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ABOUT THE AUTHORS

VIA IURIS



VIA IURIS is a non-partisan, not-for-profit organisation, officially registered in Slovakia as a civic association since 1993. Its main office is situated in Banská Bystrica (Central Slovakia), and a regional office is located in the capital city Bratislava (Western Slovakia). We operate on a national level. Our mission is to use the law as an instrument of justice, bring systematic solutions and promote the equal application of law for all. Our activities may be arranged into three pillars:

Citizen: Our aim is to promote effective public participation in decision and policy making. Citizens have to be able to participate effectively in various impact assessments and permission procedures on decisions and policies affecting their lives, such as the building of public and private infrastructures. They ought to have access to information and access to justice in matters of public interest, such as environmental protection and accountability of state institutions and municipalities. We support and provide assistance to people who are threatened while advocating on behalf of the public interest.

Civil society: Authentic civil society, as one of the cornerstones of freedom and democracy, is jeopardised by non-systemic legislative proposals, populist statements of politicians and disinformation campaigns spearheaded by conspiracy media. Our role is to defeat myths about NGOs, critically analyse civil society and protect the legislative environment so that, in the future, Slovak citizens have the right to freely express, associate and actively participate in and control the administration of public affairs.

Rule of law: VIA IURIS aims to promote systematic measures to strengthen the political independence of courts, public prosecution and the police. These institutions are fundamental elements of the rule of law and are crucial in securing equality before the law and enforcing justice. They ought to guarantee the exercise of public power via elected officials in compliance with the public interest, not the private interests of oligarchs. They have to guarantee that everyone is held accountable for overstepping the law, even politicians.

KEY CONCERNS

Judicial System

The legal framework for dismissing non-judge members of the Judicial Council of the Slovak Republic remains unchanged.

The criminal offense of ‘abuse of law’ hasn’t been amended but guarantees for the protection of judges have been introduced by tightening procedural conditions for its application.

The judiciary and judges have regularly been targeted (mostly verbally through the media) by the government, and it seems that the Judicial Council of the Slovak Republic responds selectively to such attacks. Non-judge members of the Judicial Council have been gradually replaced after the change in government.

The government has abolished the Special Prosecutor’s Office, the status and powers of the General Prosecutor remain unchanged. There is a proposal to establish a special department under the General Prosecutor’s Office to deal with the protection of the EU funds in criminal proceedings.

The status and powers of the General Prosecutor under § 363 of the Criminal Procedure Code remain unchanged.

Anti-Corruption Framework

The government has implemented numerous legislative and institutional changes that have weakened the prevention and fight against corruption.

The most significant ones include amendments to the Criminal Code and Criminal Procedure Code, changes to the Public Procurement Act, the abolition of the Office of the Special Prosecutor, and the dissolution of the National Criminal Agency.

We have not observed any steps toward implementing the European Commission’s (EC) recommendations in this area.

The government has acted contrary to many of the recommendations. The recommendations on lobbying have been misused by the government as an argument against civil society organizations. Instead of strengthening the efficiency and independence of the investigation and prosecution of high-level corruption, these efforts have been jeopardized by the abolition of the Special Prosecutor’s Office and the National Criminal Agency.

Media Environment and Media Freedom

In 2024, Slovakia’s media environment and media freedom faced more challenges. While the country is still generally considered to have a relatively free press, it still faces challenges related to media ownership, political influence, and threats to journalists.

Journalists in Slovakia have faced threats and attacks especially from politicians, often tied to investigative reporting. There have been legislative efforts to restrict media freedom as well. The spread of disinformation and fake news by alternative media is also a concerning issue.

Slovakia was recommended to enhance rules for independent public service media but made no progress, even abolishing public service television and radio. This raises concerns about future political influence. Additionally, recommendations to improve journalist safety and reform defamation law remain unaddressed, with no new protective legislation adopted.

Checks and Balances

The current government consistently overuses (or abuses) the fast-track legislative procedure, thereby bypassing public consultation and the possibility of commenting on government bills. Most of the government's major legislative changes in 2024 were adopted without consultation and in the fast-track legislative procedure.

Parliament overruled the President's veto on the amendment to the Competence Act, the constitutionality of which will be reviewed by the Constitutional Court.

The ruling coalition took control of the Slovak Information Service through an initial circumvention of the law.

The EC recommends ensuring effective public participation and stakeholder involvement in the law-making process and avoiding excessive use of the fast-track procedure. The ruling government does the exact opposite.

Civic Space

The government has adopted a number of legislative changes that have had negative impacts on civil rights and civil society - the right to assembly has been restricted under the so-called 'Lex Assassination' and the right to information has been limited by the introduction of 'limited information' and the charging of a fee for information requests in the case of so-called 'extraordinary extensive search for information'.

There is a draft Foreign Agents Act in Parliament, along with an amendment to regulate lobbying, which targets NGOs and threatens them with sanctions.

There is an overuse and abuse of the fast-track legislative process, as a result of which the public is not able to introduce amendments during legislative procedure.







The EC recommends ensuring effective public participation and stakeholder involvement in the law-making process and avoiding excessive use of the fast-track procedure. The ruling government does the exact opposite.

Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

There has been no strengthening of the rights of minorities and vulnerable groups. Attacks on the LGBTQIA+ community have continued in the form of harmful bills being introduced and actions conducted by state authorities.

The Slovak Republic is still facing an infringement procedure brought by the Commission to the Court of Justice regarding the problem of segregation of Roma children in primary schools.

State of play (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

Regression



No progress



Progress



JUSTICE SYSTEM

Judicial independence

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Since the new government took office after elections in October 2023 and throughout 2024, there has been a reshuffling of members of the Judicial Council of the Slovak Republic. The government replaced three members with its appointees in November 2023 immediately after taking power, even before receiving a vote of confidence in parliament, raising questions about the legitimacy of such actions.

In May 2024, the parliament dismissed the former chairperson of the Judicial Council, J. Mazák (who had already been removed as chairperson by the council in April 2024), along with another parliament-elected member, A. Majerník. This step caused controversy, particularly because parliament cited arbitrary and vague reasons for these dismissals, even though current legislation allows the dismissal of Judicial Council members without stating reasons. Following the earlier resignation of a parliament-nominated member, all three positions remained vacant. Parliament has so far managed to elect only one new member (the election happened in April 2024). Since then, as a result, the Judicial Council has been partially incomplete.

In July 2024, the new President of the Slovak Republic, Peter Pellegrini, formerly the leader of the Voice – Social Democracy (HLAS-SD) party, which is part of the current ruling coalition, dismissed three members of the Judicial Council who had been appointed by the former President and replaced them with new appointees.

The above-mentioned appointment of the new members of the Judicial Council by the new President in July 2024 completed the process of replacement of the non-judicial members of the Judicial Council (while two seats of parliamentary nominees remain still vacant). Since the non-judicial members constitute the half of total membership of the Judicial Council (9 out of total 18), the council is now significantly influenced by the current government. The Judicial Council is a fundamental body of the judiciary, with broad powers over the selection of judges and disciplinary matters. Such significant influence by Prime Minister Fico's coalition raises concerns about the council's future direction and the exercise of its powers, which, during its new composition, have shown a pro-government bias.

There has been no change in the legal regulation on the dismissal and appointment/election of members of the Judicial Council - the ability to dismiss a member of the Judicial Council without giving a reason remains. The above-mentioned changes in the Council's composition also took place in the same way, and some dismissed members of the Judicial

Council decided to appeal to the Constitutional Court, which, however, rejected their constitutional complaint as manifestly unfounded.¹ Former President of the Judicial Council J. Mazák announced that he would appeal to the ECtHR regarding his dismissal from the position of the President of the Judicial Council.²

The regulation of the status and powers of the Judicial Council, and the appointment and dismissal of its members is part of the Constitution of the Slovak Republic and the current ruling coalition does not have a constitutional majority. Therefore, no change in the legislation is expected in the near future.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges

Attacks on judges and interference in the independence of the judiciary

The current government, led by Prime Minister R. Fico, has intimidated the judiciary through attacks on specific judges. These

attacks, threats of disciplinary proceedings, and intimidation began immediately after the new government assumed power. In November 2023, the Minister of the Interior, M. Šutaj-Eštok, publicly threatened a judge with disciplinary prosecution by the Ministry of Justice over decisions in a case in which the minister himself had a legal interest (as the Ministry of the Interior was a party to the dispute).³

The government intensified its attacks against judges during 2024, targeting in particular the Supreme Court of the Slovak Republic and the judges of the chamber that ruled on criminal cases involving persons close to the current ruling coalition politicians. The Prime Minister has publicly spread the narrative of the existence of a criminal group composed of some NAKA investigators, i.e. prosecutors of the (abolished) Special Prosecutor's Office, and some judges of the Supreme Court and the Specialised Criminal Court, while questioning the independence of the panel of the Supreme Court that ruled on the detention of his advisor, lawyer M. Para, which the Constitutional Court considered illegal.

1 Constitutional Court (Slovak Republic), Resolution of 30 May 2024, No. III. ÚS 298/2024. https://www.ustavny-sud.sk/rozhodovacia_cinnost/rozhodnutia

2 *Ján Mazák will appeal to the European Court of Human Rights*, Dennik N, 14 May 2024, <https://dennikn.sk/minuta/3989498/>

3 ČTK, *Šutaj-Eštok questioned the court's jurisdiction and said the judge is a classmate of Kubina, Threatening, attorney responds*, HNOnline.sk, 10 November 2023, <https://hnonline.sk/slovensko/96114666-sutaj-estok-spochybnil-pravomoc-sudu-a-povedal-ze-sudca-je-spoluziakom-kubinu-vyhrazanie-reaguje-advokat>; Pravda, 'Unacceptable and gross intimidation. Colleagues of judge threatened by Interior Minister respond', 13 November 2023, <https://spravy.pravda.sk/domace/clanok/688323-neprijatelne-a-hrube-zastrasovanie-reaguju-kolegovia-sudcu-ktoremu-hrozil-minister-vnutra//>

In June 2024, Minister of Justice B. Susko together with Deputy Prime Minister R. Kaliňák announced the filing of a disciplinary motion against the judge of the Supreme Court of the Slovak Republic, J. Kliment, on the grounds of alleged human rights violations.⁴ The ECtHR had ruled on the violation of the rights of detained former judge D. Cviková (accused in a major corruption case), whose detention was decided by the panel of the Supreme Court of the Slovak Republic, of which judge Kliment was a part. Susko and Kaliňák view the decision as proving systemic violations by Kliment's judicial panel. Kliment argues the government's actions are politically motivated attacks on judicial independence. The disciplinary motion filed by the Minister of Justice was ultimately based on grounds of breach of judicial duties, impartiality principles and judicial ethics, with consequences such as undermining public confidence in the judiciary, disrupting fair trials, and infringing on the personal freedom of the accused, specifically PM Fico's advisor, Mr. Para. Disciplinary proceedings against judge Kliment are ongoing, with the next hearing due to take place in January 2025.

