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Global Perspectives on Freedom of Association: Slovenia

Katarina Vatovec



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Project Lead

Professor Maria Cahill

School of Law, University College Cork, Cork, Ireland

www.associationalfreedom.org | maria.cahill@ucc.ie

Editors of the Global Perspectives on Freedom of Association collection

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Mr. Ruairí McIntyre, School of Law, University College Cork

Dr. Giulia Lasagni, School of Law, University College Cork

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Unfolding Pluralism: Freedom of Association in Slovenia's Constitutional Democracy

*Katarina Vatovec**

I. Introduction

Many centuries ago, Aristotle described human beings as “political animals”.¹ By nature, people are not inclined toward solitude; rather, they are inherently drawn to form connections with others. Social interaction is indeed intrinsic to human existence. Through relationships, individuals realise their potential, fulfil emotional, intellectual, social, and material needs, and pursue their aspirations. However, not all such relationships fall within the scope of constitutionally protected freedom of association.

In Slovenia, the right of association – closely linked to the right of assembly – is enshrined in Article 42 of the Constitution.² Despite the inclusion of the rights of assembly and association within a single constitutional provision, both the wording of the article and prevailing constitutional interpretation indicate that these are two distinct and autonomous rights.³ Nevertheless, the two rights are substantively interconnected. As noted in jurisprudence and scholarly commentary, the exercise of the right of assembly frequently facilitates the simultaneous or subsequent formation of associations.⁴ In the Slovenian context, their

* Assistant Professor at the European Faculty of Law, New University, Slovenia, and Advisor at the Constitutional Court of the Republic of Slovenia. The views expressed in this work are solely my own and do not represent those of the Constitutional Court. I wish to thank my colleague Tina Mežnar for her valuable comments and the discussions on the legal standing of NGOs before the Constitutional Court in the context of environmental and spatial planning. All remaining errors are my own.

¹ Aristotle, *The Politics*, trans. into English with introduction, marginal analysis, essays, notes and indices by B. Jowett (Oxford, Clarendon Press, 1885), Vol. 1, 1253a.

² The Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia Nos. 33/91-I, 42/97, 66/00, 24/03, 69/04, 69/04, 68/06, 47/13, 75/16, and 92/21).

³ In contrast, many democratic states choose to regulate the two rights separately, recognising their differing legal content and functions. For example, the Spanish Constitution addresses the rights to assembly and association in Articles 21 and 22, respectively, while the Croatian Constitution includes them in Articles 42 and 43.

⁴ B Rainey, P McCormick, and C Ovey, *Jacobs, White and Ovey, The European Convention on Human Rights* (Oxford, Oxford University Press, 2021) 527.

constitutional recognition reflects the broader commitment to democratic principles and pluralism, situating both rights as essential components of participatory democracy.⁵

Focusing solely on the right of association, the Slovenian Constitution does not explicitly list the various forms of association it protects, except, for example, “religious communities” (Articles 7(2) and 41(1)), “commercial organisations” (Article 74), “trade unions” (Article 76), and “national communities” (Article 64). Also, the right to strike (Article 77), while not itself a form of association, presuppose collective structures like strike committees, which fall within the broader scope of associational life. These provisions are *lex specialis* in relation to Article 42 of the Constitution.⁶ The Slovenian Constitutional Court has repeatedly held that the constitutionally guaranteed freedom of association “is a fundamental human right that enables the free expression of opinions, the formation of citizens’ political will, and self-organisation”.⁷

Beyond the provisions set forth in the Constitution, the right of association within the Slovenian legal framework encompasses a wide range of expressive forms and varying degrees of collective engagement. These include non-profit organisations, political parties and formally constituted for-profit business associations. The right enables individuals to unite around common interests, beliefs, values, and goals, thereby fostering pluralism and encouraging active participation in a democratic society.

This chapter therefore examines the constitutional right of association in Slovenia, situating it within a broader constitutional framework and emphasising the interpretive role of the Slovenian Constitutional Court. Relying on key decisions of the Constitutional Court, the chapter explores how jurisprudence has shaped the content, boundaries, and limitations of the freedom of association, particularly with respect to specific types of associations, often extending its interpretation beyond the Constitution’s sparse or narrowly worded text. In doing so, the chapter highlights both the protective scope of Article 42 of the Constitution and the broader legal and political context in which associational life unfolds. It emphasises the importance of constitutional adjudication in shaping its development in Slovenia’s democratic society and underscores the right’s essential role in enabling civic engagement, collective action, and pluralistic governance.

⁵ K Vatovec, “42. člen (pravica do zbiranja in združevanja)” in M Avbelj (ed) *Komentar Ustave Republike Slovenije, Del 1: Človekove pravice in temeljne svoboščine* (Nova Gorica, Nova univerza, Evropska pravna fakulteta, 2019) 403, 405.

⁶ *ibid*

⁷ USRS Decision Up-301/96 of 15.1.1998, ECLI:SI:USRS:1998:Up.301.96, para 11; USRS Order Ps-1/22 of 10.3.2022, ECLI:SI:USRS:2022:Ps.1.22, para 18.

Part II of this chapter contextually analyses the essential characteristics of the right of association through the case law of the Slovenian Constitutional Court. Part III focuses on the influence that freedom of association has had in relation to issues of pluralism and the multi-party system. Part IV draws attention to two significant issues: the absence of references to the freedom of association in constitutional adjudication, and the procedural barriers that associations face in accessing the Constitutional Court. It highlights two contexts where these dynamics are particularly evident: first, during the Covid-19 pandemic, when a wave of constitutional reviews and complaints submitted *en masse* to the Constitutional Court focused on other rights and largely overlooked the freedom of association; and second, in cases involving non-governmental organisations acting in the public interest – particularly in environmental matters – where legal standing requirements often restricted their ability to challenge regulations before the Constitutional Court. This occurred despite the crucial societal role such associations play and the international recognition of their importance in promoting environmental protection.⁸ In conclusion, Part V the chapter offers some general findings that are also significant from a comparative law perspective.

II. The Right of Association: Diversity of Forms and Features

In Slovenia, the constitutional provision that determined the right of association – together with the right of assembly – reads:

Article 42

(Right of Assembly and Association)

The right of peaceful assembly and public meeting shall be guaranteed.

Everyone has the right to freedom of association with others.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.

⁸ ECtHR Judgment *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC] Application No 53600/20 of 9.4.2024, ECLI:CE:ECHR:2024:0409JUD005360020.

