

Human Rights Council Resolution 32/31 on Civil Society Space – Contribution by Slovenia

The government of Slovenia is committed to active and open cooperation with civil society. We see such partnership as importantly contributing to good governance, transparency and mutual accountability. Non-governmental organizations (NGOs), with the inclusion of great number of individuals, represent an important integral part of participation in an open democratic society. With their know-how and independent expertise they may significantly contribute in the decision-making process which has encouraged Governments at all levels – from local, regional to national – as well as international institutions that in the formation and implementation of policies they rely on the relevant experience and competence of NGOs.

In Slovenia, the development and protection of civil society space is ensured through legislative and administrative framework as well as through a systematic governmental co-financing of NGOs and civil society. In addition, the government holds regular human rights consultations that help shaping inclusive national positions and priorities.

The line ministries also maintain the dialogue with the civil society. The Ministry of Foreign Affairs leads a regular dialogue with Slovenian NGOs active in the realm of human rights. The Ministry of Foreign Affairs meets regularly at the expert level with (about 30) Slovenian non-governmental organizations. In addition, the Minister of Foreign Affairs holds an annual meeting with relevant NGOs.

Apart from the regular dialogue with NGOs, the Ministry of Foreign Affairs also engages with the individual NGOs through specific projects and topics. The latter include the rights of the child, gender equality, human rights education, and the rights of the members of the Roma community. Common projects include an initiative for European day against sexual violence, cooperation pertaining to the Convention on the Rights of the Child, the UN Declaration on Human Rights Education, action plan for the implementation of UN SC resolutions 1325 and 1820 on Women, Peace and Security. NGOs also implement the project developed by the Ministry of Foreign Affairs for education on the rights of the child, Our Rights.

Slovenia encourages the participation of NGOs and civil society in the work of the UN. For instance, NGOs are included in the Slovenian delegation when their role is needed while attending various events and we include a wide spectrum of human rights NGOs in the preparations of reporting related to the UN Universal Periodic Reviews of Slovenia. We encourage their participation within the work of the Human Rights Council and 3rd Committee in New York - their voice needs to be heard. Also when reporting on the implementation of various conventions, we support the shadow reports prepared by the NGOs. Slovenia very often sponsors or co-sponsors side events in New York or Geneva organized by the NGOs or invite certain NGO representatives as panelists to the events.

Civil society organizations play an important role in the promotion and protection of human rights. Slovenia is concerned about the shrinking space of civil society, especially the fact that human rights defenders are often victims of retaliation. Also, the ability of NGOs to seek and receive funding is crucial to their existence and functioning. Restrictions on funding can lead donors to withdraw support from civil society organizations operating in difficult environments. The right of civil society organizations to seek funding, as part of freedom of association, needs to be safeguarded. Slovenia stresses the duty of states to promote and protect the independent and pluralistic space of civil society.

Slovenia believes nongovernmental organizations play an important role also in conflict prevention, mitigation and peace building processes. Civil society can act as basic social provider where social and

public institutions no longer function or are considerably weakened. NGOs collect and analyze information from the ground and very often act as an early warning mechanism, as well as media support where media has no access. In both latent and manifest conflict situations, NGOs have been key players in assisting with humanitarian relief, addressing gross human rights situations and protecting the civilians. Human rights grassroots organizations are indispensable part of the prevention efforts and we can benefit from their knowledge and information. Slovenia notes with concern that the civil society space is shrinking and that civil society organizations working on the politically sensitive issues or in the conflict zones often face serious risk. We reiterate the responsibility of States to facilitate, promote and protect an independent, diverse and pluralistic civil society space.

National Legislation

Volunteering Act

Slovenia adopted the Volunteering Act in 2011. The Act determines the minimum requirements for volunteers and voluntary organization, and for organizing and carrying out organized voluntary service. It includes provisions on training of volunteers, ensuring their safety, reimbursement of costs, monitoring and supporting their work, and provision of appropriate insurance. The amendments to the Act, adopted in 2015, enabled public entities and private-law entities with a public-service mission to carry out voluntary activities, which complement their regular public service program.