The hunt for 'inconvenient' judges on the Supreme Court continued in Autumn 2024, when the Ministry of Justice asked the Supreme Court to submit the entire database of court proceedings conducted at this court, due to alleged manipulation of the random

assignment of cases at the court. The Supreme Court considered the above request of the Ministry as an interference with the independence of the judiciary and as exceeding the competences of the Ministry, refused to provide the Ministry with assistance in this matter and requested the opinion of the Judicial Council of the Slovak Republic as well. Subsequently, the Ministry modified its request to the issue of review of the random assignment of cases to the panel 5T of the Supreme Court (of which the aforementioned Judge J. Kliment is a member), and after the repeated refusal of the Supreme Court to provide assistance, the Ministry only requested a review of the functionality of the information system 'Court Management', to which the Supreme Court finally agreed as it did not consider such a review to be a review of the performance of the judiciary. The Judicial Council sided with the Ministry of Justice on the above issue, stating that the Ministry is the operator and administrator of the Central Information System, it is its duty to supervise its operation and to ensure that the random assignment of cases is not disturbed and for this purpose it is entitled to obtain, collect and

4 Veronika Prušová, *In April, the prime minister threw judge Kliment off the bench. In June, Susko filed a disciplinary motion against him*, Denník N, 18 June 2024, <https://dennikn.sk/4053778/v-aprili-premier-vyhanal-sudcu-klimenta-z-talara-v-juni-na-neho-podava-susko-disciplinarny-navrh/>

store data from this information system within the scope of its statutory powers.⁵

An important factor in this situation was the fact that the Ministry based the above request on alleged complaints raising suspicions of manipulation in the assignment of files to the Supreme Court, whereas the Court claims that it does not have any similar complaints in its possession. Thus, in the context of previous events related to the same court, the 5T panel and the particular judge, this step can also be seen as part of a systematic and threatening effort by the government to interfere with the independent administration of justice.

In March 2024, the Constitutional Court became the target of political attacks as well. Following the Constitutional Court's decision to suspend the amendment to the criminal laws, Prime Minister Fico publicly called on the President of the Constitutional Court to resign from the position of president because of the premature leak of part of the Court's decision to the media. Together with earlier statements by government politicians about

'court-packing' of the Constitutional Court, these are worrying statements undermining the independence and legitimacy of the Court, raising concerns about possible political interference in its functioning and status. For the time being, however, the government does not have the constitutional majority that would be required for a change in the composition, status or powers of the Constitutional Court.

The Judicial Council, as a legitimate representative body of the judiciary, out of all the above-mentioned attacks and actions towards judges and the judiciary, reacted only to one press conference of Prime Minister R. Fico, in connection with which it adopted an opinion in which it condemned the attacks.⁶ In view of the volume and regularity of the attacks and intimidating steps taken by the current government in power towards the judiciary, we consider the above-mentioned approach of the Judicial Council to be insufficient. From monitoring the activities of the Judicial Council, it is clear that the Judicial Council takes a selective approach to condemning attacks on judges and the judiciary - it often leaves the attacks of

5 Judicial Council of the Slovak Republic, Resolution on the authorisation of the Ministry of Justice of the Slovak Republic to control the information system which is to ensure the random allocation of cases to individual chambers or judges at the Supreme Court of the Slovak Republic (Uznesenie Súdnej rady Slovenskej Republiky z 15. októbra 2024 k oprávneniu Ministerstva spravodlivosti Slovenskej republiky kontrolovať informačný systém, ktorý má na Najvyššom súde Slovenskej republiky zabezpečovať náhodné pridelovanie vecí jednotlivým senátom alebo sudcom), No. 354/2024, 15 October 2024, <https://zasadnutia.sudnarada.sk/data/att/16931.pdf>

6 Judicial Council of the Slovak Republic, Opinion of the Judicial Council of the Slovak Republic on the press conference of the Prime Minister of the Slovak Republic and the Minister of Justice of the Slovak Republic held on 4 April 2024 (Uznesenie Súdnej rady Slovenskej Republiky zo 17. apríla 2024 k stanovisku Súdnej rady Slovenskej republiky k tlačovej besede predsedu vlády Slovenskej republiky a ministra spravodlivosti Slovenskej republiky konanej 4. apríla 2024), NO. 136/2024, 17 April 2024, <https://zasadnutia.sudnarada.sk/data/att/15592.pdf>

the current government politicians unnoticed, while speaking out strongly against statements made by the media or former politicians.

‘Abuse of Law’ offence

The amendment to the criminal codes effective as of 15th March 2024 added procedural safeguards for the offence of ‘Abuse of law’, for which judges can be prosecuted if they arbitrarily apply the law and thus harm or favour someone. If a judge is accused of this offence, he or she may, within 60 days of receiving the order of indictment or the notification of the change of the legal qualification of an offence to this offence, submit a motion to the Judicial Council of the Slovak Republic for disapproval of his or her prosecution.⁷ According to the previous regulation, the judge had the right to file such a motion only after the order of indictment had become final. The new legislation also specifies that if the Judicial Council disapproves of the prosecution in the case of this offence, the prosecution shall be discontinued if the offence cannot be prosecuted as another criminal offence or if the offence cannot be referred for disciplinary proceedings.⁸

In this context, it is worth referring to the Rule of Law Report 2024 of the European Commission, in which the Commission argues that the above changes cannot be considered as new safeguards and sees the changes as

raising additional concerns. The Commission criticises the introduction of a 60-day time limit for the submission of a motion for discontinuance of prosecution, while omitting the fact that the time limit is counted, after the amendment, from the delivery of the order of indictment and not from the moment of the entry into force of such an order. Unlike the Commission, we consider the above change to be at least a partial safeguard in relation to the offence of ‘Abuse of law’.

Independence/autonomy of the prosecution service

Abolition of the Special Prosecutor’s Office

Developments in the prosecution in Slovakia in 2024 were marked in particular by the abolition of the Special Prosecutor’s Office (SPO) effective as of 20 March 2024. The Special Prosecutor’s Office specialized (among others) in high-profile corruption cases and financial crimes that fall within the competence of the Specialised Criminal Court. Following the abolition of the Special Prosecutor’s Office, the prosecutors working within this office were assigned to the General Prosecutor’s Office (GP), but the problem was that these assignments in many cases didn’t reflect the previous experience and expertise of the individual prosecutors. The abolition of the SPO was implemented without replacement, which,

7 National Council of the Slovak Republic, Act. No 301/2005 Coll. Criminal Procedure Code (Trestný poriadok), Section 207a art. 3

8 National Council of the Slovak Republic, Act. No 301/2005 Coll. Criminal Procedure Code (Trestný poriadok), Section 9 art. 2

together with the reassignment of individual prosecutors to the GP, regardless of their specialisation and the reallocation of files from the SPO, resulted in a reduction of specialisation in fighting corruption and serious crimes. The abolition of the SPO, which was led by a relatively autonomous Special Prosecutor, has increased the potential for political interference due to increased centralisation of power in the person of a Prosecutor General and as a consequence the reassignment of politically sensitive cases to less experienced or compliant prosecutors, potentially leading to lenient handling or dismissal. The impact on ongoing cases became apparent shortly after the abolition of the SPO, with some prosecutors reporting missed deadlines due to limited access to files after the transition.

The abolition of the SPO under the current legislation was not unlawful – that is also reflected in the settled case law of the Constitutional Court, in which the Court repeatedly states that the principles determining the organizational structure of the prosecutor's office and the functional relations in the exercise of its competence are of statutory, not constitutional nature. This means that the legislature has a relatively wide margin of discretion when considering changes in the structure, organisation or performance of the prosecutor's office's competences, while at the same time being obliged to respect the basic constitutional regulation of the prosecutor's office.

However, despite its legality, the above-mentioned change must be seen in the overall social and political context. The abolition of the SPO was accompanied by a major amendment

of the criminal codes, the main purpose of which was to reduce the disproportionately high penalties for certain groups of offences, to shorten the limitation periods and to prioritise alternative forms of punishment, all under the guise of strengthening the elements of restorative justice. However, the abolition of the SPO is in fact perceived as a political tool of the current government led by Prime Minister R. Fico, to achieve its own interests in view of the prosecution of some representatives of the government or persons close to ruling political parties. The abolition of the SPO could undermine public trust because it dismantles one of the key institutions designed to uphold justice independently and effectively. By appearing to prioritize political interests over the fight against corruption, the move signals a weakening of impartiality in the justice system and reinforces public perceptions of selective accountability and political interference.

The abolition of the SPO as part of a major amendment of the criminal laws was conducted without any public debate in a fast-track legislative procedure. In July 2024, the Constitutional Court ruled that the abolition of the SPO was not unconstitutional, confirming its previous jurisprudence, and also ruled that although the legislator had violated the Act no. 350/1996 Coll. the Rules of Procedure of the National Council of the Slovak Republic, this violation didn't reach an intensity that would constitute an interference with the constitutional principles of democracy and the rule of law (see 'Checks and Balances' for more details).

§ 363 of the Criminal Procedure Code

With regard to the power of the Prosecutor General under Section 363 of the Criminal Procedure Code (CPC) to annul final decisions of prosecutors and police officers in pre-trial proceedings, despite extensive amendments to the Criminal Codes, there have been no amendments, i.e. no safeguards against its overuse or abuse.

In relation to section 363 of the CPC, in November 2024, the Constitutional Court ruled on the former President's motion for an interpretation of *Article* 101(1) of the Constitution, which imposes on the President the duty to ensure the proper functioning of the constitutional bodies. President Z. Čaputová still in September 2023 filed a motion to the Constitutional Court for an interpretation of this article after she asked the Prosecutor General M. Žilinka to submit all the decisions under Article 363 of the Constitution that he had made since he took office. Former president Čaputová based her request on this article and in connection with Article 150 of the Constitution, according to which the Prosecutor General is appointed and dismissed by the President on the proposal of the National Council of Slovak Republic. The President argued that in view of the doubts about the

GP's exercise of power under the disputed section 363 of the CPC, the President's constitutional duty to ensure the proper functioning of the constitutional bodies and the fact that the President appoints and dismisses the GP, the GP is obliged to provide the President with assistance in ensuring the proper functioning of the constitutional bodies and is therefore obliged to comply with the President's request for the submission of the decisions in question. The Prosecutor General refused to provide assistance.

