

LIBERTIES

RULE OF LAW

REPORT

2026



VIA IURIS



#roi-report2026

SLOVAKIA



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FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Forty organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

[Download the full Liberties Rule of Law Report 2026 here.](#)

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SLOVAKIA

ABOUT THE CONTRIBUTING ORGANISATIONS

VIA IURIS



VIA IURIS is a non-partisan, not-for-profit organisation registered in Slovakia since 1993. Our mission is to use the law as an instrument of justice, bring systemic solutions, and promote the equal application of law for all. Our activities are arranged into three pillars: promoting effective public participation (Citizen), protecting the legislative environment and civil society (Civil Society), and strengthening the political independence of courts, prosecution, and police (Rule of Law).

OVERALL ASSESSMENT: DISMANTLER

The rule of law environment in the Slovak Republic throughout 2025 has undergone an intentional and systematic transformation that warrants the designation of ‘Dismantler’. Following the return to power of the coalition led by Prime Minister Robert Fico in late 2023, the government has moved beyond a period of ‘sliding’ standards into a phase of structural deconstruction of the checks and balances that underpin a liberal democracy. The state of the rule of law throughout the year demonstrates a profound and intentional reconfiguration of the nation’s democratic architecture. This period has been defined by a systematic effort to weaken independent oversight, centralise executive control, and insulate domestic political decisions from European and international legal scrutiny.

The primary catalyst for this shift was the materialisation of the 2024 legislative offensive, particularly the near-total cessation of high-level corruption prosecutions and the capturing of public service media. Internationally, Slovakia’s trajectory is marked by a deepening conflict with European Union institutions. While the government engaged in ‘intensive dialogue’ with the European Commission in late 2024 and early 2025,¹ the ensuing legislative adjustments were largely technical and designed primarily to prevent the immediate freezing of EU funds under the Protection of the Union’s Financial Interests (PIF) Directive, an EU initiative to deter fraudsters, improve the prosecution and sanctioning of crimes against the EU budget, and facilitate the recovery of misused EU funds, while leaving the broader objectives of the government’s illiberal agenda intact.

The most critical development of 2025 was the adoption of the 23rd Amendment to the Constitution in September. This amendment asserts national sovereignty over ‘mainly cultural and ethical issues’ in a manner that directly challenges the primacy of European Union law.² By November 2025, the European Commission was forced to initiate a formal infringement procedure, citing the challenge to the primacy of EU law embedded in this new constitutional order. Domestically, the executive has successfully marginalised the legislative branch through the continued and unjustified use of fast-track procedures, preventing meaningful public consultation and expert involvement, leading to legal chaos

1 European Commission, 2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, Strasbourg, 8 July 2025

2 The amended Article 7 sec. 6 and 7 of the Constitution: “(6) The Slovak Republic retains its sovereignty, in particular in matters of national identity, consisting in particular of fundamental cultural and ethical issues relating to the protection of life and human dignity, private and family life, marriage, parenthood and family, public morality, personal status, culture and language, as well as decision-making on related matters in the fields of health, science, education, personal status and inheritance. “(7) Nothing in this Constitution and the Constitutional Laws shall be interpreted as an approval of the Slovak Republic for the transfer of the exercise of part of its rights in matters constituting national identity.”

and a profound loss of legal certainty. Furthermore, the physical and psychological environment for those tasked with public oversight—including independent judges, investigative journalists, and civil society—has deteriorated significantly, characterised by legislative changes, continuous verbal attacks and smear campaigns led by the ruling party politicians and officials, administrative harassment, and the threat of disciplinary or criminal sanctions.

Assessment of the trajectory

Slovakia has moved beyond the phase of mere democratic erosion and now definitively occupies the designation of a ‘Dismantler’ as it intentionally and comprehensively undermines the rule of law across all primary institutional pillars, often seeking to constitutionalise these regressions to make them more resistant to future reversal.³ The trajectory of the country is marked by the government ignoring early warning signs and escalating attacks on the remaining independent institutions, particularly the Constitutional Court and the Whistleblower Protection Office.

Backsliding is now entrenched, with the legislative process reduced to a tool for the ruling majority. The government’s rhetoric has increasingly framed independent institutions and NGOs as ‘foreign-funded political actors’ that obstruct the ‘sovereign will of the majority’.⁴ The adoption of the 23rd Amendment represents a point of no return for Slovakia’s alignment with European values. This amendment introduces provisions that directly conflict with European and international human rights obligations, such as asserting that Slovakia retains sovereignty over ‘national identity’ to serve as a legal barrier against the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) rulings on LGBTQIA+ rights and reproductive health.