The Constitution does not define the term “association” as protected under constitutional law. What distinguishes association from assembly are “the intensity of connection, the degree of (internal) organisation, and the temporal dimension”.⁹ Unlike assembly, association implies a more organised and permanent community of individuals who are more closely connected in the pursue of common interests.¹⁰ Members of an association voluntarily agree on its purpose and internal rules.¹¹ The purposive element of the right of association reveals that the coming together of individuals is “permissible for any common interests or goals (political, religious, economic, social, cultural, scientific, artistic, sporting, social, etc.)”.¹² Indeed, it takes place across various areas of human life, including religious, political, labour-related, cultural, and civil spheres.

The Constitutional Court has elaborated more substantively on the content of this right. As it explained, the freedom of association “guarantees everyone the ability to connect with like-minded individuals in an association that represents this connected group of people for the purpose of expressing and pursuing common interests”.¹³ The Court has also addressed whether mandatory membership in a specific form of association prescribed by law constitutes an interference with the freedom of association. It adopted the position that chambers or other forms of association established by law for the exercise of public authority and primarily for the performance of certain tasks in the public interest do not fall within the scope of associations protected by Article 42(2) of the Constitution.¹⁴ Therefore, prescribing mandatory membership

⁹ Vatovec (n 5) 409.

¹⁰ L. Šturm, “42. člen (pravica do zbiranja in združevanja)” in L. Šturm (ed), *Komentar Ustave Republike Slovenije* (Fakulteta za podiplomske državne in evropske študije, Ljubljana, 2002), 461. The Constitutional Court, for example, held that gathering or socialising in hospitality establishments, due to the specific characteristics of association, cannot, by its very nature, be considered association within the meaning of Article 42(2) of the Constitution (USRS Decision U-I-218/07 of 26.3.2009, ECLI:SI:USRS:2009:U.I.218.07, para 19). See also USRS Decision U-I-155/07 of 9.4.2009, ECLI:SI:USRS:2009:U.I.155.07, para 11.

¹¹ USRS Decision U-I-290/96 of 11.6.1998, ECLI:SI:USRS:1998:U.I.290.96, para 14.

¹² USRS Decision U-I-155/07 (n 10) para 11.

¹³ See, e.g. USRS Decision U-I-290/96 (n 11) para 14.

¹⁴ For example, the Constitutional Court has addressed this issue in several cases: regarding the Medical Chamber of Slovenia (USRS Order U-I-48/92 of 11.2.1993, ECLI:SI:USRS:1993:U.I.48.92); the Chamber of Commerce and Industry of Slovenia (USRS Decision U-I-290/96 (n 11) para 16); the Social Chamber (USRS Decision U-I-137/93 of 2.6.1994, ECLI:SI:USRS:1994:U.I.137.93); the Chamber for Private Security (USRS Decision U-I-305/94 of 3.4.1997, ECLI:SI:USRS:1997:U.I.305.94, para 6); the Chamber of Agriculture and Forestry of Slovenia (USRS Decision U-I-283/99 of 20.3.2003, ECLI:SI:USRS:2003:U.I.283.99, para 6); and regarding local public commercial institutions for tourism (USRS Decision U-I-93/00 of 24 October 2002, ECLI:SI:USRS:2002:U.I.93.00, para. 11), and hunting organisations (USRS Decision U-I-98/04 of 9.11.2006, ECLI:SI:USRS:2006:U.I.98.04, para 53). Similarly, this view is supported by the case law of the European Court of Human Rights (see, e.g. C. Grabenwarter, *European Convention on Human Rights: Commentary* (Oxford, Hart Publishing, 2014), 301). The Constitutional Court assesses the obligation of mandatory membership in chambers

in such forms of association does not constitute an interference with this constitutional right. However, the Court distinguishes these from associations of a private-law nature, which may be based only on the voluntary and free activities of their members and serve to realise their private interests. Only the latter are protected by Article 42(2) of the Slovenian Constitution.¹⁵

Article 42(2) of the Constitution refrains from identifying any specific types of associations, whether exhaustively or illustratively. The Constitutional Court explains that it is the obligation of the state to provide “one or more types of associations that will enable individuals to effectively pursue their interests”,¹⁶ while leaving the choice of forms to the discretion of the legislature.¹⁷ The freedom of association therefore “encompasses a very broad spectrum of various types of associations, intended to enable individuals to pursue a wide range of interests”.¹⁸

Just as a complex, pluralistic society gives rise to a multitude of purposes for association, so too does it foster a diversity of organisational forms. In Slovenia, societies (“*društvo*”) are the most general form of association.¹⁹ A society is defined as an independent and non-profit association established for the purpose of pursuing common interests of its members.²⁰ Its activities are public, and its purpose and operations are not aimed at generating profit, as any surplus of income over expenses is permanently dedicated to achieving the society’s purpose and objectives.²¹ The Slovenian legal system also recognises institutes (“*zavodi*”) as one of the organised forms of association.²² They are established to carry out socially beneficial activities (such as education, science, culture, sports, healthcare), provided that the purpose of these activities is not to generate profit.²³ Foundations (“*ustanove*”), on the other hand, are private-law legal entities that have assets tied to a specific purpose, and whose

primarily from the perspective of the so-called general freedom of action under Article 35 of the Slovenian Constitution (see USRS Decision U-I-155/07 (n 10) para 12).

¹⁵ USRS Decision U-I-155/07 (n 10), para 13.

¹⁶ *ibid.*, para 21.

¹⁷ *ibid.*

¹⁸ USRS Decision Up-308/00 of 19.12.2000, ECLI:SI:USRS:2000:Up.308.00, para 10.

¹⁹ See USRS Decision U-I-92/07 of 15.4.2010, ECLI:SI:USRS:2010:U.I.92.07, para 117. According to official data in the central register of the competent ministry, as of July 2025, there are over 23,000 registered (but not necessarily active) societies in Slovenia (<http://mrrsp.gov.si/rduobjave/dr/index.faces>).

²⁰ Article 1 of the Societies Act [Zakon o društvih] (Official Gazette of the Republic of Slovenia No. 64/11 – official consolidated text).

²¹ *ibid.*

²² USRS Decision Up-308/00 (n 18) para 10.

