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The unofficial consolidated version of the Humanitarian Agencies Act comprises:

- The Humanitarian Agencies Act – ZHO (Official Gazette RS, No. 98/03 of 13 October 2003 The Societies Act – ZDru-1 (Official Gazette RS, No. 61/06 of 13 June 2006).

HUMANITARIAN AGENCIES ACT (ZHO)

(Unofficial consolidated version no. 1)

I. GENERAL PROVISIONS

Article 1 (Contents of the Act)

(1) This Act defines the legal entities that may acquire the status of a humanitarian agency acting in the public interest in the fields of healthcare and social care (hereinafter: humanitarian agency), defines humanitarian activity in the fields of healthcare and social care, determines the conditions, criteria and the procedure for acquisition and withdrawal of this status, and regulates the financing and ownership of humanitarian agencies.

(2) The provisions of this Act relating to natural persons shall apply equally to women and men.

Article 2 (Eligibility for status acquisition)

(1) The status of a humanitarian agency under this Act may be acquired by societies and federations of societies whose members, in accordance with the principles of non-profitability and voluntary service in the public interest, perform humanitarian activity in the fields of healthcare and social care in accordance with this Act.

(2) Unless otherwise stipulated by this Act, the regulations governing the establishment and functioning of societies shall apply to the organization and functioning of a humanitarian agency which acquires this status as a society or federation of societies.

(3) Societies and federations of societies with the status of a disability organization under the Disabled Persons Organizations Act may not acquire the status

of a humanitarian agency under this Act. Societies and federations of societies with the status of a humanitarian agency under this Act may not acquire the status of a disability organization under the Disabled Persons Organizations Act.

(4) Organizations established by religious communities and other organizations that are an integral part of a broader international humanitarian organization established under foreign law in order to perform humanitarian activities may also acquire the status of a humanitarian agency under this Act.

Article 3 (Principle of openness)

A humanitarian agency carries out its activities to help those in need, regardless of whether they are its members or not.

Article 4 (Principle of public nature)

(1) The working and business operation of a humanitarian agency shall be open to the public.

(2) Data entered in the register of humanitarian agencies shall be open to the public.

II. HUMANITARIAN ACTIVITY IN THE FIELDS OF HEALTHCARE AND SOCIAL CARE

Article 5 (Humanitarian objectives of the activity)

(1) Humanitarian activity in the fields of healthcare and social care shall be considered an activity aimed at achieving noble humanitarian objectives (hereinafter: humanitarian activity) carried out by humanitarian agencies in the form of programs and services for the direct benefit of individuals and shall be particularly aimed at:

- Rescuing endangered people and saving lives, Alleviating social and psychosocial hardship and distress, Improving the social situation, Bolstering health, Preventing the worsening of the social situation, Preventing the worsening of the health of people suffering from chronic diseases, Creating opportunities to achieve the highest possible quality of life and independence for people with chronic diseases.
- (2) Humanitarian agencies shall also carry out their activities for other humanitarian purposes in accordance with their rules and programs.

Article 6 (Types of humanitarian agencies)

(1) Humanitarian agencies shall act as charitable organizations of a general character, organizations for the chronically ill and self-help organizations.

(2) Charitable organizations of a general character and self-help organizations shall operate in the field of healthcare or social care – depending on the field in which they predominantly carry out their humanitarian activities. The organization shall determine the field in which it performs the main part of its activities as part of healthcare or social care in its charter with regard to the programs or services that it predominantly carries out as its humanitarian activity.

(3) Organizations for the chronically ill shall be deemed to operate in the field of health care.

Article 7 (Purpose and objectives)

(1) Charitable organizations of a general character shall have the purpose of solving and alleviating social hardships and issues faced by the population, advocating for socially disadvantaged individuals and social groups, providing assistance and rescue to people whose health or life is endangered as well as bolstering the health of the population.

(2) Organizations for the chronically ill shall perform their activities with the purpose to provide equal inclusion of the chronically ill with the healthy population, maintain and improve the quality of their life and prevent the progression of chronic disease towards disability as well as advocate for disability-prevention measures.

(3) The primary purpose of self-help organizations is to mutually seek solutions for psychosocial problems of their members and non-members suffering from similar psychosocial problems as their members as well as to solve their health issues and maintain and improve their quality of life, provided that such persons do not suffer from a chronic disease.

(4) Members of organizations for the chronically ill shall be individuals who are themselves diagnosed with a chronic disease or their legal representatives and other stakeholders. Members of self-help organizations shall be persons with special psychosocial or healthcare needs or their legal representatives and other stakeholders. Their relatives and other volunteers shall also be involved in these organizations with the aim of helping such individuals.