The Constitutional Court ruled that the President's power under Article 101(1) of the Constitution is not a separate competence, but has normative effect only in connection with Article 102(1) of the Constitution, i.e. the article which regulates the President's powers. According to the Constitutional Court, in the light of the articles of the Constitution in question, it is not possible to draw a conclusion from their separate or combined application that the President of the Slovak Republic is authorised to request from the Prosecutor General or from other prosecution authorities the necessary factual documents and data for the purpose of filing a motion to initiate disciplinary proceedings against the Prosecutor General.⁹

⁹ Constitutional Court (Slovak Republic), 20 November 2024, No. PL. ÚS 16/2023

ANTI-CORRUPTION FRAMEWORK

Key recommendations

- *Given the changes that have taken place in Slovakia in 2024, which have weakened rather than strengthened the rule of law, an all-encompassing recommendation would be to restore the legislative and institutional framework to its original state one year ago. However, it is likely that the current government will be unwilling to reverse the changes it has itself imposed.*
- *In this area, we recommend that the Government adopt a regulation on the property declarations of public officials. The aim of the regulation should be to:*

increase transparency so that year-to-year changes can be monitored,

introduce an obligation to disclose information on the assets of immediate family members,

establish an independent body to scrutinise these declarations of assets.

Levels of corruption

We perceive public procurement as a risk area, especially after the changes in the relevant legislation. Currently, for public procurements up to €200,000 (in the case of constructions up to €800,000), a market survey in the form of approaching any three companies is sufficient. Even riskier is the space in connection with purchases up to €50,000 – in these cases the State won't even have to do a formal market survey, and the business will simply negotiate with the company it chooses.

Framework to prevent corruption

Integrity framework including incompatibility rules (e.g.: revolving doors)

This area is poorly regulated - there is a lack of effective mechanisms to limit conflicts of interest in cases where public officials move to the private sector and vice versa.

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

This area is poorly regulated. Act No. 211/2000 Coll. on free access to information

has been restricted by the current government as a result of the adopted amendment (extension of deadlines and charging for access to more extensive information – see more in the section ‘Civic space’). The standard legislative procedure is becoming less and less applied by the ruling coalition, making transparent and effective public participation impossible. Effective lobbying legislation is absent, and the government is trying to use the recommendations in this area to restrict NGOs, where new obligations would only apply to them. There are also widespread shortcomings in the area of transparency in the financing of political parties and campaigns, as has been also pointed out by other NGOs.¹⁰

Measures in place to ensure whistleblower protection and encourage reporting of corruption

The Whistleblower Protection Office fulfills its role of prevention, education and whistleblower protection. However, it has had to repeatedly face political pressure and media attacks from government officials. In October 2024, the Minister of the Interior, Matúš

Šutaj-Eštok, announced that he would file a criminal complaint against the head of the office Z. Dluhošová, in connection with a fine received from the Office for the fact that police officers granted whistleblower protection (i.e. with the status of protected whistleblowers) had been placed off-duty contrary to the law through a decision of the Ministry of the Interior.¹¹ The Ministry has reportedly paid the fine, but plans to take the case to the Administrative Court.

Investigation and prosecution of corruption

Criminalisation of corruption and related offences

The penalties for corruption and economic offences, as well as the statute of limitations, have been radically reduced as a result of the amendment to the criminal codes. Currently, we do not see any positive developments in this area and the impact of the amendment on corruption and related offences will have to be monitored in the coming months and years. However, shortly after the criminal codes’

10 In the context of the 2024 EP elections, for example, Transparency International Slovakia reports that the campaign in Slovakia was generally rather non-transparent. Transparency International Slovakia, *Only three parties lead a transparent Eurocampaign*, 3 June 2024, <https://volby.transparency.sk/euro2024/aktuality/transparentnu-eurokampan-vedu-len-tri-strany>. Transparency International Slovakia also reports that the presidential campaign was also non-transparent - in particular the campaign of the elected president P. Pellegrini. Transparency International Slovakia, *Will non-transparent and unfair presidential campaigning be the new normal?*, 19 May 2024, <https://transparency.sk/sk/bude-netransparentna-a-neferova-prezidentska-kampan-novym-normalom/>

11 Peter Kováč, *Dluhošová, head of the Whistleblower Protection Office: I perceive Kaliňák’s words as a threat*. SME, 30 October 2024, <https://domov.sme.sk/c/23404967/zuzana-dlugosova-urad-na-ochranu-oznamovatelov-rozhovor.html>

amendments came into force, several media reported an increase in crime, so far especially in minor offences such as theft.¹²

Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds. Please provide data where available.

The specialised institutions for the fight against corruption and related offences - the Special Prosecutor's Office and the National Criminal Agency (NAKA) - have been dissolved. Prosecutors and police officers specialising in sophisticated crimes have been placed out of service or transferred to district departments. There have been no positive developments in this area.

Other

The perception of the state's effectiveness in fighting against corruption was undermined in August 2024 by the release of former Special Prosecutor D. Kováčik, convicted of corruption offences and serving an 8-year prison sentence, from prison.¹³ The release of Kováčik was based on an extraordinary appeal by the Minister of Justice B. Susko, who filed an extraordinary appeal to the Supreme Court and then decided on temporary suspension of the execution of the decision (to which the appeal is related) until the Supreme Court decides on the appeal. Minister Susko justified the extraordinary appeal on the grounds of doubts as to the legality of the decision and the respect of the principles of a fair trial.

The dismissal of Kováčik has aroused a wave of resentment, as this is one of the most outstanding cases of a public official being convicted of a corruption offence, ironically against a man who was the head of the (now abolished) institution specialised in combating the most serious crimes, including corruption.

12 Martin Odkladal, *Theft, police disinterest, the desperation of the security service and threats of physical violence are on the rise. This is the reality of the amendment to the Criminal*, Aktuality.sk, 18 December 2024, <https://www.aktuality.sk/clanok/KJwZ9I6/mnoziace-sa-kradeze-nezaujem-policie-zufalost-esbeeskarov-a-vyhrazky-fyzickym-nasilim-to-je-realita-novely-trestneho-zakona/>

13 Peter Dlhopelec, *Former chief prosecutor convicted of corruption is free, thanks to justice minister*, The Slovak Spectator, 7 August 2024, <https://spectator.sme.sk/politics-and-society/c/former-chief-prosecutor-convicted-of-corruption-is-free-thanks-to-justice-minister>

Moreover, a few weeks after his release, Kováčik was convicted a second time (not yet a final judgment), also for another corruption offence.¹⁴

Some media, as well as NGOs, refer to Kováčik's release as the "corruption event of the year".¹⁵

MEDIA ENVIRONMENT AND MEDIA FREEDOM

Key recommendations

- *The Ministry of Justice shall bring into force the laws to comply with the EU Anti-SLAPP Directive. However, legal instruments should also apply to cases without cross-border implications.*
- *The Ministry of Culture should withdraw a proposal to change the Publications Act, which introduced a right to a correction when false or incomplete information is presented in the media or on news websites.*
- *The Government should introduce a legislative proposal to combat disinformation and hybrid threats that are spread mainly by the alternative media.*

Media and telecommunications authorities and bodies

Independence, enforcement powers and adequacy of resources of media and telecommunications authorities and bodies

The Council for Media Services, as a new administration office, supervises the compliance of television, radio and internet media with the law. The decisions of the Council indicate that it plays an important role in monitoring the compliance with media legislation. The Council was important during the election period (in relation to presidential elections in

14 Peter Kováč, *Former top anti-corruption prosecutor convicted in second corruption case*, The Slovak Spectator, 3 September 2024, <https://spectator.sme.sk/politics-and-society/c/former-special-prosecutor-convicted-in-second-corruption-case>

15 Monika Tódová, *Corruption Newsfilter: The corruption event of the year is the release of Kováčik*, Denník N, 30 December 2024, <https://dennikn.sk/4359379/korupcny-newsfilter-korupcnou-udalostou-roka-je-prepustenie-kovacika-na-slobodu/>

March (1st round) and April 2024 (2nd round) and the European Parliament elections in June 2024) and for example informed broadcasters about the legislation and their obligations. The activities of the Council so far provide guarantees of independence and impartiality.

Transparency and media ownership

Rules governing transparency of media ownership and public availability of media ownership information, and their application

The new media legislation adopted in 2023 increased the transparency of the media and imposed obligations on online media as well. According to the Publications Act, publishers, including news websites, are required to disclose their ownership structure and publish a list of major financial contributors.

TV Markíza, the leading commercial TV station, owned since 2020 by Czech financial group PPF Group, has altered the style of its political coverage since the appointment of a new head of news, Michal Kratochvíl, in December 2023. In February 2024 the ‘vast majority’ of Markíza’s reporters signed a

protest letter alleging that Kratochvíl has tried to steer political coverage away from criticism of the government and favour its presidential candidate.¹⁶ PPF has several large government contracts in transport and telecommunications and, like other stations, Markíza benefits from government advertising.

Penta – the Slovak financial group with a chequered history of political influence trading, currently perceived as close to the ruling party Direction – Social Democracy (SMER-SD) – acquired *Nový Čas* and *cas.sk* in 2023. This means it owns both leading tabloids and their online versions (with *Plus Jeden Deň* and *pluska.sk*).¹⁷

The biggest media influence in Slovakia is exerted by large financial groups that own some of the media. Independent media are in the minority, depend mainly on supporters and play an important role in the media environment (except for alternative disinformation media).

16 Matúš Burčík, *Slovakia’s popular TV channel comes under pressure after new news director’s takeover*, The Slovak Spectator, 14 May 2024, <https://spectator.sme.sk/politics-and-society/c/slovakias-popular-tv-channel-comes-under-pressure-after-new-news-directors-takeover> Ben Pascoe, *Portion of TV Markiza journalists on strike alert*, RTVS, 31 May 2024, <https://enrsi.rtvs.sk/articles/topical-issue/365210/portion-of-tv-markiza-journalists-on-strike-alert>

17 Filip Struhárik, *Penta Publishing buys the daily newspaper Nový Čas and the website cas.sk*, Dennik E, 10 October 2023, <https://e.dennikn.sk/3617959/vydavatelstvo-penty-kupuje-dennik-novy-cas/>

Public service media

Independence of public service media from governmental interference

Public service media in Slovakia, like in many other countries, plays a crucial role in providing reliable and pluralistic information to the public.