²³ Article 1 of the Institutes Act [Zakon o zavodih] (Official Gazette of the Republic of Slovenia Nos 12/91 *et seq.*). Institutes do not have members but have a founder. They may engage in profit-making activities if these support their non-profit purposes. In addition to private institutes, there are also public institutes, which are not non-governmental organisations, as they are primarily established by the state or municipalities.

purpose is generally beneficial to the public or charitable in nature, and is typically permanent.²⁴ Constitutional review in the context of the right of association has also addressed various chambers (“*zbornice*”).²⁵ A cooperative (“*zadruga*”) is yet another type of association with an open-ended number of members, based on voluntary membership, established to promote the economic interests and develop the economic or social activities of its members.²⁶ These various types of organised associations each possess their own distinct legal and functional characteristics. They differ in the purposes they serve, ranging from pursuing the private interests of their members, providing professional or economic services, engaging in non-profit or charitable activities, to fulfilling public-interest objectives. They also vary in terms of legal form, legal foundation, required number of founders, registration procedures, governance structures, and the costs associated with their establishment.

The freedom of association has an individual dimension.²⁷ This aspect refers to the individual's right to freely and voluntarily establish, join, or withdraw from an association without coercion or interference. It protects personal autonomy in the pursuit of personal interests, shared goals, or common causes through membership. Importantly, it also encompasses the right not to associate.²⁸ However, the freedom of association also has a collective dimension.²⁹ This refers to the rights of the association itself, once established as a legal entity. It includes the right to self-organisation, internal governance, representation of its members, participation in public affairs, and the exercise of collective rights. It ensures the association's ability to function democratically, make collective decisions, and advocate on

²⁴ Articles 1 and 2 of the Foundations Act [Zakon o ustanovah] (Official Gazette of the Republic of Slovenia Nos 70/05 – official consolidated text *et seq*).

²⁵ In particular, the chambers examined by the Constitutional Court were typically a specific form of professional or economic association with obligatory membership, established by law and regulated as public-law entities serving the public interest. These are distinct from voluntary associations protected under Article 42 of the Constitution. See, *supra* (n 14). However, it is also possible to establish a chamber as a private-law legal entity, which falls within the scope of the constitutional protection of the freedom of association. An example of this is the Slovenian Advertising Chamber, a professional organisation in the field of marketing communications. It is a voluntary, independent, professional, and non-profit association of legal and natural persons active in advertising and communication. Similarly, as the Constitutional Court has already held, a hunting association (“*lovska družina*”) is based on the voluntary decision of its members and is established through registration in the register of associations. It therefore follows that a hunting association is not constituted by a public law act. While such an association may operate in the public interest, exercise public authorisations, or perform public service functions, it is not established by statute, but rather through the autonomous will of its members. Accordingly, its formation must be assessed under Article 42 of the Constitution (USRS Decision U-I-98/04 (n 14) para 53).

²⁶ e.g. USRS Decision U-I-155/07 (n 10). Article 1 of the Cooperatives Act [Zakon o zadrugah] (Official Gazette of the Republic of Slovenia Nos 97/09 – official consolidated text *et seq*).

²⁷ Vatovec (n 5) 410.

²⁸ See Grabenwarter (n 14), 299.

²⁹ *ibid*.

behalf of its members. As the Constitutional Court has emphasised, “without this, the freedom of association would often be meaningless.”³⁰

These two dimensions – individual and collective – together ensure that both individuals and associations can exercise their constitutionally guaranteed freedom of association in a meaningful and effective manner. The Constitutional Court has clarified that a formally organised association exists

“when it is carried out in a legally predetermined organisational form. [...] The most important legal consequence of formal association is that the law recognises such organised forms of association as holders of rights and obligations [...]. However, this also means that individuals who wish to associate within one of these legally defined organisational forms must comply with the rules set by law for their establishment and operation.”³¹

In its review of the constitutionality of the Religious Freedom Act, the Constitutional Court further held that “from the perspective of the right to freely establish religious communities, it is not necessary for a religious community to be officially recognised or registered.”³² It follows, therefore, that associations do not need to be formally recognised or registered to enjoy constitutional protection. Even entirely private or informal associations fall within the scope of the freedom of association guaranteed by the Constitution.³³

In Slovenia, despite the fundamental importance of the right of association for the development of an individual’s personality and for democratic society as a whole, this right is not absolute. Statutory limitations are permissible, but only for exhaustively enumerated reasons: in the interest of national security or public safety, and for the prevention of the spread of infectious diseases;³⁴ as well as under the general limitation clause, namely, for the protection of the rights of others.³⁵ When determining such limitations, the legislature – in setting the statutory framework – and the executive and judicial branches – in applying the law – must take into account the particular significance of this right in a free and democratic society. For example, in 1998, the Constitutional Court reviewed the constitutionality of the then-applicable Societies Act, which required that a child’s membership in an association be conditional upon the submission of a signed declaration of enrolment by the child’s legal

³⁰ USRS Decision U-I-155/07 (n 10) para 19.

³¹ *ibid*, para 17.

³² USRS Decision U-I-92/07 (n 19) para 90.

³³ *ibid*; USRS Decision U-I-155/07 (n 10) para 16.

³⁴ Article 42(3) of the Slovenian Constitution.

³⁵ Article 15(3) of the Slovenian Constitution.

representative. The case concerned a scouts association, and the Court held that the prescribed method of enrolment – where only the legal representative signed the enrolment declaration on behalf of the child – failed to sufficiently respect the child's personal autonomy and right to express the will to join.³⁶ The legal representative's role, the Constitutional Court emphasised, should be to give consent to a decision that the child had already expressed.³⁷ The Court thus held that the challenged provision constituted a disproportionate interference with the child's constitutionally guaranteed freedom of association. Similarly, the statutory requirement that an association could only be established by at least ten adult citizens of Slovenia was found to be incompatible with the Constitution. In the Court's view, such a requirement interfered with a right of individuals to freely associate; an interference that would only be constitutionally permissible if justified by one of the constitutional legitimate reasons mentioned above. However, the Court found no constitutionally acceptable justification for such a restriction.³⁸ As it explained, by its very nature, one cannot associate with oneself, but two or three persons certainly can associate.³⁹

Although the Slovenian Constitution does not explicitly state that the freedom of association must be exercised in a peaceful manner, this requirement is implicit in the very nature and scope of constitutional protection.⁴⁰ The peaceful exercise of rights is a *conditio sine que non* – a fundamental prerequisite – for any democratic right to merit constitutional safeguarding. Accordingly, associations that promote or engage in violent, unlawful, or anti-democratic activities fall outside the protective scope of constitutional guarantees.⁴¹

The right of association possesses certain inherent characteristics. First, there is the *human dimension of the right*, which reveals both its individual and collective facets. Although the right is held by the individual, its very nature dictates that it can only be meaningfully exercised collectively.⁴² It is precisely this collective realisation that distinguishes the right of association from many other constitutional rights. Unlike rights that may be exercised individually or jointly, the freedom of association protects the formation of structured, enduring, and autonomous entities – such as political parties and non-governmental

³⁶ USRS Decision U-I-391/96 of 11.6.1998, ECLI:SI:USRS:1998:U.I.391.96.