Article 8 (Persons in need of charitable assistance)

Persons in need of charitable assistance under this Act shall be persons living in deprivation or social distress and persons whose lives are endangered due to war, natural and other disasters, diseases or other events.

Article 9 (Forms and manner of activities by charitable organizations)

Charitable organizations of a general character shall pursue the objectives under Article 7 (1) of this Act by using the following forms and types of activities:

- By detecting, monitoring and alleviating the social hardships of the population, By advocating for disadvantaged individuals and social groups, by calling attention to and encouraging the public and state bodies to plan and implement joint programs to address the social hardships of the population, By collecting and distributing aid to those in need, By organizing and carrying out rescue operations for people whose health or life is endangered and who are unable to adequately help themselves, By implementing other programs to maintain or improve the social situation or health of the population.

Article 10
(Persons suffering from a chronic disease)

Persons suffering from a chronic disease under this Act include persons with special anatomical, physiological, genetic and psychological characteristics of the organism, which can serve as a cause or consequence of a congenital or acquired incurable condition or condition due to which such persons may be hindered in achieving their full self-realization.

Article 11
(Form and manner of activities by organizations for the chronically ill)

Organizations for the chronically ill shall pursue the objectives under Article 7 (1) of this Act by using the following forms and types of activities:

- By developing initiatives to comprehensively maintain or improve the quality of life for the chronically ill in healthcare, social care, education and research, By using advocacy as a special form of assistance for the chronically ill in all fields related to a chronic disease, in particular in medical treatment and rehabilitation, in the acquisition and protection of healthcare rights, in exercising the right to work, in exercising social security, and in legal protection in general in accordance with applicable law, By proposing and adopting measures for the equal inclusion of the chronically ill in all areas of social life, Through education programs for chronic disease awareness for the chronically ill, for experts working in the field of a specific chronic disease and for the general public, including medical, social, educational and other aspects of living with a chronic disease, By implementing prevention programs aimed at preventing the deterioration of the quality of life for the chronically ill, in particular to avoid a preventable disability, By implementing programs for the prevention of individual types of chronic disease for the population as a whole, By planning, organizing and implementing rehabilitation for the chronically ill, By implementing specific social programs for the chronically ill in order to ensure equal integration of such individuals in everyday life, By organizing special and extraordinary forms of education and self-education, which shall aim to enable the young chronically ill to attain an education that will allow them to support themselves independently, By setting up special workplace conditions to ensure the chronically ill are able to retain their jobs, By carrying out activities that shall provide a dignified life worth living for the chronically ill during individual critical stages or in the final stage of the disease, By implementing other programs to retain and maintain the improved living conditions for the chronically ill.

Article 12
(Persons with psycho-social issues)

Under this Act, persons with psychosocial problems are persons who are in mental distress due to stressful conditions, disorderly living or unregulated working conditions or due to poor interpersonal relations in the environment in which they live or work. These are also the individuals whose personal inclinations or environmental influences caused them to start experiencing a mental condition or who are in danger of finding themselves in such a state again.

Article 13
(Forms and manner of activities by self-help organizations)

Self-help organisations shall pursue the objectives under Article 7 (3) of this Act by using the following forms and types of activities:

- By providing counselling for people in need, By organizing, conducting and maintaining therapy groups, By organising educational programs for people in need, co-workers and the public, By researching, analysing and solving or proposing ways to solve work or living circumstances that are the most probable cause of psychosocial problems, By implementing prevention programs for the prevention of mental conditions, By implementing other programs to maintain or improve the quality of life of persons who are or have experienced psychosocial problems.

Article 14
(Establishing other legal entities)

A humanitarian agency may establish an institution or a sheltered workshop only to carry out activities that are most closely related to the objectives and tasks of the founding humanitarian agency. Without the express consent of the financing party, however, it may not use the public funds allocated to the humanitarian agency for this purpose.

III. CONDITIONS AND CRITERIA FOR OBTAINING THE STATUS OF A
HUMANITARIAN AGENCY

Article 15
(General condition)

Only those societies and organizations from Article 2 of this Act (hereinafter: organizations) that have been performing humanitarian activity in the field of healthcare or social care for at least one year before submitting the application may apply for the status of a humanitarian agency under this Act.

Article 16
(Public interest criteria)

(1) An organization that demonstrates that it fulfils the general condition from the preceding article may acquire the status of a humanitarian agency under this Act if it meets the general and special criteria for acting in the public interest prescribed herein.

