenia and Hungary, has been investigated by journalists¹⁰ but also by law enforcement authorities¹¹ and has also been discussed by a parliamentary body¹² in light of concerns of lack of transparency and possible irregularities.

The situation of the Slovenian Press Agency (STA) is another issue of concern. It is, in a

6 See http://mediawatch.mirovni-institut.si/eng/you_call_this_a_media_market.pdf

7 See <https://www.dsavic.net/2020/05/18/slovenska-vojska-v-sluzbi-madzarskega-sovrastva/>

8 See <https://podcrto.si/oznaka/medijsko-lastnistvo/>

9 See <https://podcrto.si/povzetek-preiskave-kako-zupani-zlorablajo-obcinska-glasila/>

10 See <https://podcrto.si/povzetek-preiskave-medijski-sistem-sds/>

11 See <https://www.delo.si/novice/slovenija/npu-preiskuje-financiranje-medijev-blizu-sds/>

12 See <https://www.dz-rs.si/wps/portal/Home/deloDZ/seje/evidenca?mandat=VIII&type=dt&cuid=77CE9697A6A0A609C125851300368F92>

substantive part, funded from the state budget. The current government has been cutting funds to the press agency to exert pressure on its management and newsroom, and is gradually threatening to starve and dismantle the agency.¹³ In addition to that, in 2020, the Government drafted the media regulation according to which the appointment of the members of the governing body (responsible for appointment of the agency's director) would be changed in a way to give the appointment power to the government instead of the parliament. The attempt to launch a quick change of the regulation, including such provision, failed. It is not clear when the new version of the media regulation changes will be released by the Ministry of Culture. Meanwhile, the Government proposed a measure according to which the national state agency STA would be among the public companies folding into the emerging National Demographic Fund, a new overarching state fund designed to pool all state assets. The regulation foresees the fund replacing the state as the founder and sole shareholder of the STA, a solution which raises concern of the STA staff, asking if it is "another manoeuvre to undermine the agency's independence or at least put it into uncertainty".

Public service media RTV Slovenia is under threat of diminishing its funding since the government drafted the media regulation changes, in 2020, intending to use significant part of RTV Slovenia's income (from the license

fee paid on monthly basis by households) for channelling it to other media, including competing private broadcasters. The 2020 government attempt to quickly close the public consultation on draft regulation and proceed with the adoption of the amendments did not succeed. The new version of the amendments to the media regulation has not been published yet. Meanwhile the ruling party and Prime Minister are conducting a campaign against the public media RTV Slovenia, including a leaflet sent by the party to households across Slovenia, in February 2021, where it is suggested that the funds spent for RTV Slovenia operations could be rather used for other purposes.

Public trust in media

There is significant level of trust in the media in Slovenia, particularly traditional media, such as television and radio. Still, there is also an increasing level of distrust that raises concern.

Public service media enjoy high level of trust in comparison to other institutions. There was a public opinion research conducted by Valicon agency, in April 2020, as a part of longitudinal research. RTV Slovenia, a public service media, was reported among 9 institutions and sectors in Slovenia which gained trust (more answers of trust than distrust), the other trusted institutions and sectors included the

13 See <https://www.euronews.com/2020/12/02/slovenia-criticised-for-cutting-funding-to-national-press-agency>

health system, health workers, police, institute of public health, etc.¹⁴

Another public opinion research was conducted in April 2020 by Mediana agency measuring the trust in the media during the COVID-19 epidemic. The findings are presented according to media types and television enjoys the highest level of trust, but it is approx. 50% of the respondents expressing trust into television, 48% in radio, 40% in newspapers, 25% in online news media and 18% in social networks.¹⁵

Framework for the protection of journalists and other media activists

In regulations and in the case law, there are provisions and decisions setting standards which allow journalists to protect their sources, and avoid prosecution for publishing confident information of public interest.