³⁷ *ibid*, para 13.

³⁸ *ibid*, para 18.

³⁹ *ibid*.

⁴⁰ Vatovec (n 5) 409.

⁴¹ A relevant analogy can be drawn with an example of a political party that acts unconstitutionally. (See Part 2 of this chapter.)

⁴² Vatovec (n 5) 405.

organisations – which are capable of internal governance, long-term operation, and independent pursue of common goals. This right presupposes the existence of a collective legal entity that can act and be recognised independently of its individual members.

Under the Slovenian Constitution, the right of association is guaranteed to everyone, regardless of citizenship, and may be invoked both by individuals who participate in associations and by those who establish them. Private-law associations, where individuals voluntarily unite to pursue private interests and freely carry out activities (e.g. a hunting association), are likewise protected under Article 42(2) of the Constitution.⁴³

Freedom of association guarantees the ability to come together and form connections within a community, i.e. its positive aspect.⁴⁴ The Constitutional Court has emphasised (notably in the context of religious associations) that this includes the individual's entitlement to associate with others, jointly establish communities, become a member, and participate in their activities.⁴⁵ Equally important is the right not to associate, i.e. the negative aspect of this freedom. This includes the right to refuse membership, abstain from participation, or withdraw from an association.⁴⁶ For example, “[e]very Roma association freely decides whether it will join the Roma Community of Slovenia (and thereby gain the possibility to participate in nominating members to its Council).”⁴⁷ Although not explicitly enshrined in the constitutional text, the negative aspects “derives from the very essence of this right and is a necessary component thereof,”⁴⁸ forming an inseparable counterpart to the positive one. At the core of both aspects lies the principle of voluntariness. Everyone is free to decide whether to exercise their right to associate.

Second, the right of association possesses *an instrumental dimension*, as its value extends beyond its intrinsic significance. This right fulfils an important functional role within society, serving as a means for the realisation of other human rights and fundamental freedoms.⁴⁹ For example, it facilitates the effective expression of individual opinions, as affirmed by the U.S. Supreme Court in *NAACP v. Alabama ex rel. Patterson*.⁵⁰ It also enables individuals, acting collectively, to pursue various legitimate interests – such as those of

⁴³ USRS Decision U-I-98/04 (n 14) para 53. Similarly, the case law of the European Court of Human Rights reflects this understanding (see, e.g. Grabenwarter (n 14) 302).

⁴⁴ Vatovec (n 5) 407.

⁴⁵ USRS Decision U-I-92/07 (n 19) para 89.

⁴⁶ *ibid*; USRS Decision U-I-155/07 (n 10) para 15; Vatovec (n 5) 407.

⁴⁷ USRS Decision U-I-15/10 of 16.6.2010, ECLI:SI:USRS:2010:U.I.15.10, para 17.

⁴⁸ e.g. Up-308/00 (n 18) para 10; USRS Decision U-I-155/07 (n 10) para 14.

⁴⁹ Vatovec (n 5) 406.

⁵⁰ *NAACP v. Alabama ex rel. Patterson* of 30.6.1958, 357 U.S. 1958, 459.

sporting, scientific, or cultural nature – and to exercise other constitutionally protected rights and freedoms (e.g. freedom of conscience or freedom of expression).⁵¹

Importantly, the significance of this right is not confined to its constitutional or statutory formulation. What is essential is the effective exercise of this right in practice, which requires an environment characterised by tolerance, open-mindedness, and a pluralism of opinions and beliefs, including the freedom to associate in diverse forms within a democratic society.⁵²

Moreover, the right of association holds particular importance for individuals belonging to national, ethnic, and other minority groups.⁵³ As noted by the European Court of Human Rights, “forming an association in order to express and promote its identity may be instrumental in helping a minority to preserve and uphold its rights.”⁵⁴ In this regard, the Slovenian Constitutional Court has interpreted the right of association for the Italian and Hungarian national communities and their members “more broadly than for other individuals, namely, as a right that also ensures the preservation of national identity”.⁵⁵ In the case at issue, the Constitutional Court held that the contested provision of the Societies Act, which regulated the use of languages in the names of associations, was inconsistent with the Constitution.⁵⁶ This was because Italian and Hungarian, as the languages of autochthonous national communities in the regions where they reside, may not be treated by the legislator as foreign languages.⁵⁷ In such contexts, it is therefore impermissible to use Italian and Hungarian merely as translations alongside Slovene; rather the legislator is required to regulate the manner of their direct use, that is, to ensure the use of the Italian and Hungarian languages themselves.

Third, the right of association also encompasses *a political dimension*, which derives from the principle of democracy, as enshrined in Article 1 of the Slovenian Constitution. The understanding that this right is rooted in democratic foundations is both a well-established doctrinal position⁵⁸ and a consistent element in the constitutional jurisprudence.⁵⁹ While public discourse and the contestation of opinions typically take place through various democratic

⁵¹ USRS Decision U-I-155/07 (n 10) para 14.

⁵² Vatovec (n 5) 406.

⁵³ W.A. Schabas, *The European Convention on Human Rights: A Commentary* (Oxford, Oxford University Press, 2015), 491; Grabenwarter (n 14), 311.

⁵⁴ ECtHR *Gorzeliak and Others v. Poland* Application No 44158/98, ECLI:CE:ECHR:2004:0217JUD004415898, para 93.

⁵⁵ USRS Decision U-I-380/06 of 11.9.2008, ECLI:SI:USRS:2008:U.I.380.06, para 10.

⁵⁶ *ibid*, para 13.

⁵⁷ *ibid*.

⁵⁸ Šturm (n 10) 460–461; Vatovec (n 5) 405.