(2) The general criteria are openness, professionalism, voluntary and unpaid character. Additionally, specific criteria for organizations for the chronically ill are the criterion of specificity and the criterion of frequency.

(3) Irrespective of meeting the individual criteria stipulated by this Act, the status of a humanitarian agency may also be acquired by those organizations which are, on the basis of ratified and published international treaties, part of international humanitarian organizations or act as their authorized representatives.

Article 17 (Openness and professionalism)

(1) The criterion of openness shall be deemed as met by organizations which do not limit the provision of assistance solely to their members as well as do not restrict their membership to their area of operation.

(2) The criterion of professionalism shall be deemed as met by organizations which include a functioning consultative body in charge of giving opinions on, monitoring and expertly conducting their programmes. Organizations for the chronically ill can obtain a positive opinion on professional competence from the relevant Extended Advisory Board.

(3) The consultative body shall consist of recognized experts in the field of operation of the organization, namely social security experts for charitable organizations of a general character, experts in the field of chronic disease for organisations for the chronically ill, and experts for those self-help aspects, for which the organizations have been established.

Article 18 (Voluntary and unpaid character)

(1) The criterion of voluntary character shall be deemed as met by those organizations which carry out their activities entirely or mainly by employing volunteers who perform their work by choice and for free. Reimbursement of a volunteer's material expenses is not considered payment. An organization is considered as carrying out an activity with volunteers if the majority of those working are volunteers.

(2) The criterion of unpaid character shall be deemed as met by organizations that provide services and assistance to those in need for free. Contributions towards covering the material expenses of implementing the program or services are not considered payment.

Article 19 (Criterion of specificity for organizations for the chronically ill)

The criterion of specificity shall be deemed as met by organizations established by persons with a chronic disease for a specific field as defined by the International Classification of Diseases published by the World Health Organization.

Article 20
(Criterion of frequency for organizations for the chronically ill)

(1) The criterion of frequency shall be deemed as met by organizations according to the epidemiological frequency of a chronic disease.

(2) Epidemiologically common chronic diseases are diseases or conditions affecting more than 200 individuals in every 100,000; epidemiologically moderately common chronic diseases affect between 80 and 200 individuals in every 100,000; epidemiologically uncommon chronic diseases affect less than 80 individuals in every 100,000.

(3) The frequency criterion shall be deemed as met by the following organizations: for common chronic diseases by those whose members include at least 4% of individuals; for moderately common chronic diseases at least 10%; and for epidemiologically uncommon chronic diseases at least 25% of individuals who are, according to epidemiological indicators, afflicted by the chronic disease in the country, or their legal representatives or at least 200 such persons.

Article 21
(Specific conditions for organizations for the chronically ill)

Organizations for the chronically ill may also meet the specificity criterion by devoting their activity to specific conditions resulting from several different types of chronic disease as defined by the International Classification of Diseases published by the World Health Organization, and the frequency criterion by proving that they have in the year before applying for the status carried out their activity on an appropriate number of persons with the chronic disease in relation to the disease's epidemiological frequency in the country as stipulated under paragraph 3 of the preceding article.

IV. ACQUISITION AND WITHDRAWAL OF STATUS

Article 22
(Procedure)

The procedure of acquiring and withdrawal of the status of a humanitarian agency are set down in the act governing the general administrative procedure, unless otherwise stipulated by this Act.

Article 23
(Competency)

The procedure regarding the process of granting or withdrawal of the status of a humanitarian agency and for maintaining the register of humanitarian agencies under this Act shall be under the jurisdiction of:

- The minister or ministry responsible for healthcare for charitable organizations of a general character and self-help organizations active in the field of healthcare, and for organizations for the chronically ill, The minister or ministry responsible for social security for charitable organizations of a general character and self-help organizations active in the field of social security (hereinafter: the competent minister or the competent ministry).

Article 24 **(Application for acquiring the status)**

The procedure for acquiring the status of a humanitarian agency is started after the applying organisation submits an application with the competent ministry. The application must contain:

- Evidence that the organization has been performing humanitarian activities for at least one year prior to submitting the application (annual activity report for the previous year; information on programs and services carried out by the organization in the previous year and a certificate or document showing the date of establishment of the organization), Proof of being entered into the register of societies and a charter (for societies), Proof that the organization is a legal entity and that it manages its funds autonomously (for organizations referred to under Article 2 (4) of this Act), Proof of compliance with the criteria set out in this Act (articles 15 to 21), Programme of activities.

