CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE
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The President

Mrs Berta MRAK
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Slovenia
to the Council of Europe

Ref ► *GE-JMB/CS/Slovenia*

Strasbourg, 19 November 2026

Dear Ambassador Mrak,

As you know, the Conference of INGOs follows the situation of democratic participation and the civic space in Europe through its ad hoc country visits and dedicated task force, and through its Expert Council on NGO Law regarding specifically the evolution of the legal framework related to Freedom of Association in Council of Europe member States.

Our international and national partners have drawn our attention to the submission to the National Assembly of the Republic of Slovenia of draft amendments to the Election and Referendum Campaigns Act.

The proposed amendments to this Act would not only result in:

(a) the inclusion of the costs incurred by a third party in support of an election campaign organiser's campaign in the costs of that organiser;

(b) a limitation of a maximum of 10,000 euros that may be incurred by that third party in support of that organiser's campaign; and

(c) a requirement for such a third party to provide information on the organiser of the election or referendum campaign in a timely manner, with failure to do so being an offence entailing liability to a fine between 7,000 and 10,000 euros;

but also in

(d) the preclusion of all civil society organisations (as well as companies and other legal entities) which have their registered office in the Republic of Slovenia – and not just foreign legal persons - from organising election campaigns and thus incurring any costs in support of an election campaign organiser's campaign if they have received any funding from abroad in the 5 years prior to the date of the relevant vote; and

(e) the creation of an offence entailing liability to a fine between 7,000 and 10,000 euros for such civil society organisations, companies and other legal entities who incur any costs in support of an election campaign organiser and have received any funding from abroad in the 5 years prior to the date of the relevant vote.

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The objective of the draft amendments is described as the strengthening of the protection of the integrity of elections and referendums, ensuring the transparency of election and referendum campaigns and preventing indirect foreign influence on democratic processes.

It is recognised that the freedom that paragraph 14 of Recommendation CM/Rec(2026)15 on the legal status of civil society organisations in Europe provides that civil society organisations should have to support or oppose a particular candidate or party, including in an election or a referendum, is subject to them being transparent in declaring their motivation and to observing legislation on the funding of elections and political parties.

However, while it may thus be appropriate to require the inclusion of third party costs in support of a particular election campaign organiser's campaign to be included in that organiser's costs, the proposals referred to in points (d) and (e) above are highly problematic.

In the first place, there is a lack of clarity as to what amounts to organising an election campaign. Although there is a reference in the draft Act to the carrying out of paid activities or public election propaganda intended to influence voters' decisions when casting their votes in an election or referendum, this is not enough. Thus, there is no indication of either the timeframe within which any expression of views might be regarded as amounting to such propaganda or how a distinction is to be made between the discussion of a matter of legitimate public debate and any actual intention to influence voters.

Secondly, no account is taken in the proposed amendments of the amount, purpose or source of the foreign funding that will result in the preclusion on incurring of costs in support of an election campaign organiser's campaign. Thus, this preclusion would affect civil society organisations who have received funding of just a few euros as much as ones receiving very significant sums. Moreover, the funding may be concerned with a matter that is entirely unrelated to an issue which is under consideration in the election or referendum concerned.

Last but not least, it is particularly problematic that the term "foreign funding" would seem to catch any sort of support from abroad, including general multilateral support such as funding from the European Union and thus could preclude recipients from drawing upon their experience in providing services supported from such a source in debates as to how those services should be organised where this is something raised in an election or referendum. In this connection, it is also recalled that paragraph 52 of Recommendation CM/Rec(2026)15 provides that "It should not be presumed that funding received by CSOs from any source other than ones in the member State in which they are established or operating is contrary to those laws or is for inadmissible objectives".

Thus, the proposed amendments referred to in points (d) and (e) above are insufficiently prescribed by law. Furthermore, they are likely to discourage civil society organisations from seeking entirely legitimate sources of funding from outside the Republic of Slovenia in support of their activities and to expose them to significant penalties despite not acting in any manner reflecting an unjustified form of foreign influence.

The proposed draft amendments, therefore, clearly run counter to both the right to freedom of association under Article and 11 of the European Convention on Human Rights and the provisions in Recommendation CM/Rec(2026)15.

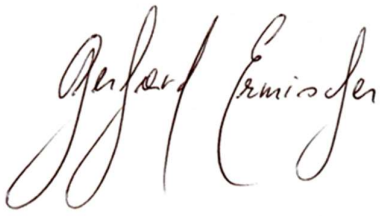
In addition, it is understood that consideration of the proposed amendments would follow the summary procedure. The use of such a procedure is a matter of deep concern for the Conference of INGOs as this minimises the opportunity for meaningful participation by civil society in the legislative process and, other than in very exceptional circumstances runs counter to the Updated Rule of Law Checklist of the Venice Commission.

Having regard to the foregoing, we sincerely hope that appropriate consideration will be given by the National Assembly to these aspects and Slovenia's commitments as a member of the Council of Europe in its examination of this legislative proposal; and that this will lead to its conclusion that the adoption of the problematic draft amendments should not be pursued.

We would be grateful to remain informed of any future decision and/or development on this matter.

Yours sincerely,

Gerhard Ermischer
President of the Conference of INGOs



Jeremy McBride
President of the Expert Council of NGO
Law of the Council of Europe