There are no credible signs of progress to be built on; instead, the environment suggests that without robust intervention, the current backsliding will become irretrievably entrenched. Even when the Constitutional Court demonstrated institutional resilience—such as suspending the dismantling of the Whistleblower Protection Office in December 2025⁵—this followed a 2024 ruling on the Penal

3 Max Steuer, *No Skyfall. The Twenty-Third Amendment to the Slovak Constitution*, 20 October 2025, <https://verfassungsblog.de/slovakia-constitutional-amendment/>

4 Boris Strečanský: *Civil Society in Slovakia 2024–2025: Resisting an Authoritarian Turn*, in *MAECENATA OBSERVATORIUM*, Nr. 86, November 2025, <https://www.maecenata.eu/2025/11/19/observatorium-86-civil-society-in-slovakia-2024-2025-resisting-an-authoritarian-turn/>

5 Natália Silenská: *Slovakia’s Constitutional Court suspends law abolishing Whistleblower Protection Office*, 18 December 2025, <https://constitutionnet.org/news/slovakias-constitutional-court-suspends-law-abolishing-whistleblower-protection-office> *The decision of the Constitutional Court of the Slovak Republic no. PL. ÚS 19/2025.*

Code⁶ where the Court upheld most of the government's illiberal changes as long as they met basic procedural requirements.⁷ The 2025 revisions to the Penal Code have significantly restricted the use of the penal procedure of 'cooperating accused persons'⁸ and introduced the threat of imprisonment for influencing election campaigns by 'foreign powers', leading to mass protests,⁹ reflecting a profound societal concern that the government is prioritising the protection of its own associates over the safety and justice of the population.¹⁰

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

The European Commission must move beyond non-binding recommendations and deploy the rule of law toolbox more strategically. Given that the government has demonstrated a pattern of ignoring advisory opinions or offering only superficial concessions, the Commission should prioritise the toolbox's most decisive legal instrument: the infringement procedure. To prevent backsliding from becoming irretrievably entrenched, the Commission must shift toward consistent litigation, particularly regarding challenges to the primacy of EU law. A critical case in point is the 23rd Amendment to the Constitution, which directly threatens the EU's legal order. The European Commission initiated

6 *The Constitutional Court of the Slovak Republic, the decision no. PL. ÚS 3/2024 from 19 July 2024*

7 *Peter Čuroš: The Slovak Constitutional Court has kneeled before Robert Fico, IACL-AIDC Blog, 24 October 2024, <https://blog-iacl-aidc.org/2024-posts/2024/10/24/the-slovak-constitutional-court-has-kneeled-before-robert-fico>*

8 *"A cooperating person" or "cooperating accused" in the criminal procedure in Slovakia is a perpetrator or participant in a crime who assists in the investigation of serious criminal activity by voluntarily confessing and providing testimony against another person in exchange for benefits that may be granted to them in criminal proceedings in the form of a more lenient sentence or its annulment. According to the newly amended par. 119 sec. 6 of the Criminal Procedure Code, "evidence obtained from a cooperating person may not be used in criminal proceedings if that person has not testified truthfully about material facts in any criminal proceedings or has not disclosed all material facts in their testimony." Such a change will have a significantly negative impact on the prosecution of serious crimes, such as those committed by criminal groups. The Prosecutor General (motion no. 96/2026) and the Specialised Criminal Court (motion no. 248/2026 and motion no. 168/2026), submitted (respectively) motions for review of the constitutionality of this amendment. See more at: TASR: PG Zilinka Challenges Penal Code Amendment at Constitutional Court, 14 January 2026, <https://etasr.sk/article/22838975>*

9 *AP: Thousands protest Slovak leader Fico over whistleblower office closure and penal code changes, 16 December 2025, <https://apnews.com/article/slovakia-protest-fico-770a977c9c9f9dcfad32e5b23409038a>*

10 *The amendment to the Criminal Code should help Tibor Gašpar, Deputy Speaker of Parliament (member of the ruling SMER-SD party), who is currently on trial in the "Očistec" case. In this case, Gašpar, as the then head of the police, allegedly abused the police for political and private purposes, acting as part of an organised criminal group.*

an infringement procedure in November 2025 by sending a letter of formal notice, arguing that a Member State cannot circumvent the obligation to comply with the fundamental principles of EU law, including autonomy and primacy, even through constitutional amendments.¹¹ Such a response must now become the standard mechanism to address systemic violations before they cause irreversible damage.

Furthermore, the attempted abolition of the independent Whistleblower Protection Office in late 2025 represents a new and dangerous phase of state capture.¹² The move to replace it with a body under direct government oversight is a clear violation of the standards required under EU law regarding independent authorities. Moreover, it is a clear step to muzzle those exposing state corruption since the act is intended to retroactively terminate protection for individuals who have reported high-level corruption.

The Commission must also address the ‘legal chaos’ caused by the continued and unjustified use of fast-track legislative procedures, which prevent meaningful public and expert consultation. Only a robust and comprehensive application of the EU’s rule of law toolbox can address this systematic dismantling of Slovakia’s democratic architecture.

State of play (versus 2025)

- ↓ Justice system
- ↓ Anti-corruption framework
- ↓ Media Environment and Media Freedom
- ↓ Checks and balances

Legend

- | Regression | No progress | Progress |
|------------|-------------|----------|
| ↓ | – | ↑ |

11 Baradhan Divyabharthi, *EU launches infringement procedure against Slovakia constitutional reform*, 23 November 2025, <https://www.jurist.org/news/2025/11/eu-launches-infringement-procedure-against-slovakia-constitutional-reform/>

12 EU Whistleblowing Monitor, *Constitutional Court Suspends Law Abolishing Whistleblower Protection Office*, 17 December 2025, <https://whistleblowingmonitor.eu/constitutional-court-suspends-law-abolishing-whistleblower-protection-office/>

JUSTICE SYSTEM

General assessment

The best overall picture for the Slovak justice system is one of regression.