Article 25 **(Commission)**

(1) The application shall be reviewed by a seven-member commission appointed by the two competent ministers. Three members shall be selected from prominent individuals active in voluntary charitable and self-help organisations, one member each shall be put forward by the Social Chamber of Slovenia and the National Institute of Public Health, and one member each shall be a professional at the two competent ministries.

(2) The commission shall first ascertain whether the general condition under Article 15 of this Act has been met. If it shall ascertain that it has not, it shall reject the application and submit the relevant decision to the applicant.

(3) If does not reject the application as stipulated in the preceding paragraph, the commission shall give an opinion to the competent minister on whether the criteria stipulated by this Act for granting the status of a humanitarian agency have been met.

Article 26 **(Decision on granting the status)**

(1) After obtaining the opinion referred to in the preceding article, the competent minister shall issue a decision on granting the status of a humanitarian agency if the criteria stipulated by this Act are met.

(2) An administrative dispute may be initiated against the decision.

(3) The organization shall acquire the status of a humanitarian agency with the finality of the decision on granting the status and shall be entered in the register of humanitarian agencies managed by the competent ministry.

Article 27 (Federations of organizations)

The status of a humanitarian agency may also be acquired by a federation of organizations of the same type which unite members that have acquired the status of a humanitarian agency. Such status may also be acquired by a federation of organizations aiding the chronically ill in a specific field stipulated in Article 19 of this Act, which separately do not meet the frequency criterion stipulated in Article 20 of this Act.

Article 28 (Register of humanitarian agencies)

(1) The register of organizations that have acquired the status of a humanitarian agency shall be managed by the competent ministries, namely separately for organizations for the chronically ill and for charitable organizations of a general character and self-help organizations.

(2) The register of humanitarian agencies shall contain the following information:

- Name and seat of the humanitarian agency, Activities performed by the humanitarian agency, Name and surname of the representative of the humanitarian agency, Number and date of the decision granting the status of the humanitarian agency, Status changes, Date of withdrawal of the status. (3) The register of humanitarian agencies shall contain the following documents:
- Decision on granting the status of a humanitarian agency, Decision on withdrawing the status of a humanitarian agency, Charter and changes to the agency's charter, Annual activity reports including the number of users.

Article 29 (Duty to notify changes)

The humanitarian agency is obliged to notify the competent ministry of any changes to the data kept in the register of humanitarian agencies and any facts that affect the fulfilment of the criteria for acquiring the status of humanitarian organization within 30 days of the occurrence or registering the change, if registration is required under applicable regulations.

Article 30
(Reasons for withdrawal of the status)

(1) The competent minister shall withdraw the status of a humanitarian agency in the following cases:

- If the withdrawal shall be proposed by the agency itself; If the agency no longer meets the conditions and criteria for obtaining the status of a humanitarian agency, If the agency, despite being notified to do so, fails to meet its obligations under Article 29 or Article 37 under this Act, If it is established that allocated public funds have been misused. (2) Should the agency cease to operate, the competent minister shall determine its termination by a decision and order its deletion from the register of humanitarian agencies.

Article 31
(Decision on deletion from the register)

The competent minister shall decide on the withdrawal of the status for reasons in paragraph 1 of the preceding article in an administrative procedure. After the decision on withdrawing the status becomes final, the competent minister orders the deletion from the register.

V. FINANCIAL OPERATIONS AND PROPERTY

Article 32
(Financial resources)

- (1) A humanitarian agency shall obtain the funds for its activities by:
- Membership fees, Gifts and bequests, Donor contributions, Material rights and activities of the humanitarian agency, Foundations, Budgetary and other public funds, and Other sources in accordance with the law. (2) The acquired funds shall be managed by a humanitarian organization with due diligence.

Article 33
(Foundation means)

Humanitarian agencies are entitled to bid for funding from the Foundation for the Financing of Organisations of the Disabled and Humanitarian Organizations under the conditions and criteria set out in the foundation's acts.

Article 34
(Transfer of surplus revenue)

(1) Should a humanitarian agency generate a revenue surplus in a given calendar year, it must transfer it to the following year and earmark it for the implementation of activities and programs.

(2) A humanitarian agency must deposit temporary excess inflows of funds that it cannot yet use for carrying out the program exclusively with banks that have obtained a license from the Bank of Slovenia.

Article 35
(Remuneration related to work)

Remuneration for work done by individuals in humanitarian agencies must be set in the charter or a special act of the humanitarian agency and may not be higher than that set by law and the collective bargaining agreement in the field of healthcare and social care.