Attacks, harassment and intimidation against journalists and media activists

The work environment for journalists in Slovenia has become increasingly hostile. The Slovenian Association of Journalists recently released a monitoring report on attacks on journalists “From physical violence and threats, to defamations, online harassment and systemic pressures”, highlighting also the common practice of police to underestimate verbal and online attacks and discourage journalists from reporting the attacks to the police.¹⁶ The hostility towards journalists critically reporting about the government, particularly towards the journalists of public media RTV Slovenia, is increasingly connected to the rhetoric and campaigns of the ruling party and Prime Minister. Online harassment is often used against critical journalists and media, but there is also misuse of legal provisions to frighten journalists such as numerous charges against the same critical media or journalists by the same plaintiff, so called SLAPP (Strategic Lawsuits Against Public Participation): one recent example are thei 39 lawsuits by Rok Snežič against three journalists of Necenzurirano.¹⁷

14 See <https://www.rtv slo.si/slovenija/anketa-velik-porast-zaupanja-v-zdravstveni-sistem-in-rtv-slovenija/521138>

15 See <http://mm-arhiv.si/novice/mmediji/17967/mediana-zaupanje-slovencev-v-klasicne-medije-je-visoko>

16 See https://novinar.com/wp-content/uploads/2021/01/Zakljucno-porocilo_Spremljanje_napadov2.pdf

17 See <https://www.mappingmediafreedom.org/country-profiles/slovenia/>

In 2020, there was a physical attack on photo-journalist during the anti-government protest, resulting in hospitalisation of the reporter. The police investigation led to identification and prosecution of the attacker.¹⁸

Self-censorship is an increasing practice among journalists under attack, particularly at local level, as emphasized in the monitoring report on attacks on journalists “From physical violence and threats, to defamations, online harassment and systemic pressures” published recently by the Slovenian Association of Journalists. Journalists exposed to online attacks and harassment react also by closing their social media accounts and retreating from online communication to protect own safety and mental health.

Female journalists are particularly harassed, with the term “prostitute” being commonly used in social media and comment sections to libel female journalists¹⁹ particularly since the today’s Prime Minister used a label “washed-up prostitutes” for two journalists of public television, in 2016, when being the opposition leader. In 2020, the Supreme Court decided to quash a ruling that ordered today’s Prime Minister to pay damages for that. The Court ruled that his tweet falls under the category of “highly protected political expression” and that freedom of political expression prevails.

The Slovenian Association of Journalists condemned such Supreme Court ruling, saying it has a fear-provoking effect on journalists. They asked “to whom journalists to turn for protection of their basic human and professional rights” after such a decision of Supreme Court.²⁰

Freedom of expression

Freedom of expression is under threat mainly in the context of right to assembly and association i.e. right to protest. Since April 2020, the regular peaceful protests have been organised mostly in the form of cycling protests to request resign of the government for claims of corruption and for curbing democratic standards in the country. The protestors have been on weekly basis exposed to the intimidation and sanctions by the police for expressing views, holding papers with messages against the government, performing street performances etc. The police is justifying the restrictive measures referring to the government orders and laws adopted with purpose to counter the epidemic, but there is disproportion in the way how other kind of gatherings of people are treated favourably in comparison with gatherings or individuals cycling or walking if the person expresses views by holding certain message or sign. The Legal Network for Democracy

18 See <https://siol.net/novice/slovenija/26-letni-osumljeni-napadalec-s-protestov-stari-znanec-policije-542051>

19 See https://novinar.com/wp-content/uploads/2021/01/Zakljucno-porocilo_Spremljanje_napadov2.pdf

20 See <https://www.delo.si/novice/slovenija/sodba-vrhovnega-sodisca-ima-na-novinarje-zastrasevalni-ucinek/>

Protection has been established recently by a group of non-governmental organisations and lawyers to provide legal support to hundreds of protestors experiencing intimidation and sanctions, and to enter into legal cases against police for violating freedom of peaceful assembly and freedom of speech, and for using disproportional measures.²¹

Right to information

Access to public interest information (freedom of information) is provided for by law, with the Information Commissioner playing the role of an appeal body, and often being a last resort for journalists to provide public-interest information. There are negative developments in this field arising from the new practices of the judiciary (prosecutors and courts) to withhold information claiming that they can be accessed based on legal interest only, referring to the decision of the 2020 Supreme Court in a precedential case, and ignoring the provisions of the Access to Public Information Act.