⁵⁹ e.g. USRS Decision Up-301/96 (n 7) para 11; USRS Decision U-I-155/07 (n 10) para 14.

processes, the right of association plays a crucial role in enabling individuals to organise collectively in order to express shared beliefs, participate in political life, and pursue common interests. As such, it possesses a distinctly political character and functions as an instrument of both participatory and representative democracy.⁶⁰ Through free association, individuals are empowered to form political parties, interest groups, and other collective bodies that contribute to democratic pluralism. As the Constitutional Court has emphasised – and as will be thoroughly pointed out later – the “foundation of a multi-party political system is essential, without which a free democratic society cannot exist”.⁶¹

III. The Prominence of Freedom of Association: Enabling Collective Action and Political Participation

During the initial phase of constitutional jurisprudence, matters relating to political parties featured prominently. Slovenia declared independence from the former Socialist Federal Republic of Yugoslavia (SFRY) in 1991, becoming an independent and sovereign state. The SFRY was not governed by the rule of law; rather, it was marked by serious violations of human rights, national rights, and the rights of its constituent republics and autonomous provinces. This reality is acknowledged in the preamble to the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, which was adopted by the then Assembly of the Republic of Slovenia on 25 June 1991.⁶² In legal doctrine, the Basic Constitutional Charter has been characterised as constituting “the foundational act of statehood and constitutionalism to which the Constitution explicitly refers in its preamble”.⁶³ From a constitutional perspective, it is important to emphasise that the Basic Constitutional Charter established a clear break between the constitutional order of the sovereign Slovenian state and that of the SFRY, of which Slovenia had previously been a federal unit. The Slovenian Constitutional Court has acknowledged this legal discontinuity, particularly in the transition from the former one-party system to the multi-party system characteristic of a constitutional democracy.

⁶⁰ Vatovec (n 5) 405.

⁶¹ USRS Decision Up-301/96 (n 7) para 11; USRS Decision Up-239/96 of 5.3.1998, ECLI:SI:USRS:1998:Up.239.96, para 4.

⁶² Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia (Official Gazette of the Republic of Slovenia Nos 1/91-I and 19/91 – corr.).

⁶³ P Jambrek, “Preambula” in M Avbelj (ed) *Komentar Ustave Republike Slovenije, Del 1: Človekove pravice in temeljne svoboščine* (Nova Gorica, Nova univerza, Evropska pravna fakulteta, 2019) 11, 15.

The Slovenian Constitution does not contain special provisions on political parties.⁶⁴ However, the freedom of association also encompasses the right to establish political parties and to ensure their functioning. The Constitutional Court has linked this freedom to “the foundation of a multi-party political system, without which no free democratic society can exist”.⁶⁵ In this initial phase of the Slovenian Constitutional Court's activity, roughly between the years 1991 and 2000, the freedom of association is mostly understood – given the historical context – as the freedom to associate in political parties and the importance of political parties within a constitutional democracy due to their essential role in ensuring the pluralism of political opinions and the functioning of democracy.

To fully grasp the significance attributed to the existence and operation of political parties and the multi-party system – particularly in light of the historical experience of Slovenian society under the former communist regime – it is important to consider the Constitutional Court's own observation:

“The right to freedom of association constitutes one of the fundamental constitutional values that must be afforded particular respect and whose genuine implementation must be consistently ensured. This is especially significant given that, after assuming power in 1945, the communist regime only nominally guaranteed freedom of association – including the establishment of political parties and their freedom to operate – both constitutionally and through statutory regulation. In practice, however, the communist authorities entirely suppressed the activities of opposition political parties through repressive measures, thereby excluding them from the political process.”⁶⁶

The constitutional review also stemmed from the fact that the Political Parties Act, adopted in 1994, provided the legal basis for the exercise of the right to freedom of association. It defined a political party as “an association of citizens who pursue their political objectives, as set out

⁶⁴ The Constitution refers to political parties only in a few specific contexts: in the prohibition against professional members of the defence forces and the police being members of political parties (Article 42(4)); in provisions on the incompatibility of political party membership with judicial office (Article 133), the office of state prosecutor (Article 136), and the office of Constitutional Court judge (Article 166); and in defining the competences of the Constitutional Court, which include deciding, *inter alia*, on the unconstitutionality of the acts and activities of political parties (Article 160(1)). USRS Order Ps-1/22 (n 7) para 19.

⁶⁵ See USRS Decision Up-301/96 (n 7) para 11; USRS Order Ps-1/22 (n 7) para 18.

⁶⁶ USRS Decision Up-301/96 (n 7) para 7.

in the party's program, through the democratic formation of the political will of the citizens and by nominating candidates in [various] elections".⁶⁷

The Political Parties Act stipulates that a political party may be founded by at least 200 adult citizens of the Republic of Slovenia who sign a declaration of establishment.⁶⁸ In 1994, a petitioner challenged this provision, arguing that the Act was inconsistent with the right to freely associate, on the grounds that it denied citizens fewer than 200 in number the right to form a political party.⁶⁹ The Constitutional Court dismissed the petition, reasoning that the requirement of a minimum number of members to establish a political party does not constitute a restriction of the right of association. On the one hand, every citizen is still permitted to engage in non-organised types of association; on the other hand, when supported by a sufficient number of fellow citizens, one can exercise this right through a properly organised form.⁷⁰

Political parties occupy a distinct position within the Constitutional Court's case law, setting them apart from other types of associations. First, because their functioning is closely linked to the exercise of the principle of popular sovereignty, political parties must be guaranteed freedom in their establishment, their programmes, activities, and in their influence on the formation of citizens' political will. The state must ensure the effective implementation of these guarantees and otherwise refrain from interfering or exerting influence over political parties.⁷¹ Second, any prohibition of their activities can only be a measure of last resort (*ultima ratio*).⁷² Third, only the Constitutional Court has the authority to determine whether a political party's acts or activities are unconstitutional.⁷³ However, a finding of unconstitutionality does not automatically result in the party's removal from the register. The Court must decide separately on this issue, requiring a two-thirds majority vote of all judges, provided it determines that the unconstitutional acts or activities are so severe that merely abrogating the unconstitutional acts or prohibiting the unconstitutional activities would be insufficient, and that the elimination of the party from political life is indeed necessary.⁷⁴

⁶⁷ Article 1 of the Political Parties Act (Official Gazette of the Republic of Slovenia No 62/94). The definition has been largely retained in the Political Parties Act currently in force (Official Gazette of the Republic of Slovenia Nos 100/05 – official consolidated text *et seq*).

⁶⁸ Article 4(1) of the Political Parties Act.

⁶⁹ USRS Order U-I-312/94 of 16.2.1996, ECLI:SI:USRS:1996:U.I.312.94.

⁷⁰ *ibid*, para 3.