Article 36
(Financial management)

Humanitarian agencies manage financial operations in accordance with the accounting standards prescribed for the legal form which they are established in, and in a way that clearly shows revenues by individual purposes and expenses for regular operations, implementation of individual programs, services and for investment.

Article 37
(Annual report)

Humanitarian agencies are obliged to adopt their annual business report for the previous year by the end of February and submit it to the organization authorized to process and publish data; within one month from the adoption of the annual report they shall also send their annual reports to the competent minister and to the financing organisations within the deadlines set by such organisations. **(delno prenehal veljati)**

Article 38
(Oversight regarding the use of public funds)

(1) Oversight regarding the legality, allocation and effectiveness of spending of public funds by a humanitarian agency shall be performed by its competent bodies and the Court of Audit of the Republic of Slovenia.

(2) Should the Court of Audit discover irregularities regarding the use of public funds allocated to a humanitarian agency for the implementation of its activities, it shall also notify the competent ministry.

(3) In addition to the competent bodies of a humanitarian agency, the use of allocated funds, the implementation of social programs and investments shall also be carried out by the financing parties who have allocated the funds to the humanitarian agency.

Article 39
(Transfer of public funds after status withdrawal)

Should an organization lose its status of a humanitarian agency, the unused public funds acquired by it on the basis of such status shall be transferred in appropriate shares to the financing parties who have allocated the funds to the organization.

Article 40
(Priority of humanitarian organizations)

In deciding on the assets that belong to the Foundation for the Financing of Organisations of the Disabled and Humanitarian Organizations due to the withdrawal of the status of a humanitarian agency, the needs of humanitarian agencies are given priority.

VI. PENAL PROVISIONS

Article 41
(Fine)

(1) A humanitarian agency shall be fined between 200,000 to 500,000 tolar for the following misdemeanours:

1. If it fails to carry out financial operations in accordance with the prescribed accounting standards and in the manner specified in Article 36 of this Act; If it fails to submit an annual report in accordance with Article 37 of this Act; If it fails to notify the competent ministry within 30 days of any changes that affect the fulfilment of the criteria and conditions for obtaining the status of a humanitarian agency in accordance with Article 29 of this Act. (2) The person responsible at the humanitarian agency shall moreover be fined between 100,000 and 300,000 tolar for the misdemeanours listed in paragraph 1 of this Article:

Article 42
(Fine)

(1) A humanitarian agency shall be fined between 100,000 and 300,000 tolar for the following misdemeanours:

1. If it fails to notify the competent ministry maintaining the record of a change in the name and seat of the humanitarian agency or its official representative within 30 days of the occurrence of the change in accordance with Article 29 of this Act; If an amended charter is not sent to the competent ministry within 30 days of the charter's amendment in accordance with Article 29 of this Act. (2) The person responsible at the humanitarian agency shall moreover be fined between 50.000 and 100,000 tolar for the misdemeanours under paragraph 1 of this Article:

The Humanitarian Agencies Act – ZHO (Official Gazette RS, No. 98/03) contains the following transitional and final provisions:

“VII. TRANSITIONAL AND FINAL PROVISIONS

Article 43

(Deadline for appointing the commission)

The competent ministers shall appoint the commission under Article 25 of this Act and ensure all necessary professional and technical conditions for carrying out the procedures for granting the status of humanitarian agency and registration no later than three months after the entry into force of this Act.

Article 44

(Public interest according to other regulations)

Acquiring the status of a humanitarian agency under this Act does not preclude the status of a society acting in the public interest which has been granted to the society under other regulations.

Article 45

(Slovenian Red Cross)

Except for the provisions under sections III and IV of this Act, the provisions of this Act shall also apply to the Red Cross of Slovenia, insofar as individual issues are not regulated differently by the Act on the Red Cross of Slovenia (Official Gazette RS, No. 7/93).

Article 46

(Entering the Slovenian Red Cross)

The Slovenian Red Cross shall be entered in the register of humanitarian agencies that contains charitable organizations of a general character following an application that shall include its basic information and documents and apply *mutatis mutandis* the provisions of Articles 24 and 28 of this Act.

Article 47

(Imposing sanctions for misdemeanours)

Misdemeanours under Articles 41 and 42 of this Act, shall until 1 January 2005 incur the fine in the range as prescribed for these legal entities and responsible persons of the legal entity in Articles 41 and 42 of this Act.

Article 48

(Entry into force)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.”

The Societies Act – ZDru-1 (Official Gazette RS, No. 61/06) includes the following final provision:

“Article 61
(Entry into force)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.”