Checks and balances

Process for preparing and enacting laws

In Slovenia, the National Assembly of the Republic of Slovenia adopted in 2009 the Resolution on Legislative Regulation.²² The document was adopted with the aim of improving the standards when drafting laws and regulations. Among other things, the resolution in question provides for minimum standards as regards public consultations, with a minimum period of 30 to 60 days budgeted for consultation with the public. The Rules of Procedure of the Government of the Republic of Slovenia²³ were later also amended to include the provision related to the minimum period for public consultations. The Centre for Information Service, Co-operation and Development of NGOs established a violation meter, a mechanism to monitor the frequency of violations of provisions related to public consultations. This mechanism captures regulations for which the resolution stipulates a minimum time for public consultations. It also captures other acts for which such consultations are provided for in the government rules of procedure. After taking office on 13 March 2020 until 15 February 2021, the current government did not respect provisions

21 See <https://pravna-mreza.si/>

22 Full text available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5516>

23 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=POSL32>

concerning public consultations in 67% of the cases. The former government, in office from 13 September 2018 until 13 March 2020, did not respect the relevant provisions in 60% of the cases.²⁴

Enabling framework for civil society

Freedom of assembly

Since April 2020, informal Friday anti-government protests (particularly the so-called bicycle protests in Ljubljana), including against its handling of the purchase of the protective equipment and its role in downturn of environmental and democratic standards during the epidemic, have been a regular feature of public life in Slovenia. On several occasions, concerns were raised over the excessive use of police powers physical force. Amnesty International Slovenia, for example, called on police authorities to inspect the matter.²⁵ On 19 June, for example, the police stopped random people who were supposedly going to join a protest and completely blocked access to the

Republic Square in Ljubljana – an historical precedent, as this site carries high symbolic value in Slovenia.

The national Human Rights Ombudsman has dealt with police procedures for establishing the identity of individuals during the protest in question, involving 69 cases. The body established that 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 personality rights.²⁶

In the course of these 2020 protests, the most common tool to restrict the right of the people to assembly seemed to be the imposition of fines on the basis of various government orders to curb the spread of the coronavirus and to provide for physical distancing, but also some other regulations. Since March 2020, for example, depending on the epidemiological situation, variably restrictive measures relating to assembly of people in public places and public surfaces were imposed (e.g. in certain periods gatherings were fully banned, while in periods of more favourable situation gatherings of up to 500 people were allowed). As noted, fines were often imposed despite peaceful

24 For more information, see the related webpage of the NGO in question on <https://www.cnvos.si/stevec-krsitev/> (accessed on 22 February 2021).

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

26 See <https://www.varuh-rs.si/sporocila-za-javnost/novica/policijski-postopki-ugotavljanja-identitete-ob-protestu-19-6-2020-v-ljubljani/>

protests and protesters respecting physical distancing. For instance, in the period of stricter measures, individual protesters or family members left their paper footprints with messages in front of the parliament, and some of them faced fines for violating ordinance on the prohibition of gatherings. When more people were allowed to assemble, some participants in protests received fines for writing protest slogans on the streets with chalk. Later in the year, for example, when the epidemiological situation deteriorated, car protests were held and fines were issued for protest honking in front of the parliament on the basis of the law governing road traffic.²⁷

At the time of writing, namely from 12 February 2021, gatherings of up to 10 people are allowed, but public assemblies, namely organised assemblies of persons for the purpose of expressing opinions and standpoints on questions of public or common importance in open or enclosed places where access is open to anyone, as defined in the law governing public assemblies²⁸, are still fully banned. Groups of people can thus come together for certain reasons, but these do not include voicing their opinions on public matters.