Consolidation of Political Influence and the Judicial Council

The Slovak judicial landscape in 2025 was marked by an intensified struggle for institutional integrity against an executive branch increasingly willing to utilise disciplinary and administrative tools to punish dissent. Central to this regression is the Judicial Council, which, following a wholesale replacement of its non-judicial members by the governing coalition in 2024, has effectively been transformed into a tool for political targeting.

An exhaustive analysis by VIA IURIS in October 2025 uncovered a pervasive double standard within the Council.¹³ The Council formally claims to respect factual criticism but applies it selectively:

- **Selective Protection:** The Council failed to officially condemn Interior Minister Matúš Šutaj Eštok when he publicly threatened a judge with disciplinary action for a decision in a case involving his own ministry.
- **Political Rebuke:** In sharp contrast, the Council issued a forceful and immediate rebuke against actor Robert Roth for ironic comments made at a protest, and against the *Za otvorenú justíciu* (For Open Judiciary) initiative for questioning the transparency of the Supreme Court President's election.

This 'selective courage' signals a return to the climate of inner judicial intimidation where a loyal majority in the Council and disciplinary bodies can effectively persecute a critical minority under the guise of maintaining judicial authority.

13 VIA IURIS, *Analysis of the reactions of the Judicial Council of the Slovak Republic to public statements concerning the judiciary*, 6 November 2025 <https://viaiuris.sk/aktuality/analyza-sudna-rada-pouziva-pri-obrane-sudcov-dvojaky-meter/>

Changes in judiciary laws and shift towards ‘Loyalist Class’

The amendment to several laws in the field of justice,¹⁴ approved in September 2025, strengthened the position of the Judicial Council, significantly changed disciplinary proceedings, and introduced new financial bonuses for judges during consolidation. Justice Minister Susko proposed significantly amending and strengthening the Judicial Council’s position, affecting the majority of members on disciplinary panels. The Judicial Council will also be able to submit disciplinary proposals against judges, a responsibility previously held solely by the Judicial Council’s chairperson. There will also be a significant change in the disciplinary proceedings, which will be two-tiered, so that disciplinary judges, prosecutors, executors, and notaries will always be able to appeal. The first-instance panel will have three members, two of whom will be selected from the Judicial Council’s databases. In addition to the 14-month salaries they already receive each year, Susko’s amendment introduces special bonuses for judges during times of consolidation, to be paid on their 50th and 60th birthdays. However, the Justice Minister’s amendment also changes the assessment of judges, for example, by removing psychological assessments (in the case of career transfers of judges who are already in the judicial system), stating that the goal is to protect judges from negative influences.

These changes, especially the bonuses for judges, raised significant concerns¹⁵ about the deliberate creation of a ‘loyalist judicial class’, incentivising compliance rather than independence.

Despite these bonuses, the structural efficiency of the courts continues to deteriorate. Administrative proceedings have reached significant delays, and the average time for the implementation of ECtHR judgments has increased to nearly four years.

Public Perception and High-Level Interference

Perceived judicial independence in Slovakia remains among the lowest in the EU. As of 2025, only 32% of the general public and 34% of companies view the independence of courts as ‘fairly or very good.’¹⁶ This lack of trust is reinforced by high-profile government interference, for example when

14 Peter Čuroš, “Authoritarians Who Hate Judicial Accountability”, *Verfassungsblog* 5 September 2025. <https://verfassungsblog.de/authoritarians-who-hate-judicial-accountability/>

15 *VIA IURIS: Slovakia is looking for its national identity (Zeitgeist 15.)*, 12 November 2025, <https://viaiuris.sk/aktuality/slovakia-is-looking-for-its-national-identity-zeitgeist-15-2/> *The European Commission is also aware of the concerns raised by VIA IURIS or the Supreme Court of Slovak Republic, as stated in the 2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, Strasbourg, 8 July 2025, pg. 5.*

16 European Commission, 2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, Strasbourg, 8 July 2025, pg. 4

Minister of Justice Boris Susko initiated disciplinary proceedings against a judge who ruled against Minister of the Interior Matúš Šutaj Eštok.¹⁷ The rhetoric of the executive branch frequently frames the judiciary as a ‘political tool’ when rulings do not favor the administration, further eroding the democratic architecture of the country.

Implementation of 2025 Commission recommendations

Recommendation: Introduce measures to ensure sufficient guarantees of independence as regards the dismissal of members of the Judicial Council, notably those not elected by judges, taking into account European standards on independence of Judicial Councils (first made in 2022)

The government maintained the regime, allowing for the dismissal of non-judicial Council members at any time during the term of office and without grounds. All non-judicial members were replaced by coalition appointees by mid-2024, except for one vacant place that the parliament is failing to fill with their nominee.