As of 1 July 2024, the previous public television and radio – Radio and Television of Slovakia (RTVS) – ceased to exist after the parliament approved the government’s proposal to abolish RTVS and replace it with a new institution, Slovak Television and Radio (STVR).

According to the newly adopted Law on Public Television and Radio, the Director General of the new STVR will be elected by the Board of STVR. The members of the Board of STVR will be elected by the Parliament and the Minister of Culture, which means that the entire

leadership of the new STVR is completely under the influence of the current government coalition, which creates room for politicisation of the entire new public broadcaster. Thus, public television has become an instrument of influence for the current government.¹⁸

This move by the ruling coalition has sparked mass protests and opposition,¹⁹ strikes and staff walkouts,²⁰ and public concern about the independence and objectivity of public television and radio information.²¹

In connection with the abolition of RTVS, a motion was filed with the Constitutional Court in July 2024 to assess the constitutionality of the law in question – the applicants challenge not only the unconstitutionality of the substance of the law, but also the legislative process in which the law on the abolition of RTVS was adopted. The Constitutional Court has not yet ruled on the motion.²²

18 The European Broadcasting Union, *Slovak government proposals threaten media independence*, 13 March 2024, <https://www.ebu.ch/news/2024/03/slovak-government-proposals-threaten-media-independence>

19 *People took to the streets to express their opposition to the bill on the abolition of RTVS*, RTVS, 27 March 2024, available at: <https://spravy.rtv.s.sk/2024/03/ziva-retaz-okolo-rozhlasu-ludia-vysli-do-ulic-vyjadrit-nesuhlas-s-navrhom-zakona-o-zruseni-rtvs/>

20 *RTVS employees protested against the STVR law: at the moment it may be the last thing we can do*, RTVS, 20 June 2024, available at: <https://spravy.rtv.s.sk/2024/06/zamestnanci-rtvs-protestovali-proti-zakonu-o-stvr-v-tejto-chvili-je-to-mozno-to-posledne-co-mozeme-urobit/>

21 NGOs, including VIA IURIS, also reacted to the move by sending a letter to the EC and EP MPs expressing their concerns about the restriction of freedom of the press and the risk of political control of the new public broadcaster. The letter was accompanied by a public appeal, which reached up to 80 thousand signatures of citizens. *Zastavme únos RTVS*, 2024, <https://www.mojapeticia.sk/campaign/zastavme-unos-rtvs/1122f862-62d8-461b-b368-f1a5c-4c3d026>

22 Constitutional Court (Slovak Republic), Resolution of 9 October 2024, No. PL. ÚS 10/2024

Independence of public service media from economic interference

The new STVR is primarily funded through a combination of public funds (license fees) and state subsidies. STVR remains vulnerable to economic and political pressures. The structure of public service media funding, combined with political involvement in key decisions, poses risks to its full independence.

Other

As anticipated, there is less criticism of the government in the public service media,²³ but overall it maintains the required level of objectivity and independence. The impact of the abolition of the previous RTVS and the creation of the new STVR under the current government will have to be assessed in time.

In addition to the abolition of the previous RTVS and the creation of the new STVR, the government in 2024 introduced other proposals to change media legislation and restrict media freedom. A group of coalition MPs submitted a draft amendment to Act no. 262/2022 Z.z. on publications (the Publications Act),²⁴

which introduces a ‘right to a correction’ (as a replacement for the current ‘right to a statement’) when false or incomplete information is presented in the media or on news websites. The proposed law had several shortcomings, such as shortening the deadlines for publishing corrections or fining a publisher in a court proceeding for failing to publish a correction. The proposal has not yet been approved.

Online media

Impact on media of online content regulation rules (including content removal obligations, liability rules)

The new media legislation introduced the same rules for news websites, which were previously not properly regulated and controlled. The above rules do not apply to all online media, but only to news media.

23 Jaroslav Barborák, *There is pressure to balance criticism of the government in STVR, independent public affairs has no place here, says former foreign affairs chief Soňa Weissová*, Aktuality.sk, 22 October 2024, <https://www.aktuality.sk/clanok/ZKKWzWR/v-stvr-je-tlak-na-vyvozovanie-kritiky-vlady-nezavisla-verejnopravnost-tu-nema-miesto-tvrdi-byvala-sefka-zahranicia-sona-weissova-podcast/>

24 National Council of the Slovak Republic, *Proposal of the members of the National Council of the Slovak Republic, Roman MICHELEK, Rudolf HULLAK, Andrej DANK and Adam LUČANSKÝ, for the issuance of an act amending and supplementing Act No. 265/2022 Coll. on publishers of publications and on the register in the field of media and audiovisual and on amendments and supplements to certain acts (Publications Act)*, 24 May 2024, <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=9&CPT=344>

Competence and powers of bodies or authorities supervising the online ecosystem, including the digital services coordinators role

The online news media are under the control of the Council for Media Services, which can impose penalties for breaching the law.

Other

We consider alternative media and social networks a major societal problem, because they provide a platform for the spread of hate speech and disinformation. The Council for Media Services as the media regulator currently has no statutory power to supervise breaches of the Digital Service Act by online platform providers.

It is especially concerning that the representatives of the current government use alternative media and the disinformation scene as a space to give interviews and present their statements.

There is still a lot of independent media, offering platforms for journalism, however, the spread of disinformation and fake news by alternative media which are for free and without paywalls is a concern and independent media outlets have been working to combat these issues.

Public trust in media

There are several studies and surveys providing insight into the level of trust in the media in Slovakia. According to the Reuters Institute Digital News Report 2024,²⁵ overall trust in the media in Slovakia is only 25% and fell to its lowest level yet in the eight years that have been monitored thus far. The trend for many political leaders – especially within the government – to spurn the traditional media in favour of partisan sites where they get uncritical publicity is one factor that undermines public trust in traditional brands.

Safety and protection of journalists and other media actors

Frequency of verbal and physical attacks

In 2024, the number of attacks and threats against journalists increased, and they most often came from government politicians. These threats are often linked to investigative journalism, particularly reporting on corruption, organized crime and politics.

25 Reuters Institute Digital News Report 2024, pg. 102-103, https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2024-06/RISJ_DNR_2024_Digital_v10%20lr.pdf

The Prime Minister frequently calls mainstream journalists liars at press conferences or calls them derogatory names.²⁶ The attacks continue to be a significant concern for media freedom.

Smear campaigns

As a part of a continual smear campaign against the ‘mainstream’ media, government politicians have long refused to answer questions from mainstream journalists and have declined to participate in television discussions during presidential elections and European Parliament elections.

Rules and practices guaranteeing journalist's independence and safety

Slovakia does not have specific legislation to protect journalists from attacks and intimidation. Journalists can use the general legal instruments of civil or criminal law.

Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists and media activists

The police or the prosecutor's office usually dismiss criminal charges in such cases and civil court proceedings take a very long time. Law enforcement capacity to ensure journalists' safety is not at the required level.

Lawsuits and prosecutions against journalists (including SLAPPs) and safeguards against abuse

Over the past year we have noticed a number of cases that could be labeled as SLAPPs.

Prime Minister Robert Fico had filed a lawsuit against the publisher and editor-in-chief of the *Aktuality.sk* portal (one of the most popular and read media), Peter Bárdy, in connection with the publication of his book titled: *Fico – Obsessed With Power*. The Prime Minister is suing Bárdy for the unauthorized use of his photograph on the title page of the book and is claiming damages from the publisher and the journalist for non-pecuniary damage €200,000.²⁷

26 For example, on the press conference of the ruling coalition parties held on 3 December 2024, the prime minister Fico accused the mainstream journalists of lying and called on the public to stop believing the media. Peter Dlhopolec, *Primitive premier blows up at media*, The Slovak Spectator, 3 December 2024, <https://spectator.sme.sk/politics-and-society/c/robert-fico-meltdown-media-slovakia>. Another example, in October 2024, Fico called reporters “bloodthirsty bastards” and said they are “possessed by the devil”. The Committee to Protect Journalists, *Slovak PM Fico attacks journalists as “possessed by the devil”*, 11 October 2024, <https://cpj.org/2024/10/slovak-pm-fico-attacks-journalists-as-possessed-by-the-devil/>

27 The European Centre for Press and Media Freedom, *Slovakia's Prime Minister launches SLAPP case against leading investigative journalist*, <https://www.ecpmf.eu/slovakias-prime-minister-launches-slapp-case-against-leading-investigative-journalist/>

Another case of a SLAPP concerns a criminal complaint filed by the Minister of Culture M. Šimkovičová against the writer and journalist Michal Hvorecký.²⁸ In his commentary on the *Denník N* website, he described the Minister of Culture as a “neo-fascist”.²⁹ The journalist Hvorecký is also one of the initiators of the petition for Šimkovičová’s resignation as the Minister, which was one of the most massive petitions and was signed by 187-thousand people.³⁰

In relation to this petition, Minister of Culture Šimkovičová has filed a criminal complaint, suspecting unauthorized access to a computer system. This complaint is connected to the alleged manipulation of signatures in the electronic petition calling for her dismissal from the position of minister. The police, who dealt with the criminal complaint, stated several

times that no criminal offence had been committed in this case. The Minister’s action must therefore be viewed as an attempt to intimidate an openly critical part of the public.

Overall, there has been no progress in the implementation of the Anti-SLAPP Directive so far. According to the Government’s Legislative Task Plan, approved on 15 January 2025, the current government plans to transpose the Anti-SLAPP directive in October 2025.³¹

Access to information and public documents

In December 2024, Parliament amended the Access to Information Act and introduced a fee for access to more extensive information. See the ‘Civic Space’ section.