Smear campaigns and measures capable of affecting the public perception of civil society organisations

Individuals, NGOs and other informal groups critical of the political situation in the country are often subject to smear campaigns. These target for example NGOs working in the fields of environment protection, culture, human rights and non-discrimination, and LGBTI rights. Prominent individuals among protesters as well as other prominent individuals critical of the government are equally targeted. Such campaigns include depicting NGOs as parasites, spreading misinformation about their operations and financing, including deliberately creating misconceptions about the organisations' functioning and strength; publishing hostile and insulting articles about organisations, their founders and staff in attempts to compromise their public image and legitimacy. Serial publication of offensive, false, manipulative and hostile content about critics of the government, including among protesters, is also becoming common practice. Such campaigns are often carried out through media and other communication channels close to the major party in the current government coalition.²⁹

27 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5793>

28 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1455>

29 For more information, see https://www.mirovni-institut.si/wp-content/uploads/2021/01/Znacilnosti_napadov_na_civilno_druzbo_-_porocilo.pdf

A recent example of a smear campaign is the alleged 2021 consultation with voters by the major government party in February 2021. A questionnaire was sent to Slovenian households. It is also available on the party's website. One among the ten questions reads as follows: "From 2009 to 2019 inclusive, 31,841,020 EUR were allocated from the budget of the Republic of Slovenia for the renovation of homes for the elderly, and we did not build any new ones. At that time, only 35,672,609 EUR 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 EUR from the budget. This order of funding seems to me to be: a) fully appropriate, "non-governmentals" 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."³⁰

Administrative harassment

On 19 October 2020, the premises manager at the Ministry of Culture issued a proposal for an amicable termination of the lease to the non-governmental organisations operating at Metelkova Street No. 6 in Ljubljana. The ministry has threatened to take the case to the

court and to enforce the eviction if the NGOs fail to vacate the building by 31 January 2021. In a public release, the ministry later stated, among other things, that the building was dangerous for occupants due to its dilapidation, and the ministry, as the owner, was obliged to renovate it. According to the ministry, it would be converted into a Natural History Museum. The ministry further stated that the funds for the renovation have been secured, and the renovation and conversion into a museum were already planned by the previous ministers.³¹ In their response, the occupants noted that the building had been for decades home to internationally renowned NGOs working in the field of independent cultural and artistic production, as well as involved in research and advocacy on behalf of marginalised groups. They stressed that the termination of the leases was issued on the day the COVID-19 epidemic and curfew were declared in Slovenia, and that no dialogue between the ministry and the NGOs took place before the termination document was issued. Similarly, no replacement premises were on offer. The organisations strongly protested the action of the ministry. It is seen as an attack on the 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 NGOs concerned stated that they did not intend to leave the building but

30 For more information, see <https://www.sds.si/posvet2021>

31 For more information, see the ministry's webpage on <https://www.gov.si/novice/2020-11-06-odziv-ministrstva-v-zvezi-s-stavbo-na-metelkovi-ulici-6/>

intended to resist the attack on civil society, independent culture, and democracy. Various NGO associations, academic institutions and trade unions expressed their support to the occupants.³²

Right to participation

In April 2020, the Slovenian parliament adopted the Intervention Measures to Contain COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act,³³ the second piece of legislation in the series of the so-called anti-corona stimulus packages adopted in the year in question. Among others, it amended provisions regulating the issuance of building permits under the Building Act.³⁴ The amendment was adopted to allegedly improve the issuance of these permits and to boost the economy during the COVID-19 pandemic. The package also included new provisions relating to the involvement of NGOs with the authorised status of organisations in the public interest in the field of environment protection in the building permits issuance procedures. It set out a new the new threshold as regards their access to these proceedings. Taking into account their legal