Commission’s 2025 assessment: No progress

VIA IURIS’s current assessment: No progress

17 In November 2023, Judge Michal Kubiš ruled in an urgent measure to reinstate Police Vice President Branko Kišš to the police leadership, whom the Minister of the Interior had suspended from office despite Kišš enjoying whistleblower protection. Minister of the Interior Matúš Šutaj Eštok threatened the judge with disciplinary and criminal proceedings, and in the end, it was the Minister of Justice who carried out the threat. More in PRUŠOVÁ, Veronika: *Susko listened to his colleague’s request. He initiated disciplinary proceedings against the judge who ruled against Šutaj Eštok.* In Denník N, 16 October 2025, <https://dennikn.sk/4912084/susko-vypocul-prianie-kolegu-inicioval-disciplinarne-konanie-voci-sudcovi-ktory-rozhodol-v-neprospech-sutaja-estoka/>

Recommendation: Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of ‘abuse of law’ as regards their judicial decisions (first made in 2022)

The amendment to the criminal codes, effective as of 15 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, they 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.¹⁸ 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.¹⁹

In this context, it is worth referring to the *2024 Rule of Law Report* 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. In the 2025 report, the Commission changed its evaluation and already considers these safeguards to be partially progress, but still insufficient with the potential risk of abuse and the resulting chilling effect. The Commission’s report seems inconsistent in this regard. Unlike the Commission, we consider the above change to be at least a partial safeguard in relation to the offence of ‘abuse of law’, although we also consider the legal provision to be problematic.

There has been no progress during 2025. We have not noticed any discussion on this topic despite the government introducing an amendment to the judiciary laws.

Commission’s 2025 assessment: Limited progress

VIA IURIS’s current assessment: No progress

18 Section 207a Art. 3 of the Criminal Procedure Code, <https://www.slov-lex.sk/ezbierky-fe/pravne-predpisy/SK/ZZ/2005/301/20240806#paragraf-207a.odsek-3>

19 Section 9 Art. 2 of the Criminal Procedure Code, <https://www.slov-lex.sk/ezbierky-fe/pravne-predpisy/SK/ZZ/2005/301/20240806#paragraf-9.odsek-2>

Gaps in the Commission's Report

The Commission's report highlights an 'intensive dialogue' with the Slovak government²⁰ as a positive procedural step. However, this narrative fails to reflect the dismissive and hostile attitude the government maintains toward international standards in its domestic rhetoric. While the government engaged in technical discussions to prevent the immediate freezing of EU funds under the PIF Directive, it simultaneously framed these international standards as 'interference in domestic affairs' in public statements. By omitting this context, the Commission presents a misleading picture of cooperation, ignoring that the legislative adjustments made were largely superficial and designed to leave the broader illiberal agenda intact.

A critical gap in the Commission's assessment is its failure to identify the rising risk of creating an isolated judiciary; where a pro-government majority in the Judicial Council and disciplinary bodies can systematically persecute a minority of judges who remain critical of the administration. The report overlooks how the 2024 reshuffle of the Judicial Council has transformed it into a body that applies a double standard to judicial protection—failing to condemn executive threats against 'inconvenient' judges while aggressively rebuking those perceived as critical of the government.

While the Commission monitors specific legislative acts, it fails to connect them to a broader strategy of weakening judicial legitimacy. The report does not sufficiently address the 'communicative asymmetry' where professional judges within the Council—who are public officials—use their status to target critics, while active judges have limited space to respond without violating their duty of restraint. This environment erodes the Council's role as a neutral guarantor of independence and aligns it directly with executive power.

New Issues that Emerged in 2025

The 23rd Amendment to the Constitution

The most significant and alarming development of 2025 is the passage of the **23rd Amendment to the Constitution** in late September. Initiated by Prime Minister Robert Fico and passed with a narrow constitutional majority of 90 votes, the amendment introduces the concept of 'national sovereignty' provisions that directly conflict with European and international human rights obligations.

20 European Commission, *2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia*, Strasbourg, 8 July 2025, pg. 1

Key legal and judicial developments include:

- **National Identity Clause:** The amendment introduces a ‘national identity’ clause into Article 7, asserting that Slovakia retains sovereignty over ‘fundamental cultural and ethical issues’. This clause explicitly prohibits any interpretation of the Constitution as consenting to the transfer of these rights to international bodies and is intended to serve as a legal barrier against CJEU and ECtHR rulings in the areas of family life, school education, and health in general.
- **Constitutional Binary of Sex:** The new Article 52a recognises only “biologically determined sexes of male and female”. This effectively erases the legal existence of non-binary and transgender persons and renders legal change of sex impossible under domestic law.
- **Procedural Concerns:** The Venice Commission, in its urgent opinion issued in September 2025,²¹ raised serious concerns about the lack of transparency and inclusiveness in the law-making process, noting that substantive consultations were largely bypassed. The Commission warned that while states have a ‘margin of appreciation’, they must remain within the bounds of international treaties and the rule of law.

Inconsistency of Judicial Oversight

Another critical issue emerged regarding the **Judicial Council’s inconsistent evaluation** of public criticism directed at judges. A detailed analysis by VIA IURIS from October 2025 found that the Council lacks uniform, objective criteria for defining the boundaries of permissible criticism.²²

- **Double Standards:** While the Council aggressively and forcefully rebuked critics from the media and the *Za otvorenú justíciu* (For Open Judiciary) initiative, it remained largely silent when senior

21 Council of Europe, Venice Commission, *SLOVAK REPUBLIC - URGENT OPINION ON THE DRAFT AMENDMENTS TO THE CONSTITUTION*, Strasbourg, 24 September 2025, CDL-PI(2025)011, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2025\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2025)011-e)

22 VIA IURIS, *Analysis of the reactions of the Judicial Council of the Slovak Republic to public statements concerning the judiciary*, 6 November 2025 <https://viaiuris.sk/aktuality/analyza-sudna-rada-pouziva-pri-obrane-sudcov-dvo-jaky-meter/>

government officials, including the Prime Minister and Minister of the Interior, attacked judges as being a part of an organised criminal group or acting arbitrarily and politically motivated.²³

- **Communicative Asymmetry:** This asymmetry is aggravated by ‘communicative asymmetry,’ where professional judges within the Council—who are public officials—use their status to target critics and active judges, while the targeted judges have limited space to respond without violating their duty of judicial restraint.