28 *Minister of Culture Šimkovičová filed a criminal complaint against the writer Hvorecký*, Aktuality.sk, 25 September 2024, <https://www.aktuality.sk/clanok/vzVnIVk/ministerka-kultury-simkovicova-podala-trestne-oznamenie-na-spisovateľa-hvoreckeho/>

29 Hvorecký, M., *They entrusted nature and culture to the neo-fascists*, Denník N, 26 October 2024, <https://dennikn.sk/3644355/nedakujeme-robert-a-peter/>

30 The petition “On The Defence of Culture”, https://www.peticie.com/na_obranu_kultury.

31 Minister of Justice and Chairman of the Legislative Council of the Government of the Slovak Republic, *Plan of legislative tasks of the Government of the Slovak Republic for 2025 - draft*, 14 January 2025, <https://rokovania.gov.sk/RVL/Material/30366/1>

CHECKS AND BALANCES

Key recommendations

- *The Government of the Slovak Republic should respect procedures within the legislative process that allow for public participation, for example, to conduct comment procedures on government bills while maintaining the full comment period (not shortening the comment period beyond necessary extent).*
- *In this context, we strongly recommend the Government and the National Council of the Slovak Republic, in particular, to refrain from abusing the fast-track legislative procedure and to submit and discuss draft laws in the standard legislative process.*

Process for preparing and enacting laws

Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

The government consistently overuses or abuses fast-track legislative procedures, as a result of which participation and public consultations in law-making processes are limited. The negotiation of government bills in the standard legislative mode of the process is preceded by an inter-ministerial comment procedure, in which both mandatory commenters (i.e. state organs and public officials required by law to comment on draft bills) and the public are entitled to submit their comments on draft laws, while in the case of public comments, if they are submitted with a certain qualified number of signatures, the sponsor of the bill is obliged to organize a dialogue with the affected public

representatives. In the fast-track legislative procedure, there is no obligation to carry out a comment procedure, thus bypassing the public discussion and the possibility of affecting the content of the proposed changes.

The circumvention of the comment procedure and the exclusion of a general discussion with the professional and lay public also often happens in a situation where a government draft law is submitted in the standard legislative process but with a fast-track comment procedure. The comment periods are so short that commenters or the public are de facto substantially restricted in their right to comment on the proposals submitted. While the requirement to conduct a comment procedure within a standard legislative process is thus formally fulfilled, in practice the discussion is limited.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

In June 2024, we published a short analysis in VIA IURIS,³² in which we assessed that the current ruling coalition has been using (or in this case abusing) the institute of the fast-track legislative procedure more than the government that was in power at the time of the COVID-19 pandemic. At the time of publishing our analysis, almost 60% of government-sponsored laws were discussed and adopted in the fast-track legislative procedure.

According to statistics published by the National Council of the Slovak Republic, in 2024 (up to 12 December 2024), out of a total of 141 bills (both government and parliamentary), as many as 29 bills were passed in the fast-track legislative procedure, all of which were government-sponsored bills.³³

The fast-track legislative procedure is regularly used without meeting the legal conditions for it, in particular the existence of extraordinary

circumstances where fundamental human rights and freedoms or security may be at risk or where there is a threat of significant economic damage to the state. During 2024, the current government coalition adopted several major proposals in the fast-track legislative procedure,³⁴ where the existence of one of the grounds for the procedure was at best declared in the proposal, although factually questionable. The fast-track legislative procedure has also been used for the biggest and most significant legislative changes of 2024 - for example, the major amendment to the criminal laws (mentioned in the sections above).

In the case of the amendment of the criminal laws, given the gravity of the changes and the process by which they were adopted, a motion for review of compliance was filed with the Constitutional Court, not only in relation to the substance of the changes, but also the legislative process, which took the form of a fast-track legislative procedure. In February 2024, the Constitutional Court adopted a 'landmark ruling' PL. ÚS 3/2024³⁵ in which it stated that, although the National Council violated Act no. 350/1996 Coll. the Rules of Procedure of the National Council of the

32 VIA IURIS, *Laws are passed without debate, even worse than during the pandemic*, 14 July 2024, <https://viaiuris.sk/aktuality/zakony-sa-schvaluju-bez-diskusie-este-horsie-ako-pocas-pandemie/>

33 National Council of the Slovak Republic, Brief overview of the legislative activity of the National Council of the Slovak Republic in the IX. electoral period (as of 12 December 2024) (Stručný prehľad legislatívnej činnosti NR SR (k 12. 12. 2024)), <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=557911>

34 Overview of laws passed in the fast-track legislative procedure available at: <https://www.nrsr.sk/web/?sid=zakony/prehľad/slk>

35 Constitutional Court (Slovak Republic), Decision of 28 February 2024, No. PL. ÚS 3/2024, https://www.ustavnysud.sk/documents/d/portal/pl_us_3_2024_112

Slovak Republic several times in the process of adopting the amendment in question and the fast-track legislative procedure was not sufficiently justified, these violations did not acquire constitutional intensity and therefore did not amount to an incompatibility with the Constitution. The Court's decision implies that laws can bypass professional discussions as long as a parliamentary debate is allowed. This formalistic view poses a danger to democracy, potentially reducing violations to rare extreme cases, like obstructing opposition debate entirely. The Court's decision, which did not deem frequent shortcuts in legislative processes unconstitutional, could have severe consequences for future legislative practices. It raises concerns about adherence to the principles of a rule of law state, mainly when evident legal breaches occur during significant policy changes. Notably, the Court acknowledged that the parliament did not meet the criteria for an urgent process as required by law, with the government's reasons insufficient for expedited changes.³⁶

Independent authorities

The parliament passed an amendment to the Competence Act, first in December 2023 and again in January 2024 following a presidential veto. This change allows the government to directly appoint the heads of key regulatory bodies, including the Health Care Surveillance Authority, the Statistical Office, and

the Antimonopoly Office. Previously, these appointments involved the president, who acted on government recommendations approved by parliament. Under the new amendment, the government will appoint these leaders based on proposals from individual ministers. The reform increases the appointees' accountability to the executive branch, reduces the independence of these institutions, and heightens political influence. Members of the ruling party have already taken these positions. In January 2024 the former president challenged the amendment's constitutionality, and the matter is still pending before the Constitutional Court of the Slovak Republic.³⁷

Events in Slovak Information Service

Although not independent, but important, an institution of state security - Slovak Information Service (SIS) - has been taken over by the ruling coalition. The SIS has been without a director since August 2023, after its former director M. Aláč was dismissed due to suspicion of committing the offence of setting up a criminal group, abuse of public authority and obstruction of justice. After his dismissal, the SIS director's seat remained vacant until August 2024, when a new SIS director, P. Gašpar, was appointed - by the newly elected President P. Pellegrini.

However, until his appointment, Gašpar had been the de facto head of the SIS since March

36 Zeitgeist no. 6 "Another day, another amendment of the Penal Code" available at: <https://viaiuris.sk/aktuality/another-day-another-amendment-of-the-penal-code-zeitgeist-6/>

37 Constitutional Court (Slovak Republic), No. PL. ÚS 4/2024

2024. Already in February 2024, the current government had proposed to appoint him as director, but the then President Z. Čaputová rejected this nomination, saying that she would leave it to the newly elected president. Čaputová refused to appoint Gašpar on the grounds of being charged with giving a false statement and lying under oath. He was also suspected of providing a €60,000 bribe to police officers. As the president refused to appoint Gašpar as the director proposed by the government (the SIS director shall be appointed by the president on the proposal of the government), the government decided to circumvent this step by amending the SIS Statute (thus circumventing not only the law but also the Constitution)³⁸, according to which all management competences were entrusted to the SIS Deputy - and the government subsequently appointed P. Gašpar as SIS Deputy.³⁹ The SIS Statute is a secret document, so it has not been possible to ascertain the extent of the powers actually conferred on Gašpar. Following the presidential

elections and the election of Mr. Pellegrini (as the then chairman of the coalition party HLAS-SD), Gašpar was duly appointed Director of the SIS by President Pellegrini in August 2024.⁴⁰

Electoral framework

Regarding the European Parliament elections held in 2024, the organization Election Watch in its final report on observing elections in EU countries⁴¹ states that the lack of remote voting options, such as postal voting, limits accessibility for citizens abroad and those unable to reach polling stations, which could be considered as an impairment to the fair nature of elections. The report also reflects on concerns about civic space restrictions, including barriers to election observation and intimidation of civil society groups, seeing them as challenging the inclusivity and transparency of the electoral process.⁴² However, an obligation to make scans of polling station result protocols

38 According to Article 102(1)(h) of the Constitution, the President appoints and dismisses the heads of the central organs, senior state officials and other officials in such cases as may be prescribed by law. The Law on the Slovak Information Service provides that the Director of the Slovak Information Service is appointed by the President on the proposal of the Government. Therefore, this is a circumvention not only of the law, but also of the Constitution.

39 Peter Dlhopolec, *News Digest: Slovakia's top spy agency run by a "bad guy" now*, The Slovak Spectator, 7 March 2024, <https://spectator.sme.sk/politics-and-society/c/news-digest-slovakias-top-spy-agency-run-by-a-bad-guy-now>

40 TASR, President Pellegrini appointed Pavol Gašpar as the director of the Slovak Information Service, SME, 26 August 2024, <https://domov.sme.sk/c/23375320/pavol-gaspar-sis-riaditel-vymenovanie.html>

41 The Election Watch.EU, Election Assessment Mission, Final Report, European Parliament Elections 6 - 9 June 2024, September 2024, <https://www.wahlbeobachtung.org/wp-content/uploads/2024/09/election-watch.eu-eam-ep-elections-2024-final-report-300924.pdf>

42 "Multiple civic space infringements have been reported for a number of MS including BG, HR, and FR, with the most concerning trends in HU and SK." Ibid., pg. 43.

and to make them available online can be seen as a positive development.⁴³ According to the report, uneven enforcement of campaign finance rules have weakened safeguards against undue influence.⁴⁴

Rules on political advertising and their enforcement

In the 2024 Slovak presidential campaign, Minister of the Interior Matúš Šutaj Eštok engaged in activities that raised legal concerns. He sponsored paid posts on social media platforms, notably Facebook, criticizing presidential candidate Ivan Korčok and labelling him as a ‘candidate of war’. The posts were disseminated widely, potentially reaching up to a million voters.

In response, organizations MEMO 98, the Stop Corruption Foundation, and Transparency International Slovakia took action. In October 2024, they filed complaints with the State Commission for Elections and the Ministry of the Interior, asserting that the minister’s actions violated electoral laws prohibiting third-party campaigning for or against a

candidate. They emphasized that such conduct is considered an offense, with potential fines up to €30,000 for individuals.⁴⁵

The initial response from state authorities was dismissive. The District Office Bratislava, under the Ministry of the Interior, halted proceedings against Minister Eštok, stating that his actions did not breach the law. The office contended that the minister was merely expressing personal opinions, not attempting to influence voters’ decisions. This rationale was criticized by the NGOs as flawed and indicative of systemic failure, given the office’s direct subordination to the minister in question.