status, these NGOs must meet the relevant requirements for the year when the relevant procedures start as well as for the preceding two years (e.g. associations shall have 50 active members with paid membership fees in the mentioned period, institutes must employ at least three full-time staff achieving level 7 of the Slovenian qualification framework, while foundations shall have at least 10,000 EUR in assets every year in the period in question). Following submission of the draft law to the parliament, more than 50 NGOs protested the amendments. They noted that the amendment had the retroactive effect, that is – to be involved in current proceedings, the NGOs needed to meet the set conditions including in the two preceding years when such criteria were not in place. They also stressed 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, effectively excluding them from the relevant proceedings and thus violating provisions of the Aarhus Convention.³⁵ In spite of the protests, the parliament eventually adopted the amendment. As provisions of the second anti-corona stimulus package were valid until the end of May 2020, the parliament

32 For more information, see the dedicated webpage on <https://www.mirovni-institut.si/metelkova6/>

33 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8190>

34 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7108>

35 For more information on the concerns raised, see e.g. <https://www.cnvos.si/novice/2509/izjava-nevladnih-organizacij-glede-42-clena-novega-proti-koronskega-zakona/>

extended the measure by the end of 2021 in the so-called third anti-corona stimulus package.³⁶ Three NGOs have submitted a request for constitutional review of the amendment, and the Constitutional Court of the Republic of Slovenia suspended its application until it decides on the matter. The court is yet to rule on the issue.³⁷

Access to funding

Historically, in terms of the percentage of GDP, Slovenian NGOs have access to fewer funds compared to many of their international counterparts. According to the data published by the Centre for Information Service, Co-operation and Development of NGOs, in 2019, for example, Slovenia allocated only 0.77% (0.73% in 2018) of its GDP to non-governmental organisations, while in 2013 the global average was 1.38%, and the EU countries allocated an average of 2.20 % of GDP to their non-governmental organizations in 2013.³⁸

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. Since 2007, personal income taxpayers may give 0.5% of their personal income tax for publicly beneficial purposes. By 2018, however, if taxpayers failed to make donation, the relevant percentage of their taxes was not allocated and remained in the state budget. To counter this, the Act on Non-governmental Organisations³⁹ was passed in 2018. According to the act in question, if taxpayers failed to make donations, the relevant percentage of their taxes shall now go to the fund. This fund shall provide resources for projects and programmes providing the support environment and promoting the development of non-governmental organisations, amongst others. In the draft submitted to the parliament in December, 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. At the same time, however, the money of those taxpayers who failed to make donations shall not go to the fund, as the fund

36 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8206>

37 For more information on the case, see the court's webpage on <https://www.us-rs.si/zadrzanje/zadrzanje-izvrsevanja-2-clena-zakona-o-interventnih-ukrepih-za-omilitev-in-odpravo-posledic-epidemije-covid-19-v-zvezi-s-centrim-odstavkom-100-d-clena-100-e-in-100-f-clenom-ter-drugim-odstavkom-100/>

38 For more information, see the webpage of the Centre for Information Service, Co-operation and Development of NGOs on <https://www.cnvos.si/nvo-sektor-dejstva-stevilke/javno-financiranje-zbirni-podatki/>

39 Available at <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7129>

was to only be financed from the state budget or other donors. In spite of the increase in the size of possible donations by taxpayers, which was welcomed, the motion was seen as another attack on NGOs by the biggest party in the current government coalition, as the fund represent the only systemic source of funding for non-governmental organisations. It was further stressed that taxpayers' donations, if any, tend to be dispersed and mostly function as an instrument of support for local NGOs (e.g. in 2019, 5,394 organisations received an average 913 EUR, with almost 800 organisations receiving less than 5 EUR), while the fund provided rather generous financing of individual projects.⁴⁰ Following considerable mobilisation by civil society⁴¹, the fund stood, as the parliament did not back the government proposal effectively abolishing the NGO fund.

40 For more information, see <https://www.cnvos.si/novice/2687/sds-ov-pogrom-nad-nvo-v-pkp7-ukinitev-sklada-za-nvo/>

41 See e.g. https://www.facebook.com/cnvos/posts/2911384182428213?__tn__=-R