Implications and Recommendations for 2026

Given that these regressions have been constitutionalised, addressing them is exceptionally difficult, as reversal requires a constitutional majority and a government committed to restoring European standards.

Suggested recommendation: Ensure full respect for the primacy of EU law and compliance with European and international human rights obligations. In particular, Slovakia should assess the impact of the 23rd Amendment to the Constitution on the application of EU law, the binding force of judgments of the Court of Justice of the European Union and the European Court of Human Rights, and on the effective protection of fundamental rights, including equality and non-discrimination,

Suggested recommendation: Strengthen safeguards for judicial independence by ensuring that the Judicial Council adopts clear, uniform, and objective criteria when assessing public statements concerning judges, and that it effectively protects the judiciary from undue pressure or attacks by members of the executive and other public authorities, to preserve public trust and respect for the justice system.

Implementation of Judgments

Slovakia’s performance in implementing leading judgments from the European Court of Human Rights has significantly deteriorated throughout 2025. As of June 2025, there were 33 leading

23 *Annamária Dömeová: Robert Fico to Supreme Court judge: If I were Mr. Kliment, I would pack my bags today. Aktuality.sk, 4 April 2024, https://www.aktuality.sk/clanok/jgiEZYq/robert-fico-sudcovi-najvyssieho-sudu-ja-byt-panom-kli-mentom-zbalim-sa-uz-dnes/?utm_source=instagram&utm_medium=social&utm_campaign=aktuality-page-feed More in VIA IURIS, *Analysis of the reactions of the Judicial Council of the Slovak Republic to public statements concerning the judiciary*, 6 November 2025, pg. 20–25. <https://viaiuris.sk/aktuality/analiza-sudna-rada-pouziva-pri-obrane-sud-cov-dvojaky-meter/>*

judgments pending implementation, with the average time spent in the supervision process increasing to nearly four years.²⁴ In January 2025, data indicated that over 50% of leading judgments rendered against Slovakia in the last ten years remained fully or partially unimplemented, shifting the country's overall record from 'poor' to 'problematic'.

The *Salay v. Slovakia* (February 2025) judgment is a landmark ruling in which the Court, for the first time, explicitly recognised the “persistent, widespread and systematic overrepresentation of Roma pupils in special education”.²⁵ The Court ruled that Slovakia failed in its positive obligation to undo a history of racial segregation, noting that neutral-appearing policies (such as maturity testing) have “devastatingly unequal effects” on Romani children. Despite this ruling and a separate referral to the Court of Justice of the European Union for failing to tackle ethnic segregation, the Slovak government has failed to prioritise structural changes in its 2025 education reforms. Approximately 25% of Romani children in Slovakia still attend schools where all classmates are Roma,²⁶ and the 2025 legislative measures lack the enforceability needed to end these entrenched disparities.²⁷

The judgment in *Kulák v. Slovakia* (April 2025)²⁸ addressed critical deficiencies in Slovak criminal procedure regarding legal professional privilege. The Court ruled that a 2020 warrantless search of a lawyer's office and the subsequent 15-month seizure of their entire work on a computer violated Article 8 ECHR (Right to Privacy). The Court highlighted that Slovak law lacks an independent judicial review mechanism for such searches, relying instead on prosecutorial oversight, which is insufficient under European standards.

24 European Commission, *2025 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia*, Strasbourg, 8 July 2025, pg. 20

25 European Court of Human Rights (ECtHR), *Salay v. Slovakia*, No. 29359/22, 27 May 2025

26 European Education and Culture Executive Agency (EACEA) - Eurydice, Slovakia: The end of segregation of Roma pupils in schools, 13 July 2022, <https://eurydice.eacea.ec.europa.eu/news/slovakia-end-segregation-roma-pupils-schools/>

27 European Roma Rights Centre (ERRC), *Slovakia: Romani Children Face Entrenched Discrimination As School Segregation Persists*, 16 April 2025, <https://www.errc.org/press-releases/slovakia-romani-children-face-entrenched-discrimination-as-school-segregation-persists>

28 European Court of Human Rights (ECtHR), *Kulák v. Slovakia*, No. 57748/21, 3 July 2025

ANTI-CORRUPTION FRAMEWORK

General assessment

The anti-corruption framework in Slovakia has experienced a period of systemic regression. The intentional dismantling of the Special Prosecutor's Office (SPO) and the National Crime Agency (NAKA) has stripped the state of its most effective tools for investigating high-level corruption and misuse of EU funds.

While the primary legislative and institutional changes—namely the 2024 Penal Code reform and the abolition of the Special Prosecutor's Office (SPO) and the National Crime Agency (NAKA)—were enacted in the previous year, 2025 was defined by the materialisation of their corrosive effects. These changes effectively stripped the state of its most potent tools for addressing high-level corruption and the misuse of European Union funds, resulting in a quantifiable and systemic halting of high-level prosecutions.