⁷¹ USRS Decision Up-301/96 (n 7) para 17. USRS Order Ps-1/22 (n 7) para 20.

⁷² USRS Order Ps-1/22 (n 7) para 20.

⁷³ Article 160(1) of the Constitution. See also USRS Decision Up-301/96 (n 7) para 18; USRS Decision Up-239/96 (n 61) para 5.

⁷⁴ USRS Decision Up-301/96 (n 7) paras 18–19; USRS Order Ps-1/22 (n 7) para 22.

In one of its early decisions, the Constitutional Court established the foundational importance of political parties in a constitutional democracy. The case concerned a constitutional complaint in which the complainant alleged a violation of the right to freedom of association, following the rejection of its application for registration as a political party by the competent ministry (i.e. the registration authority).⁷⁵ The authority justified its decision on the grounds that the complainant's political programme was contrary to the Constitution. Specifically, the complainant advocated for addressing injustices committed during the post-World War II period against individuals from the region of Slovenian Istria by giving them priority in housing allocation. This provision was allegedly contrary to the Constitution, as it placed these individuals in an unequal (and thus privileged) position compared to those who had emigrated from other parts of Slovenia for political or economic reasons.⁷⁶ The Constitutional Court found that the registration authority considered a single sentence in the complainant's programme to be unconstitutional.⁷⁷ It held that prohibiting the party based solely on the unconstitutionality of that one sentence was, from the outset, unacceptable.⁷⁸ Even if such a programmatic provision were found to be unconstitutional, the Constitutional Court could have simply abrogated it without simultaneously ordering the removal of the party from the register.⁷⁹

The Constitutional Court thus held that it was not constitutionally permissible for the registration authority to assess substantive constitutional conditions for the establishment of a political party, as this could result in the party's existence and activities being unacceptably dependent on prior authorisation by an administrative body. The Court stated:

“A registered party cannot be impeded in its political activities until the Constitutional Court, which is the only authority empowered to prohibit a party's activities, reaches a decision on such. As a result, administrative interference with the existence of a political party is excluded, regardless of how hostile its actions may be towards a free democratic constitutional order. This allows each party's activities to continue until their unconstitutionality is established, thereby guaranteeing the highest possible degree of political freedom. A party still operates within constitutionally admissible tolerance, even if it propagates aims that are

⁷⁵ USRS Decision Up-301/96 (n 7).

⁷⁶ *ibid*, para 28.

⁷⁷ *ibid*, para 29.

⁷⁸ *ibid*.

⁷⁹ *ibid*.

hostile (contrary) to the Constitution, provided it does so in a constitutionally admissible manner.”⁸⁰

The role of the registration authority is limited to verifying whether a political party has met the formal requirements prescribed by law; only the Constitutional Court may decide on the substantive conditions, i.e., whether the acts and activities of a political party conform to the Constitution.⁸¹ Consequently, the registration authority must reconsider the complainant’s application for registration, reviewing only the fulfilment of formal statutory requirements. If these are met, the party must be registered.⁸²

To illustrate the preservation of the Constitutional Court’s long-standing positions on the importance of political association in a pluralistic society and constitutional democracy, the 2022 order Ps-1/22 is also noteworthy. The case concerned the alleged unconstitutionality of the acts and activities of the political parties that currently form the part of the parliamentary coalition: The Left and The Social Democrats.⁸³ The Constitutional Court was tasked with determining whether the petitioner’s allegations about the unconstitutionality of certain provisions of The Left’s programme and the activities of both parties were well-founded, and whether such alleged unconstitutionality would require the abrogation of acts, prohibition of concrete activities, or even removal of these parties from the register of political parties.⁸⁴

Basing its decision on its constitutional powers, the Constitutional Court held that “[i]s not sufficient for a political party to reject, contradict, or not recognise the constitutional order”.⁸⁵ According to the Court’s position, “active operation with the intention of destroying (eliminating) the existing constitutional order is required”.⁸⁶ Mere criticism, even if well-founded, does not suffice; “a serious threat to the underlying principles of a free democratic society has to be proven”.⁸⁷ Given the special significance of political parties for the existence of a free democratic state, exclusion from political life is not justified as long as parties use lawful means to oppose specific regulations or even constitutional institutions. As the Constitutional Court emphasised, “[s]uch exclusion is only permitted if these parties intend to undermine the fundamental values of a free democratic constitutional state”.⁸⁸

⁸⁰ *ibid*, para 22.

⁸¹ *ibid*, para 24.

⁸² *ibid*, para 26.

⁸³ USRS Order Ps-1/22 (n 7).

⁸⁴ *ibid*, para 21.

⁸⁵ *ibid*, para 23.

⁸⁶ *ibid*.

⁸⁷ *ibid*. See also USRS Decision Up-301/96 (n 7) para 15.

⁸⁸ USRS Decision Up-301/96 (n 7) para 16. USRS Order Ps-1/22 (n 7) para 23.

Further, the Constitutional Court set out four criteria for assessing whether the activities and acts of a political party are unconstitutional: (1) threat to fundamental constitutional values, namely respect for human dignity and the core principles of a free democratic order (threats include any incitement to national, racial, religious, or other discrimination; the inflaming of national, racial, religious, or other hatred and intolerance; and any incitement to violence and war); (2) severity of the threat (i.e. assessed by whether the political party acts systematically and in a planned manner to achieve objectives that are contrary to the constitutional values; there must also be a realistic possibility that such objectives could be realised); (3) means of operation (referring to whether the political party acts in a constitutionally inadmissible manner or use constitutionally inadmissible means, e.g. violence, threats, or other forms of intimidation); (4) source of unconstitutional conduct (whether the unconstitutional nature of the party's activity stems from its own actions, or from those of its members or even sympathisers, provided such actions reflect the party's identifiable objectives or have been explicitly endorsed by the party).⁸⁹ The Court subsequently limited its own constitutional intervention regarding the admissibility of the activities of a political party arguing that such intervention must not be used as a tool to suppress political diversity. It held:

“Namely, the prohibition of the activities of a political party must not be a means to prohibit the expression of a certain worldview, political positions and beliefs, or even political ideologies. The prohibition of the activities of a party merely due to its objection to the legal order in force would entail an inadmissible interference with the foundations of a pluralistic political system and the sanctioning of the party and its members due to conduct that exclusively pertains to the exercise of the right to freedom of expression within the framework of political discourse. Finally, such an understanding of the alleged unconstitutionality of the activities of a party would entail that the Constitution would never be allowed to change because any endeavour in favour of amending the Constitution would be inadmissible. In such context, one must also be aware of the danger of the abuse of law with the intention of eliminating opposition candidates from the election competition and from political life in general”.⁹⁰

The petitioner alleged that, through their actions, and in the case of The Left, also through its programme, The Social Democrats and The Left have not distanced themselves from the

⁸⁹ USRS Order Ps-1/22 (n 7) para 36.