Subsequently, in December 2024, the District Prosecutor’s Office Bratislava reviewed the case and found the district office’s decision unlawful, recommending its annulment. The prosecutor’s office highlighted that the minister’s posts were clearly intended to influence the ongoing political campaign against Ivan Korčok. They criticized the district office for uncritically adopting the minister’s defense without proper legal assessment. This development underscored the necessity for independent

43 MEMO98, *The Election Watch.EU: PRELIMINARY STATEMENT - Higher political stakes for European elections demonstrate clear need to further harmonise and safeguard democratic practices.*, pg. 2, 10 June 2024, <https://memo98.sk/uploads/2024/sk-ep-volby-2024/election-watch/eam-election-watch.eu-preliminary-statement-2024.06.10.pdf>

44 *The Report by the Election Watch.EU* (see footnote no. 37), pg. 32.

45 MEMO98, *The State Elections Commission is being asked for its opinion on the Minister’s presidential Meta (non) campaign*, 17 October 2024 <https://memo98.sk/article/Statnu-komisiu-pre-volby-ziadame-o-stanovisko-k-prezidentskej-Meta-nekampani-ministra>

and professional oversight to maintain public trust in electoral fairness.⁴⁶

These events highlight the challenges in ensuring impartial enforcement of electoral laws in Slovakia, especially when high-ranking

officials are involved. The active role of civil society organizations and the prosecutorial review were pivotal in addressing potential breaches and upholding the integrity of the electoral process.

CIVIC SPACE

Freedom of association

The biggest threat in 2024 for the non-governmental and non-profit sector in Slovakia is the proposed amendment to Act No. 213/1997 Coll. on non-profit organisations providing services of general interest, which was submitted to the Parliament in March 2024 and is currently still in the legislative process.⁴⁷

The proposed law against NGOs is a means of the current government to intimidate and

restrict the NGO sector and is a part of the fight against ‘enemy’ and ‘harmful’ NGOs,⁴⁸ foundations, non-profit organizations or civil associations.

The law as originally proposed was initially equivalent to a Russian-style ‘foreign agents law,’ in which the government proposed mandatory labelling of NGOs with the term ‘foreign-supported organisation’ if the organisation receives a minimum of €5,000 in funding

46 MEMO98, *The prosecutor’s office considers the District Office’s decision in the case of the “(non)campaign” of M. Šutaj Eštok to be illegal. It proposes to annul it*, 19 December 2024, https://memo98.sk/article/Prokuratura-nam-dala-za-pravdu-Rozhodnutie-OU-vo-veci-nekampane-ministra-Sutaja-Estoka-povazuje-za-nezakonne-Navrhujeho-zrusit_Peter_Dlhopolec_Minister_of_Interior_appears_to_be_untouchable_his_smear_campaign_goes_unpunished, *The Slovak Spectator*, 12 November 2024, <https://spectator.sme.sk/politics-and-society/c/news-digest-interior-minister-appears-to-be-untouchable-his-smear-campaign-goes-unpunished>

47 Members of the National Council of the Slovak Republic (M. Garaj, R. Huliak, D. Kramplová, A. Lučanský), *Proposal of the members of the National Council of the Slovak Republic Rudolf HULIAK, Dagmar KRAMPLOVA, Milan GARAJ and Adam LUČANSKÝ for the issuance of an act amending and supplementing Act No. 213/1997 Coll. on non-profit organizations providing generally beneficial services, as amended, and amending and supplementing certain acts*, 27 March 2024 <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=9&CPT=245>

48 These labels are mainly used by politicians of the ruling coalition of SMER-SD, HLAS-SD and SNS and are part of a long-term smear campaign against the civic sector.

from abroad. In parallel with the mandatory labelling, the bill:

- imposed an obligation to publish a list of all contributors who have provided the organisation with funds above €5,000 (not only foreign, but also domestic),
- imposed an obligation to publish annual reports, which the Ministry of the Interior has the power to review, and if it finds ‘irregularities’, the Ministry could dissolve the organisation - the Ministry of the Interior would thus gain the power to dissolve a civil association that violates the law by failing to correct irregularities in the annual report or to pay a fine for failure to use the label,
- in the event of failure to comply with these obligations, organisations would face a fine or a proposal for dissolution.⁴⁹

In November 2024, however, the content of the proposed law changed when the governing coalition dropped the NGO labelling requirement and instead introduced stricter regulation of lobbying through an amendment

to the draft law, which has not been approved yet.⁵⁰ According to the latest version of the draft amendment of the original legislative proposal, any NGO that in any way comments on laws or undertakes activities to improve any public policy in Slovakia would be considered a lobbyist. Under the bill, any organization that directly or indirectly lobbies public officials would be required to register and publish a quarterly list of all its ‘lobbying’ activities, i.e., activities by which public officials could be influenced. In this wording, this could be basically any activity of NGOs that could be considered lobbying - e.g. writing a petition, collecting signatures for a public appeal, a post on social networks, commenting on draft laws. The draft law does not contain a further definition or specification of what would be considered lobbying. As a consequence of not complying with the law, there will be fines up to €10 000 for a breach or even abolition of the organization by directly the Ministry of Interior or a court decision (depending on the legal form of the NGO).

This bill is even more damaging and threatening than the proposal to label NGOs as ‘foreign agents’ and is a bullying and discriminatory

49 VIA IURIS, *Slovak Anti-NGO bill analysis*, 25 April 2024, <https://viaiuris.sk/aktuality/analyza-zakona-proti-mimovladkam-slovak-anti-ngo-bill-analysis/> Platforma pre Demokraciu, *The mostly asked questions on the Anti-NGO bill*, 29 April 2024, <https://www.predemokraciu.sk/2024/04/29/casto-kladene-otazky-o-zakone-proti-mimovladkam/>

50 Iryna Uias, *News digest: SNS switches from ‘foreign-funded’ label for NGOs to lobbying regulation*, *The Slovak Spectator*, 22 November 2024, available at: <https://spectator.sme.sk/politics-and-society/c/news-digest-sns-switches-from-foreign-funded-label-for-ngos-to-lobbying-regulation>

tool intended to be used against the active civil sector in order to silence it.⁵¹

Freedom of peaceful assembly

The Act No. 166/2024 Coll. on certain measures to improve the security situation in Slovakia, which was adopted in response to the assassination attempt against Prime Minister R. Fico in May 2024, went into effect 15 July 2024. The act in question, also known as the 'Lex Assassination', amends, inter alia, Act No 84/1990 Coll. on the right of assembly, which constitutes the basic legal regulation of the right of assembly in Slovakia. The amendment introduced a number of restrictions on the right to assemble:

1. The law extended the prohibition to hold an assembly within a 50m radius of the buildings and objects of certain state bodies and institutions. Before the amendment, it was prohibited to hold an assembly within 50m of the Parliament building; under the new legislation, this prohibition also applies to buildings and premises in which the Government deliberates or exercises its functions, the seat of the President, the seat of the Constitutional Court, and

also to premises which are designated by law for the housing of the President, the Chairman of Parliament and the Prime Minister.

2. The law has expanded both mandatory and optional grounds for the prohibition of assembly by a municipality - these grounds are defined relatively broadly and may constitute a disproportionate interference with the right to assembly. The amendment prohibits assemblies to be held in the vicinity of the dwelling of the person to whom the purpose of the assembly is related (typically politicians) or assemblies that would restrict the right to privacy or peaceful enjoyment of the dwelling of a large number of persons (i.e. assemblies held, for example, in residential areas). Under the amendment, the municipality will also be able to prohibit assemblies where the related restrictions on the right to privacy, peaceful enjoyment of the home or transport would be seriously contrary to the interests of the population.

3. An amendment to the law imposed an obligation on the police to inform the municipality of the reasons for the prohibition of the assembly. In the original wording of the government proposal, this information obligation

51 The Public Defender of Rights R. Dobrovodský also opposed the above-mentioned draft law on lobbying of NGOs, pointing out its unconstitutional nature. Róbert Dobrovodský, *NGOs do not deserve to be pilloried*, The Public Defender of Rights, 11 December 2024, <https://vop.gov.sk/mimovladne-organizacie-si-nezasluzia-byt-vystavene-na-pranier/> VIA IURIS (2024), *NÁHUBKOVÝ ZÁKON*, Facebook, 27 November 2024, https://www.facebook.com/viaiuris/posts/pfbid0qYGWYuZhsy64Cai6PsT3Rbi3Btc2ppnm9wKUhhhhM9kfgQnF-CzMfddLd3ZSnBYDcl?locale=sk_SK Lucia Osvaldová, *No foreign agents, but lobbyists: the coalition tightens the law on NGOs, wants to know who is informed by them*, Denník N, 25 November 2024, <https://dennikn.sk/4324888/ziadni-zahranicni-agenti-ale-lobisti-koalicia-sprisnuje-zakon-o-mimovladkach-chce-vediet-kto-si-k-nim-chodi-po-rozumy/>

of the police was coupled with the obligation of the municipality to prohibit an assembly in relation to which it had been informed of the reasons for its prohibition – if the municipality did not prohibit such an assembly and the reasons for the prohibition got fulfilled, the Ministry of the Interior was entitled to impose a fine of up to €16,500 on that municipality. This regulation posed a significant risk of creating a ‘chilling effect’ on the conduct of assemblies due to the potential risk of more frequent bans on assemblies by municipalities wishing to avoid liability and penalties. However, that proposal did not ultimately become part of the final law.

4. The law expanded the list of offences against the right of assembly and increased the sanctions in case of their commission.

The ‘Lex assassination’ was adopted in the fast-track legislative procedure, i.e. without discussion.

In connection with its content and the legislative procedure, a motion was submitted to the Constitutional Court to review its compatibility with the Constitution.⁵²

Freedom of expression and of information

Restrictions on access to information

In 2024, there were two major restrictions on the right to information.

1. Limited information

In November 2024, Act No. 367/2024 on Critical Infrastructure was adopted, which indirectly amended Act No. 215/2004 Z.z. on the protection of classified information, and introduced a new concept of ‘limited information’ into the legal order.