The impacts of the 2024 Penal Code reform became fully visible in 2025. Analysis showed that over 3,000 individuals benefited from the changes in the first year. High-level corruption cases were systemically halted due to shortened statutes of limitations, with bribery charges dropping from 129 in 2024 to just 13 in 2025. The dissolution of NAKA and the SPO created an institutional vacuum, leading to investigation delays and a loss of specialised expertise.²⁹

The Council of Europe's anti-corruption body, GRECO, took the extraordinary step of initiating an 'ad hoc procedure' under Rule 34 in 2025—a provision reserved for situations where reforms are deemed likely to lead to significant breaches of anti-corruption standards.³⁰ The resulting report, published in September 2025, was a comprehensive indictment of the Slovak government's actions.

29 Lubomír DAŇKO (Stop Corruption Foundation), *Susko's amendment helped the mafia*, 6 August 2025, https://zastavmekorupciu.sk/nezaradene/suskova-novela-pomohla-mafii/?fbclid=IwY2xjawMAHedleHRu-A2FlbQIxMABicmlkETFPd2dBcjRtS3QwS0szWVg0AR7lunaJspBjhfrvOdMla2xuVHYa_Tt9G8pn_ZsL51xR9BADoxRbD2c7OvOdza_aem_D2Ac2XmfE2a67T8tohujeg

30 Council of Europe - Group of States against Corruption (GRECO), *Ad hoc Report on the Slovak Republic (Rule 34)*, Strasbourg, 6 June 2025 <https://rm.coe.int/greco-adhocrep-2025-1-final-eng-ad-hoc-report-rule-34-slovakia-public/48802818c6>

GRECO concluded that Slovakia had failed to implement 12 out of 21 recommendations from the 5th evaluation round.³¹ Key areas of non-compliance include:

- **Lobbying Regulation:** No legislative proposal has been introduced to regulate the interaction between senior executive officials and lobbyists, despite repeated promises from the government.
- **Asset Declaration System:** The existing framework for monitoring and verifying the wealth of public officials remains fragmented and ineffective, with no progress on establishing a central verification body.
- **Police Integrity:** GRECO highlighted the lack of an independent complaint mechanism and effective whistleblower protections within the police force as a critical vulnerability.
- **Integrity Checks:** The failure to introduce mandatory integrity checks for state secretaries and political advisers—positions often filled by party loyalists—was identified as a major risk factor for corruption.³²

The report concludes that the combination of reduced criminal sentences, shortened limitation periods, and the disbandment of effective investigative units gravely jeopardises Slovakia's ability to combat corruption and protect the rule of law.³³

On 9 December 2025, the parliamentary majority approved a law to abolish the independent Whistleblower Protection Office and replace it with a new body under direct government oversight.¹⁶ This move was explicitly justified by the government as a means to 'streamline' administration, but critics

31 Council of Europe - *Group of States against Corruption (GRECO), Group of States against Corruption calls on Slovakia to step up reforms to prevent corruption within the central government and the police*, 4 September 2025 <https://www.coe.int/en/web/greco/-/group-of-states-against-corruption-calls-on-slovakia-to-step-up-reforms-to-prevent-corruption-within-the-central-government-and-the-police> / <https://www.coe.int/en/web/portal/-/greco-calls-on-slovakia-to-step-up-reforms-to-prevent-corruption-within-the-central-government-and-the-police>

32 Council of Europe - *Group of States against Corruption (GRECO), FIFTH EVALUATION ROUND, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, ADDENDUM TO THE SECOND COMPLIANCE REPORT SLOVAK REPUBLIC (GrecoRC5(2025)16), Strasbourg, 6 June 2025*, <https://rm.coe.int/grecoRC5-2025-16-final-eng-add-to-the-2nd-compliance-report-slovak-rep/48802830ad>

33 Creatives Unit: *Bending the Rule of Law: Slovakia's Anti-Corruption Reforms Under Scrutiny by CoE*, 1 September 2025, <https://creativesunite.eu/article/bending-the-rule-of-law-slovakia-s-anti-corruption-reforms-under-scrutiny-by-coe>

pointed out that the new rules would have allowed for the retroactive termination of protection granted to approximately 100 individuals who had reported high-level corruption.³⁴

The Constitutional Court's intervention on 17 December 2025, provisionally suspending the law's effects, provided an essential reprieve for these whistleblowers.³⁵ The Court noted that the law's abolition of an independent authority required under EU law could cause 'irreparable consequences' while the full review of its constitutionality is pending.³⁶ This decision has been welcomed by international observers as a rare instance of an effective domestic check on executive overreach in 2025.³⁷

Implementation of 2025 Commission recommendations

Recommendation: Ensure the effective and independent investigations and prosecutions of high-level corruption cases to establish a robust track record, including by preventing any undue interference and restricting the use of the Prosecutor-General's powers to annul final investigatory and prosecutorial decisions (first made in 2022)

No amendments have been proposed in this regard, and we have not noticed any discussion on this topic.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

34 Whistleblowing International Network, *Slovak Government Fast-Tracking New Bill to Reduce Whistleblower Protection and Undermine Whistleblower Protection Office*, 25 November 2025, <https://whistleblowingnetwork.org/News-Events/News/News-Archive/Slovak-Government-Fast-Tracking-New-Bill-to-Reduce-European-Whistleblowing-Institute-Memorandum-Breach-of-EU-Law-by-the-proposed-abolition-of-the-Office-for-the-Protection-of-Whistleblowers>, 25 November 2025 https://whistleblowingnetwork.org/WIN/media/pdfs/Final_Memo-Slovakia_1.pdf