Non-Governmental Organizations Act

Slovenia is in the process of adopting a Non-Governmental Organizations Act (the draft NGO Act). The draft Act was adopted by the Government in October of 2017 and is now in the legislative procedure at the National Assembly. The civil society was involved in the process of drafting the law.

The main objectives of the draft NGO Act are:

- to define the criteria when a particular organization is considered a non-governmental organization and thus introduce a uniform definition of this term into the Slovenian legal system;
- to regulate the obtaining of the status of a non-governmental organization operating in the public interest for all organizations, irrespective of their legal organizational form;
- to accelerate the development of Slovenian non-governmental organizations, and to this end, it is proposed to adopt a series of measures that will systematically determine such development, as well as to define more precisely the competences of line ministries regarding the development of NGOs.

The main solutions introduced by the draft NGO Act are:

a) The definition of the term "non-governmental organization" taking into account the key strategic domestic and foreign documents (i.e. documents of the Government of the Republic of Slovenia, the European Commission and the Council of Europe) which have already defined this concept. As a non-governmental organization, any organization will be regarded - regardless of its legal organizational form - which will meet the following conditions:

- it is a legal entity of private law established in the Republic of Slovenia,
- it was created exclusively by domestic or foreign natural or legal persons of private law,
- it is non-profit-making and not-for-profit (meaning that it is not created for the purpose of gaining profit and does not use any revenue surplus for the implementation or development of its activity),
- it is independent of state authorities, political parties or economic operators,
- it is not organized as a political party, church, or other religious community, trade union or chamber and
- in case that it exercises a gainful activity, it must be linked to its purposes or objectives.

b) The definition of uniform conditions for the obtaining of the status of a non-governmental organization operating in the public interest on the model of the current statutory regulation applicable to societies, which proved to be appropriate in practice. The conditions for non-governmental organizations to acquire the status of a non-governmental organization operating in the public interest are:

- its members, in the case of a membership organization, are not a legal person governed by public law,
- its activity is in the public interest and is defined in the founding act,
- it operates at least two years prior the submission of the application for the grant of a status,
- it has used the funds for the last two years to carry out activities in the public interest,
- it has at least a two-year program of future activities, which include the regular implementation of activities in the public interest,
- it is able to demonstrate several important achievements of its operations,
- it was not convicted of fines for a serious tax offense, was not convicted of a criminal offense, was not in bankruptcy or liquidation proceedings.

c) The definition of certain rights and benefits for organizations with the status of a non-governmental organization operating in the public interest that will encourage their development and facilitate the achievement of publicly-owned goals. The benefits include i.a. the exclusive right to use the term "non-governmental organization operating in the public interest" on its own behalf, priority in public tenders for non-governmental organizations, a specific budget line to promote the development of non-governmental organizations.

d) Appoint the Government Council for the Development of Volunteering, Volunteer and Non-Governmental Organizations to monitor the development of non-governmental organizations and provide opinions on key legislation, policies and regulations concerning the functioning and development of non-governmental organizations. The Council is composed of government representatives and representatives of non-governmental organizations and will provide space for the coordination of views and positions between the two sides, while at the same time it will provide support to the Government and line ministries in the processes of the adoption and monitoring of the measures for the development and strengthening of NGOs.

e) Establishment of a uniform and up-to-date record of NGOs operating in the public interest.

For the further development of the non-governmental sector additional funds will be provided to the Ministry of Public Administration. The amount of funds will be approximately EUR 3 million for 2018. NGOs will be awarded the funds on the basis of public tenders, which will be prepared by the Ministry of Public Administration after consultations with the Government Council for the Promotion and Development of Volunteering, Volunteer and Non-Governmental Organizations.

The draft NGO Act also foresees additional tasks for the line ministries to provide financial support for projects and programs aimed at promoting the development of non-governmental organizations and NGO umbrella organizations.