According to the wording of the Act, any information concerning a) classified information, b) an organisation or activity of a public authority or an entity performing tasks in the field of ensuring public order, security or defence of the Slovak Republic, which is capable of endangering, limiting or preventing the performance of these tasks, c) information on critical infrastructure, the disclosure of which would jeopardise the provision of an essential service to critical entities, may be limited information.

The essence of the regulation of limited information is that public authorities may themselves decide that certain (any) information will be classified as limited due to its sensitivity, as a result of which public access to such

52 The motion to the Constitutional Court was filed by the opposition MPs and was received by the Constitutional Court on 12 December 2024 and registered under reference no. 3295/2024.

information will be denied. The limited information regime will not be subject to Act No 211/2000 Coll. on free access to information, but to the Classified Information Protection Act, whereas the Classified Information Protection Act does not contain any procedural safeguards or remedies against the designation of information as limited. This legal regime benefits in particular the representatives of the public authorities concerned, who do not need to have a security clearance (as is the case with classified information) to access such information.

The legislation in question therefore effectively restricts the public's right to information.

The originally published draft of the Critical Infrastructure Act contained a much more vague definition of limited information and, together with other proposed changes, represented a much more serious interference with the right to information. VIA IURIS, together with other organizations, managed to submit a mass comment against the legislation in question,⁵³ collect almost 15,000 signatures and participate in the dialogue with the

drafters (Ministry of Interior, National Security Office) and, as a result, managed to negotiate the modification of limited information in a form that affects the right to information in a slightly less invasive way.⁵⁴ Nevertheless, the legislation as such continues to pose a significant risk of abuse and undue restriction of access to information.

2. Extraordinary extensive search for information and charging for information requests

On 10 December 2024, the Parliament approved an amendment to Act No. 211/2000 Coll. on free access to information, vetoed by the President,⁵⁵ which introduces the concept of “extraordinary extensive search for information” and the related possibility for obliged persons⁵⁶ to ask for payment in advance for such searches. The amended law does not contain any definition of the term ‘extraordinary extensive search for information,’ nor does it contain any criteria for defining this term, nor does it contain any criteria according to which the amount of the requested payment for the cost of providing the information should be calculated. Moreover, the amended law does

53 VIA IURIS, *Hromadná pripomienka k návrhu Zákona o kritickej infraštruktúre*, <https://www.mojapeticia.sk/campaign/hromadna-pripomienka-k-navrhu-zakona-o-kritickej-infrastrukture/b63b34d3-9e83-4536-9284-2ba7ce04a724>

54 VIA IURIS, *OCHRÁNILI SME PRÁVO NA INFORMÁCIE. AJ VĎAKA VÁM*, Facebook, 20 August 2024, <https://www.facebook.com/viaiuris/posts/pfbid0qt9LDnvgqwPhvWSPHv2TAWs9ugDvEm30oaD9wBH-v2Sxxn1zx1krmCXa3qK9ovuC5l>

55 *Justification of the President's veto on the amendment to Act No. 211/2000 Coll. on free access to information*, 26 November 2024, <https://www.prezident.sk/upload-files/19117.pdf>

56 State organs and institutions, municipalities, natural and legal persons with a decision-making powers and other subjects prescribed by law.

not contain any appeal mechanism against the calculation of the amount of the fee - currently the law only foresees the possibility to appeal against the decision to (not) disclose information.

The amended law creates an imbalance between the parties, favours the obliged person through the vagueness of the regulation by allowing the obliged person to arbitrarily determine what it considers to be information that is particularly extensive to search and at the same time, without any set criteria for calculation and reasons, gives the obliged person the possibility to claim payment for the costs reasonably incurred in accessing it. Restricting access to information by making payment conditional in advance, even without the possibility of lodging an appeal against such a notification, is inadmissible and contrary to the Constitution of the Slovak Republic, the Aarhus Convention and settled case-law.⁵⁷

Attacks and harassment

Intimidation / negative narratives / smear campaigns / disinformation campaigns

A continuous smear campaign by government politicians (especially the ruling parties SMER-SD and Slovak National Party/SNS) against NGOs and the media continues. Part of this campaign includes the aforementioned legislative proposals to restrict, narrow and intimidate civic space – in particular the aforementioned pending ‘anti-NGO’ draft law.

The campaign against NGOs and the media includes in particular the dissemination of narratives about their hostile activities against the current government and against Slovakia as such, using various labels such as political NGOs, foreign agents, etc.

In October 2024, investigative journalist X. Makarová, working at the Stop Corruption Foundation (Nadácia Zastavme Korupciu), became the target of an attack by government politicians. The day after the Foundation reported on its findings about the tender for the reconstruction of the premises of the Government Office of the Slovak Republic, which was

57 The Public Defender of Rights R. Dobrovodský also spoke out against the amendment to the Act on Free Access to Information, which introduced an ‘extraordinary extensive search for information’ and the associated charging of fees for such requests for information, and announced the filing of a motion to the Constitutional Court to review the compatibility of this amendment with the Constitution. More at: Public Defender of Rights, *I am submitting a motion to assess the constitutionality of the amendment to the Freedom of Information Act. This is a step towards maintaining a high level of access to information for citizens*, 10 December 2024, <https://vop.gov.sk/podam-navrh-na-posudenie-ustavnosti-novely-zakona-o-slobode-informacii-je-to-krok-k-zachovaniu-vysokej-urovne-pristupu-obyvatelov-k-informaciam/>

won by the company of a businessman associated with the oligarch N. Bödör, the Chairman of the Government Office of the Slovak Republic, J. Gedra, together with the current MEP for the SMER-SD party, E. Kaliňák, came to the headquarters of the Foundation to confront X. Makarová personally.⁵⁸ E. Kaliňák recorded the entire encounter on his phone without permission, so that they could disseminate this material on their personal social networks and those of the SMER-SD party,⁵⁹ which had also paid for advertising on the post. Hundreds of supporters of the SMER-SD party reportedly subsequently praised the politicians' attacks and the incident.⁶⁰

Administrative harassment

Several ministries as well as the Office of the Government have launched audits of subsidies provided to NGOs under the previous government. A number of organisations are facing extensive or repeated audits in relation to money received from the state. Also, one of

the main donation portals (fundraising platforms) Donio.sk is currently facing an ongoing tax audit.

In August 2024, the government accused the Milan Šimečka Foundation of benefiting from an 'atypical' contract with the Slovak Arts Council. The Foundation, which aims to promote a tolerant Slovakia and has run multicultural projects for 19 years, disputed claims of irregularities, noting ten other organizations secured similar contracts.⁶¹ Opposition leader Michal Šimečka, whose late grandfather inspired the foundation, dismissed the connections drawn by the government stressing his family has no ties to it. The Foundation's director, Veronika Fishbone-Vlčková, called for an apology,⁶² asserting the public benefit of their activities and refuting claims of misuse of funds. In response, Prime Minister Robert Fico accused the Šimečka family of misusing public funds,⁶³ targeting opposition leader Michal Šimečka and non-governmental organizations linked to his family.

58 Stop Corruption Foundation, *CITIZENS ARE COLLECTING THEM ON THOUSANDS OF SALARIES*, Facebook, 3 October 2024, <https://www.facebook.com/NadaciaZastavmeKorupciu/posts/pfbid0YvpPkgDFKd-1mhfaZxsxmRYRWYZ2ZHHvLE83b8HhYnQdeao7CbRdo13tetEYcNeU1>

59 Ibid.

60 The Investigative Centre of Jan Kuciak, *Na začiatku októbra sa investigatívna novinárka Xénia Makarová stala terčom útoku vládnych politikov.*, Facebook, 7 November 2024, <https://www.facebook.com/icjk.sk/posts/pfbid02Ld8Rf27tzYxvFbLusfHJcY8UFhJEAjCjVKpud1sYuypm3nFqd7LZ5gtADNzQygYAl>

61 Peter Dlhopelec, *Culture minister fabricates claims to discredit NGO*, The Slovak Spectator, 15 August 2024, <https://spectator.sme.sk/politics-and-society/c/news-digest-culture-minister-fabricates-claims-to-discredit-ngo>

62 Lucia Osvaldová, *Director of the Milan Šimečka Foundation: they are threatening to drown us in the Danube*. Interview, Dennik N, 26 August 2024, <https://dennikn.sk/4162757/riaditelka-nadacie-milana-simecku-vyhrazaju-sa-nam-utopenim-v-dunaji/>

63 Henrieta Mihalková, *Fico wants to dismiss Šimečka, he brings his family and money from the funds on him. Your wife also got a grant, the PS leader says. He is filing a lawsuit*, Pravda, 23 August 2024, <https://spravy.pravda.sk/domace/clanok/721553-fico-chce-odvolat-simecku-navrh-predlozi-na-koalicnej-rade-podporu-sns-ma-caka-co-povie-hlas/>

Public participation

Rules and practices on dialogue with civil society

Earlier this year, in April 2024, the Minister of the Interior of the Slovak Republic, Matúš Šutaj Eštok, dismissed five members of the Government Council for Non-Governmental Non-Profit Organizations without providing a reason. These experts had the status of ‘personality of the civil sector’ in this government advisory body. This step happened after the unjustified removal of Filip Vagač from the post of Plenipotentiary⁶⁴ for the Development of the Civil Society, in March 2024. Despite the tradition of the dialogue between the government and civil society, Minister Šutaj-Eštok appointed a new plenipotentiary, Simona Zacharová, without any discussion with the representatives of the Chamber of the NGOs. The ruling government does not approve of open governance. Hence, it aims to eliminate citizen participation at all levels, limit financial resources for the non-governmental sector, and indiscriminately and systematically attack civil society.⁶⁵

In July 2024, the government approved a significant change regarding selecting representatives for committees overseeing EU funds,⁶⁶ shifting this responsibility away from NGOs to the government’s plenipotentiary for civil society development. This decision surprised and angered NGO representatives, who argued it undermines the partnership principle outlined in Slovakia’s Partnership Agreement with the European Commission. Marcel Zajac, Vice-Chair of the Council for NGOs, condemned the government’s rationale, claiming it was based on false pretenses that the NGOs could not agree on nominations. The government’s commissioner, Simona Zacharová, defended the move, citing challenges in finding qualified representatives knowledgeable about EU fund operations in the NGO sector. Slovakia has nearly €13 billion available in this new programming period, but the disbursement process has been slow. Historically, selecting NGO representatives was a collaborative process, ensuring diverse input, but the recent changes mark a radical shift in this practice. The new process excludes the NGO chamber. Zajac argues that this change diminishes the role of NGOs as partners in the process and suggests a potential bias toward selecting

64 The plenipotentiary is a government commissioner who acts as a link between the government, including the public administration and the civil society sector.