35 Natália SILENSKÁ, *Slovakia's Constitutional Court suspends law abolishing Whistleblower Protection Office*, The International Institute for Democracy and Electoral Assistance (International IDEA) - Constitutionnet, 18 December 2025, <https://constitutionnet.org/news/slovakias-constitutional-court-suspends-law-abolishing-whistleblower-protection-office>

36 *Odkaz na spisovú značku*

37 EU Whistleblowing Monitor, *Constitutional Court Suspends Law Abolishing Whistleblower Protection Office*, 17 December 2025 <https://whistleblowingmonitor.eu/constitutional-court-suspends-law-abolishing-whistleblower-protection-office/>

Recommendation: Introduce proposals to regulate lobbying, strengthen the asset declaration and verification system, and continue ongoing efforts to reform conflicts of interest rules (first made in 2022)

In 2025, the Ministry of Interior initiated a formal dialogue to address the long-standing regulatory gap in lobbying. This included high-level roundtables in May and June 2025, to which NGOs were invited as the first stage of an expert discussion. The Ministry published ‘Basic Starting Points’ for a proposed lobbying law, aiming to establish a mandatory electronic register, define the subjects involved, and introduce a legislative footprint for public officials.

Significant gaps persist as no formal legislative proposal has entered the official legislative process beyond these preparatory phases. The September 2025 GRECO report highlighted that Slovakia has failed to implement 12 out of 21 recommendations. The framework for asset declarations remains fragmented with no central verification body. Furthermore, the draft Code of Conduct for executive officials has been criticised as ‘soft law’ lacking legal liability for breaches.

Leading NGOs, including VIA IURIS, Transparency International Slovakia, and the Stop Corruption Foundation, have strongly criticised the government’s approach. In June 2025, VIA IURIS published a joint policy paper which argues that a quality law must include a broad definition of lobbying (covering firms, consultants, and think-tanks), a mandatory public register, and independent oversight.³⁸

The NGOs expressed deep concern over the government’s attempt earlier in 2025 to regulate lobbying exclusively through the NGO Law. This legislative attempt targeted civil society by labeling their advocacy and media campaigns as lobbying while leaving corporations, developers, and tobacco companies unregulated. The government’s attempt can be seen as an effort to harass and silence government watchdogs, rather than a genuine attempt at transparency. The NGOs maintain that lobbying regulation must be comprehensive, non-discriminatory, and developed through a participatory process, rather than being used as a tool for political retaliation.

38 Transparency International Slovakia - Stop Corruption Foundation - VIA IURIS, *End of Backroom Deals: The Path to Transparent Lobbying in Slovakia*, June 2025, <https://viaiuris.sk/wp-content/uploads/2025/06/lobing-slovensko.pdf>

Regarding conflicts of interest, a Code of Conduct for public officials was adopted in August 2025. The initial draft faced sharp criticism for provisions that threatened to undermine civil society and basic constitutional rights. A central concern was the vague and discriminatory requirement that officials ‘should ensure they are not associated’ with NGOs or third parties whose goals conflict with the Government’s Program Statement. This provision functioned as a tool for political exclusion, essentially establishing the Prime Minister as an arbiter of which civic organisations are ‘legitimate’ based on their political alignment. Furthermore, since the code was drafted as non-binding ‘soft law’ with vague criteria, it lacked legal certainty and could be misused by the executive as an informal instrument to put pressure on officials or stigmatise watchdogs, thereby contradicting the very principles of transparency and participation it claimed to uphold.³⁹ After the criticism and public pressure, the disputed provision of the Code was ultimately removed and is no longer included in the final approved version.⁴⁰

Commission’s 2025 assessment: No progress/Some progress VIA IURIS’s current assessment: In progress

Gaps in the Commission’s Report

The most critical concerns stem from the evaluation of the Rule of Law Report, which failed to address the problems with the Code of Conduct for public officials. The Slovak government proposed a new mechanism to bar prominent critics from the civil society sector from standing for political office. It introduced a Code of Conduct for public officials that prohibits them from meeting and cooperating with civil society organisations (CSOs). Any affiliation with a CSO, whether past or present, could be grounds for disqualification from holding public office. With its vague wording, the Code may easily lead to potential discrimination against CSOs based on their political opinions. The lack of clear criteria made it susceptible to arbitrary interpretation and application, potentially chilling free speech and the right to associate. The Prime Minister acts as the ultimate arbiter of breaches of the Code and of any sanctions to be imposed. Although this controversial and problematic provision on restricting association with CSOs was ultimately removed, and the final version of the Code was

39 Full text of the public comment submitted by the NGOs as a part of a signing campaign available at: https://www.mojapeticia.sk/campaign/hp-k-navrhu-kodexu-spravania-sa-osob-vo-vysokych-vykonných-funkciach/522d77bb-9fd0-4420-a723-6fbf762a4021?fbclid=IwY2xjawPRtgNleHRuA2FlbQIxMABicmlkETFRaTh-qOHJNRk15bk44SDhac3JOYwZhcHBfaWQQMjlyMDM5MTc4ODIwMDg5MgABHu6vY0NNI4oeE9yy-EKDneS_QymXsGIPcXp1sc31-lo855__NEFabrvoZakn_aem_Frm90N-5iEpQffN_aRHyug

40 The final version and governmental documents of the approved Code of Conduct from 19 August 2025 available at: <https://rokovania.gov.sk/RVL/Material/31068/1>

adopted without it, the Commission at the time of evaluation did not reflect on the proposed threat to civic space in this regard.