⁹⁰ *ibid*, para 32.

totalitarian communist regime following the Second World War. This claim was based on statements made by some party members, the use of symbols from the former totalitarian regime at events, expressions of respect for certain figures from that regime, and the parties' advocacy for abolishing private ownership of the means of production in favour of social ownership and workers' management of companies.⁹¹ The Constitutional Court held that, even assuming that the petitioner's allegations were true, it could not be concluded that the political parties in question failed to distance themselves from the ideology of the former totalitarian regime in a manner that would pose a threat to constitutional values. Furthermore, the petitioner did not point to any concrete actions or programme provisions by either party that would threaten the fundamental constitutional values of a free democratic order. The alleged actions also clearly did not constitute inadmissible activities involving the use of force or threats. In light of these findings, the Constitutional Court deemed the petitioner's allegations – that these actions amount to unconstitutional activities by both political parties, and that the challenged provisions of the Left's programme were unconstitutional – to be manifestly unfounded.⁹²

The order was adopted with six judges in favour and three opposed. In the dissenting opinions, it was emphasised that the case was not manifestly unfounded and argued that, rather than dismissing it outright, the Court should have undertaken a substantive review to assess its merits. However, the significance of the case rests in the criteria established by the Constitutional Court for assessing the constitutionality of political parties' acts and activities.

From the Constitutional Court's case law, it is clear that the essence of the freedom of association within political parties resides in its political dimension, as a foundational element of a multi-party system, "without which a free democratic society cannot exist".⁹³ The pivotal role of political parties in a constitutional democracy is deeply influenced by Slovenia's own historical experience. In its early years as the guardian of constitutional order in an independent and sovereign state, the Court emphasised the necessity of departing from a system that suppressed human rights, and embracing one that places those rights, alongside political participation, on a pedestal, as the cornerstone of democratic governance and human dignity. Within this context, the Court's jurisprudence affirms the special status of political parties, distinct from other types of association – a distinction underscored by the exclusive authority of the Constitutional Court to review the constitutionality of their acts and activities. While the Court primarily framed freedom of association in terms of its significance for constitutional

⁹¹ *ibid*, paras 33–35.

⁹² *ibid*, para 40.

⁹³ USRS Decision Up-301/96 (n 7) para 11; USRS Decision Up-239/96 (n 61) para 4.

democracy and democratic society, it remains essential to recognise that this freedom is, at its core, a human right – protecting both the individual’s right to associate based on shared political beliefs and the collective right to organise politically in pursuit of common goals.

IV. Associations and Constitutional Review: Between Recognition and Restriction

Compared to many other constitutional rights and freedoms, the freedom of association is relatively rarely directly and argumentatively invoked by petitioners or complainants before the Constitutional Court. This was particularly evident in cases arising in the context of the Covid-19 pandemic. During that period, Slovenia – like many other countries worldwide – faced significant challenges and responded by introducing a wide range of measures aimed at containing the virus, managing the pandemic and preventing new outbreaks.⁹⁴ These measures (such as restrictions on public protests and gatherings, limitations on movement between municipalities, and social distancing requirements) affected numerous aspects of public life, healthcare, and governance, and were frequently revised in response to the evolving epidemiological situation.

At the time, the Constitutional Court was confronted with a considerable number of cases in which petitioners or complainants argued that their human rights had been excessively restricted. Many also claimed that the government was imposing these limitations through executive ordinances rather than through legislation, despite the constitutional requirement that such restrictions be enacted only by the legislature.⁹⁵ Among the human rights alleged to have been infringed were the right to freedom of movement,⁹⁶ the right of children with special needs to education and training,⁹⁷ and the right of peaceful assembly and public meetings.⁹⁸ Notably, despite extensive case law of the Constitutional Court addressing alleged breaches of various constitutional rights during the Covid-19 period, petitioners did not explicitly raise claims concerning the right of association. This absence is noteworthy, as it could be argued that this

⁹⁴ Unlike some other countries, Slovenia did not declare a state of emergency during this period. Under the Constitution (Article 16), a state of emergency allows, in exceptional circumstances and under specific conditions, the temporary suspension or restriction of most constitutionally guaranteed human rights and fundamental freedoms.

⁹⁵ See, e.g. USRS Decision U-I-79/20 of 13.5.2021, ECLI:SI:USRS:2021:U.I.79.20; USRS Decision U-I-210/21 of 29.11.2021, ECLI:SI:USRS:2021:U.I.210.21.

⁹⁶ USRS Decision U-I-83/20 of 27.8.2000, ECLI:SI:USRS:2020:U.I.83.20; USRS Decision U-I-79/20 (n 95).

⁹⁷ USRS Decision U-I-445/20, U-I-473/20 of 16.9.2021, ECLI:SI:USRS:2021:U.I.445.20.

⁹⁸ USRS Decision U-I-79/20 (n 95); USRS Decision U-I-50/21 of 17.6.2021, ECLI:SI:USRS:2021:U.I.50.21.

right was also subject to limitations due to pandemic-related measures, which effectively prevented individuals from exercising it collectively. It appears that rights whose restrictions were felt most directly and immediately – such as access to education through remote schooling, limitations on freedom of movement, or prohibitions and restrictions on public protests – were those most prominently challenged.

The second area relating to associations that introduces an interesting dynamic before the Constitutional Court concerns the *locus standi* of associations. Specifically, it involves the procedural requirement of demonstrating a legal interest in order to initiate constitutional review.⁹⁹ While this issue may not seem to directly affect the freedom of association at first glance, it carries a considerable impact on associations – particularly non-governmental organisations (NGOs) – that act to protect public or collective interests.