65 VIA IURIS, Zeitgeist no. 3 “Slovak Anti-NGO bill passed the first reading” 8 May 2024, <https://viaiuris.sk/aktuality/slovak-anti-ngo-bill-passed-the-first-reading-zeitgeist-3/>

66 Minister of Investments, Regional Development and Informatization; Minister of the Interior, *Application of the partnership principle in the area of European Union cohesion policy in the conditions of the Slovak Republic and the system of managing cooperation and partnership with civil society representatives in the preparation, implementation and monitoring of European Union funds in the programming period 2021–2027*, 09 July 2024, <https://rokovania.gov.sk/RVL/Material/29774/1>

favoured organizations.⁶⁷ After the engagement of the EU Commission representation in Slovakia and advocacy campaign done by the NGO representatives in the monitoring committees, the government declared that the original process of nomination of the representatives under the principle of partnership with civil society will remain the same.

These steps are part of a broader and systematic restriction of civil society space and rights by the current government, which is openly hostile against the civic space and the NGOs sector.

Rules on access to and participation in consultations and decision-making processes

In September 2024, the Parliament adopted an amendment to Act No. 24/2006 Coll. on Environmental Impact Assessment (EIA), which significantly restricted public participation in construction approval. Despite potential effects on local traffic and air quality, municipalities will no longer be informed about potentially impactful projects in neighbouring areas, such as quarries or incinerators. The law has removed the mandatory assessment requirement for specific

investments, raising concerns about the increased negative impact of construction projects on communities. These changes severely limit the rights of citizens and municipalities to comment on and influence development plans.⁶⁸ There are also concerns about the involvement of developer representatives in drafting the new legislation, potentially compromising its impartiality.⁶⁹

In November 2024, the Parliament adopted an amendment to Act No. 543/2002 Coll. on Nature and Landscape Protection, which changed the position of the public and environmental organisations in proceedings relating to the issuance of exemptions or consents for construction or logging in protected areas, felling of trees in towns and villages, or the killing of protected animals. Until the amendment came into force, the public and organisations were parties to the proceedings; after the amendment, they will be only interested parties – an interested party has a narrower range of rights compared to a party to the proceedings, for example, it cannot lodge an appeal. This change is contrary at least to the Aarhus Convention, which requires effective public participation in environmental decision-making processes.⁷⁰

67 VIA IURIS, Zeitgeist no. 6 “*Another day, another amendment of the Penal Code*”, 4 September 2024, <https://viaiuris.sk/aktuality/another-day-another-amendment-of-the-penal-code-zeitgeist-6/>

68 Soňa Makká, *The EIA Act is tailor-made for investors, their representatives at the negotiations spoke for the ministry. The public and municipalities will not know about many projects*, Denník N, 3 October 2024, <https://dennikn.sk/4225323/zakon-o-eia-je-sity-na-mieru-investorom-ich-zastupca-na-rokovaniach-hovoril-za-ministerstvo-verejnost-a-obce-sa-o-mnohych-projektoch-nedozevia/>

69 VIA IURIS, Zeitgeist no. 7 “*Fico IV cover their failures with attacks on the opposition*”, 17 October 2024, <https://viaiuris.sk/aktuality/fico-iv-cover-their-failures-with-attacks-on-the-opposition-zeitgeist-7-2/>

70 Denník N, SNS proposes to abolish public participation in proceedings concerning the protection of nature, 30 October 2024, <https://dennikn.sk/minuta/4278903/>

DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT -

Systemic human rights violations

Lawsuit for ongoing violations of Roma people

In April 2023, the European Commission (EC) referred Slovakia to the Court of Justice of the European Union for failing to effectively tackle the issue of segregation of Roma children in education.⁷¹ The case has not been resolved yet.⁷²

As informed by the EC, in Slovakia, Roma children are often placed in special schools for pupils with mild mental disabilities and many Roma children who attend mainstream education are also segregated, in separate schools or classes. Amnesty International talks about the ‘two-shift operation’ in which, due to a lack of classroom capacity in some schools, Roma children study only in the afternoons. The ‘two-shift operation’ is a manifestation of systemic

racial discrimination of the Roma community. According to Amnesty International, around 48 schools in Slovakia operating the system are predominantly or exclusively attended by Roma children.⁷³ This is an infringement on EU rules on racial equality (Directive 2000/43/EC) which strictly prohibit discrimination on grounds of ethnic origin in key areas of life, including education.

The Commission started the infringement procedure against Slovakia in 2015. Since then, Slovakia has undertaken a series of legislative reforms and adopted several strategies and action plans to foster Roma inclusion in education, however, the Commission concludes that after careful assessment of those measures, the reforms undertaken are insufficient. The discrimination of Roma children in education persists and Slovakia is, among all the EU member states, the one with the highest Roma segregation in education.⁷⁴

71 The European Commissions, The European Commission decides to refer SLOVAKIA to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children at school, 19 April 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249

72 CJEU, action brought on 22 December 2023, *Commission v Slovakia* (Case C-799/23)

73 Amnesty International: EU must fight root causes of racial discrimination against Roma children in Slovak education, 8 April 2024, <https://www.amnesty.eu/news/eu-must-fight-root-causes-of-racial-discrimination-against-roma-children-in-slovak-education/>

74 The EC press release (see the footnote no. 65).

By the end of 2026, the ‘two-shift operation’ should be abolished in most of these schools, with funding provided from the Recovery and Resilience Plan, which is funded by the EU.

LGBTQIA+ rights endangered

In August 2024, a draft amendment to Act no. 245/2008 Coll. on education (the Education Act) was submitted to Parliament, which aimed to prohibit “the promotion, dissemination or support of ideas and views relating to non-traditional sexual orientations or gender identities that are inconsistent with an individual’s biological identity”.⁷⁵ The bill provided for the imposition of a fine for violation of the above prohibition.⁷⁶

Although the bill was not approved in Parliament, it is yet another attempt to intimidate the LGBTQIA+ community and restrict their rights.

In April 2024, the Ministry of Health abolished the Standard Procedure for the Diagnosis and Comprehensive Management of

Medical Transition,⁷⁷ which, according to Saplinq, an organization protecting the rights of the LGBTI+ people, the ministry violated the right to bodily integrity of transgender people and gambled with their lives.⁷⁸ The Ministry justified the abolition of these standards on the grounds of application problems in the form of arbitrary actions of some registry offices in the administrative change of gender.

According to Saplinq, the Ministry of Health should have addressed the application problems with the Ministry of the Interior, under whose jurisdiction the registry offices fall, and not abolish a professional document intended for health care providers. Saplinq warns that the abolition of medical standards may in practice encourage registry offices to refuse requests for administrative transcription of gender, jeopardize the availability and quality of health care associated with transition and undermine the uniformity of procedures in the process of providing it, and may also threaten to re-enforce castration and sterilization as a condition for legal transition.

75 National Council of the Slovak Republic, *Proposal of the members of the National Council of the Slovak Republic Rudolf HULIAK, Dagmar KRAMPLOVA, Andrej DANK and Adam LUČANSKÝ for the issuance of an act amending Act No. 245/2008 Coll. on Education (School Act) and on Amendments and Supplements to Certain Acts, as amended*, 23 August 2024, <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=9&ID=454>

76 The bill and the related documents available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=9&ID=454>

77 Ministry of Health of the Slovak Republic, *Changes in the care of people with transsexualism*, press release from 2 April 2024, <https://www.health.gov.sk/Clanok?zrusenie-standard-transsexualizmus>

78 Saplinq, *The Department of Health is once again gambling with the lives of transgender people: As of April 3, it is lifting medical standards for trans people*, 5 April 2024, <https://www.saplinq.org/ministerstvo-zdravotnictva-rusi-medicinske-standardy.html>

FOSTERING A RULE OF LAW CULTURE

Contribution of civil society and other non-governmental actors

In 2024, the Slovak National Centre for Human Rights, as a national institution for the protection of human rights and an anti-discrimination institution, again organised the Rule of Law Festival, during which the Centre held a series of discussions on the rule of law and human rights topics and issues. The aim of the festival is “to present and discuss important selected topics related to the rule of law and its observance in Slovakia,” with each of the discussions and events within the festival “dedicated to specific topics related to the rule of law and based on the Slovak National Centre for Human Rights’ Rule of Law 2024 Report and the European Commission’s Rule of Law Report”.⁷⁹ Representatives of NGOs, including VIA IURIS, were also part of the discussions.⁸⁰

In July 2024, we were the only organization invited to discuss the Rule of Law report with the head of the representation of the EU Commission in Slovakia.⁸¹

79 The Slovak National Centre for Human Rights, *We are inviting to the Rule of Law Festival 2024*, <https://www.snslp.sk/aktuality/pozyvame-vas-na-festival-pravneho-stat-2024/>

80 On 15 November 2024, the director of VIA IURIS K. Batková discussed on the topics of legal certainty and protection of human rights. More on the Slovak National Centre for Human Rights Facebook page: <https://www.facebook.com/Strediskopreludskeprava/posts/pfbid026Gx5J6sqr3vyy1KpjHt8Jdb7oHpQKp8693b6wW1vBeDAXJzSDXvLmU7FM9yqLLXl>. On 8 October 2024 our colleague, attorney E. Kováčechová discussed also on the topics of legal certainty and human rights. Available at the Facebook page: <https://www.facebook.com/Strediskopreludskeprava/posts/pfbid02yNFtKHraEbkjMKdH1AbEYCQPk4orpHpgPqA6DLku5rYtn8kfnrtkaPdS5mAroM8W1>

81 E. Mihočková, Š. Bako, *We are at home in the EU: The fight against corruption and media freedom – the rule of law in Slovakia in a tight spot*, SME, 30 July 2024, <https://video.sme.sk/c/23363864/v-eu-sme-doma-boj-proti-korupcii-i-sloboda-medii-pravny-stat-na-slovensku-v-uzkych.html>

CONTACT

VIA IURIS

VIA IURIS is one of the oldest civil society organizations in Slovakia. Since its foundation in 1993, Via Iuris's mission is to make Slovakia a country where people are not powerless against the powerful and before the law, we are equal. Within its mission, Via Iuris promotes rule of law, supports civil society and defends civic rights.

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