In the past, the Constitutional Court, in line with its established case law, recognised legal interest for political parties or other associations only when they challenged regulations that directly interfered with their own rights, legal interests, or legal position.¹⁰⁰ Petitions submitted on behalf of their members, in their interest, or to advance the general public interest traditionally did not satisfy the legal interest requirement.¹⁰¹ As a result, a situation emerged in which individuals exercised their constitutional right to freedom of association by forming various types of associations; yet these associations were not necessarily recognised as having legal interest required to file petitions for the review of regulations. This restrictive interpretation was largely shaped by the Court's need to balance its broad jurisdiction with an increasing caseload, acting as both the guardian of constitutionality and human rights¹⁰² and as a court of last resort – particularly in environmental and spatial planning law, where it often adjudicated matters that might otherwise have been more appropriately addressed, at least initially, by ordinary courts. This approach had a significant impact on environmental NGOs,

⁹⁹ A legal interest is deemed to be demonstrated if the regulation directly interferes with the petitioner's rights, legal interests, or legal position (see Article 24(2) of the Constitutional Court Act, Official Gazette of the Republic of Slovenia, No. 64/07 – official consolidated text *et seq*).

¹⁰⁰ e.g. USRS Order U-I-41/94 of 7.4.1994, ECLI:SI:USRS:1994:U.I.41.94.

¹⁰¹ Thus, in Decision No. U-I-386/06 (of 13.3.2008, ECLI:SI:USRS:2008:U.I.386.06), the Constitutional Court held that the mere fact that the petitioner had the status of an association operating in the public interest was not sufficient to establish legal interest for submitting a petition. Furthermore, in Order No. U-I-316/12 (of 21.2.2013, ECLI:SI:USRS:2013:U.I.316.12), the Court clarified that the public interest which the petitioners sought to protect through their activities was also not sufficient to demonstrate legal interest.

¹⁰² In Slovenia, the Constitutional Court is “the highest body of the judicial power for the protection of constitutionality, legality, human rights, and fundamental freedoms” (Article 1(1) of the Constitutional Court Act).

which often found themselves excluded from constitutional review despite playing a vital role in promoting environmental protection, a field that inherently serves the public interest.

This tension came to the fore in Order U-I-25/17, where the Constitutional Court revisited, and ultimately revised and softened, its strict interpretation of legal interest.¹⁰³ The case involved a challenge to a Decree on the Plan for the Reconstruction of a Power Line. The petitioners, mainly private landowners and the Association of Ecological Movements of Slovenia – an environmental NGO with recognised public-interest status under the Environmental Protection Act – argued that the project amounted to new construction, not reconstruction, and should have required an environmental impact assessment.¹⁰⁴ They also claimed that they were excluded from the decision-making process and that the public had been denied participation in the preliminary procedure.¹⁰⁵

While in previous cases such NGOs would likely have been denied standing for failing to show direct legal effects, the Constitutional Court changed its approach. Drawing on Article 9(3) of the Aarhus Convention, as interpreted by the Court of Justice of the European Union, the Court recognised that imposing overly restrictive requirements (such as the need to demonstrate personal legal interest) could effectively prevent access to legal remedies for all environmental NGOs acting in the public interest.¹⁰⁶ Importantly, it adopted the position that NGOs active in the field of environmental protection and recognised as operating in the public interest meet the requirement of demonstrating their own legal interest when, with the aim of protecting the environment, they challenge implementing regulations governing that field.¹⁰⁷ Therefore, in the view of the Constitutional Court, the assumption that legal interest must be of a personal nature must, in the case of environmental NGOs operating in the public interest, be interpreted in light of their role and the purpose of their activities.

In the case at issue, the petitioner failed to meet the burden of demonstrating that the modification of the draft spatial act made after the public consultation were of such a nature as to require repeated public consultation, and therefore did not establish that the procedure by which the Decree was adopted was inconsistent with the right to public participation. Although the petitioner did not succeed in having the Decree declared unconstitutional, the decision marks an important evolution in the Court's jurisprudence, shifting from a narrowly

¹⁰³ USRS Order U-I-25/17 (n 101).

¹⁰⁴ *ibid*, para 1.

¹⁰⁵ *ibid*.

¹⁰⁶ *ibid*, para 19.

¹⁰⁷ *ibid*, para 20.

individualistic understanding of legal interest to one that better reflects the collective nature of environmental rights and the role of NGOs in protecting them. While the right of association was not explicitly invoked, the ruling nonetheless significantly strengthens its practical exercise by ensuring that associations established for public-interest purposes, especially in the environmental field, have meaningful access to constitutional review.

V. Conclusion

The freedom of association is undoubtedly one of the fundamental rights in modern constitutional democracies, including Slovenia. Its significance lies in enabling political participation within a representative democracy. In Slovenia, this was particularly vital during the early years of statehood, as the country transitioned from a one-party to a multi-party system. While this shift was made possible by the new Constitution, it also required internalisation through the actual exercise of the freedom of association. Aristotle's notion of the human being as a "political animal" speaks not only to political life but also to the broader social nature of human beings — our need for cooperation, interaction, and the pursuit of shared interests among like-minded individuals, as well as the tolerance and acceptance of differing views in a constitutional democracy. In this context, and given the essential role that the right of association plays in a modern, pluralistic society, it is all the more important that this right be interpreted *in favorem associationis*, that is broadly, both in terms of who may exercise it and the variety of forms it may take.

This chapter examines the scope and practical limitations of the freedom of association within the framework of constitutional adjudication in Slovenia. Despite the freedom of association being a fundamental constitutional right, it has been relatively rarely directly and argumentatively invoked by petitioners or complainants before the Constitutional Court, especially when compared to many other constitutional rights and freedoms. This was particularly evident during the Covid-19 pandemic, when broad public health measures constrained associational freedoms, yet the right was largely absent from the wave of constitutional complaints and reviews submitted at the time.

Furthermore, this analysis underscores the procedural challenges confronting associations — most notably NGOs acting in the public interest — in establishing legal standing for constitutional review. The jurisprudential shift from a narrowly individualistic conception of legal interest toward a more collective and functional understanding constitutes a significant

advancement in the Constitutional Court's approach. This shift was influenced by international instruments and EU law.

By contributing these insights, the chapter enhances scholarly understanding of the interplay between constitutional rights, judicial procedure, and civil society, offering implications for both theory and practice in the constitutional protection of collective rights within contemporary democratic governance. Slovenia serves as a revealing case study in this regard: its historical background, together with its international and European legal obligations, provides a valuable lens through which to examine the tension between formal constitutional guarantees and their practical enforceability. Ultimately, the Slovenian experience highlights a deeper structural challenge common to many constitutional democracies, namely the need to ensure that collective rights are not diminished by procedural barriers or narrow interpretations. In this light, the freedom of association emerges not merely as a constitutional human right, but as a democratic necessity; one that must be defended not only in principle but also in practice, through a legal culture that embraces its pluralistic and participatory potential.