New Issues that Emerged in 2025

In December 2025, parliament approved a law to replace the independent office with a government-controlled body via a fast-track legislative process. Although the Constitutional Court suspended the enforcement of this law on 17 December 2025, the government's intent to muzzle those who expose state corruption is clear.

Simultaneously, the 2025 revisions to the Penal Code have significantly restricted the use of cooperating accused persons and introduced the threat of imprisonment for influencing election campaigns by 'foreign powers', leading to mass protests in Bratislava and other major cities. These protests reflect a profound societal concern that the government is prioritising the protection of its own associates over the safety and justice of the population.⁴¹

We recommend the Commission to adopt following recommendations:

- Ensure effective protection of whistleblowers and safeguards against undue political interference in anti-corruption and criminal justice frameworks, in line with EU law and European standards. In particular, Slovakia should preserve the institutional independence, mandate and resources of the Whistleblower Protection Office, refrain from weakening its autonomy through fast-track legislative procedures, and ensure that any reforms are subject to transparent, inclusive consultation and constitutional review.
- Ensure assessment and address the impact of amendments to the Penal Code on the effectiveness of investigations, electoral integrity and fundamental rights, ensuring that provisions on cooperating accused persons and offences related to foreign influence are clearly defined, proportionate, and not likely to misuse, while safeguarding the rights to freedom of expression, assembly and democratic participation.

41 AP News: *Thousands protest Slovak leader Fico over whistleblower office closure and penal code changes*, 16 December 2025 <https://apnews.com/article/slovakia-protest-fico-770a977c9c9f9dcfad32e5b23409038a>

Implications and Recommendations for 2026

The aforementioned attempted abolition of the Whistleblower Protection Office in late 2025 represents a new and dangerous phase of state capture. We recommend the Commission to adopt following recommendations:

Suggested recommendation: Ensure effective protection of whistleblowers and safeguards against undue political interference in anti-corruption and criminal justice frameworks, in line with EU law and European standards. In particular, Slovakia should preserve the institutional independence, mandate and resources of the Whistleblower Protection Office, refrain from weakening its autonomy through fast-track legislative procedures, and ensure that any reforms are subject to transparent, inclusive consultation and constitutional review.

Suggested recommendation: Ensure assessment and address the impact of amendments to the Penal Code on the effectiveness of investigations, electoral integrity and fundamental rights, ensuring that provisions on cooperating accused persons and offences related to foreign influence are clearly defined, proportionate, and not open to misuse, while safeguarding the rights to freedom of expression, assembly and democratic participation.

MEDIA ENVIRONMENT AND MEDIA FREEDOM

General assessment

Slovakia's media freedom and environment have experienced significant regression in 2025.

Slovakia's fall to 38th place, its lowest in 15 years, in the 2025 RSF World Press Freedom Index—a drop of nine places—reflects the deteriorating environment for practicing journalism.⁴² The report identifies 'economic fragility' and 'deliberate hostility' from the Fico government as primary threats, noting that the government is following a "path similar to Hungary".⁴³ High-level politicians have routinely utilised press conferences to vilify journalists as 'parasites' or 'foreign agents'.⁴⁴

The defining event of the year was the completion of the transition from the relatively independent Radio and Television of Slovakia (RTVS) to the politically captured Slovak Television and Radio (STVR).

In 2025, the use of Strategic Lawsuits Against Public Participation (SLAPPs) in Slovakia evolved into a systemic tool of intimidation, characterised by high-stakes 'muzzle lawsuits' initiated by state-owned entities and senior political figures to silence independent oversight. This trend, exemplified by landmark cases seeking disproportionate damages, has a potential to create a chilling effect on investigative journalism and highlights the urgent need for domestic safeguards aligned with the EU Anti-SLAPP Directive.

A new and concerning trend in 2025 is the deployment of 'muzzle lawsuits' by state-owned or state-managed entities against independent oversight bodies.

The head of the Supreme Audit Office of Slovak Republic (NKÚ), Ľubomír Andrassy, reported that several audited institutions began filing lawsuits to halt audits or prevent the publication of critical findings. Alongside legal action, NKÚ auditors have faced increased verbal aggression and harassment from the entities they are tasked with investigating.⁴⁵

42 Reporters Without Borders: *Press Freedom Index 2025*, <https://rsf.org/en/index>

43 Slovak Television and Radio, *Slovakia drops sharply in World Press Freedom Index*, 5 May 2025, <https://enrsi.stvr.sk/articles/news/401127/slovakia-drops-sharply-in-world-press-freedom-index>

44 Reporters Without Borders: SOCIAL CATEGORY: They smear media and promote mistrust of journalists, 31 October 2025, <https://rsf.org/en/protagonist-social-category-they-smear-media-and-promote-mistrust-journalists>

45 VIA IURIS, *Massive public protests across Slovakia (Zeitgeist 10.)*, 3 February 2025, <https://viaiuris.sk/aktuality/massive-public-protests-across-slovakia-zeitgeist-10/>

Alongside using SLAPPs, research from the Investigative Center of Ján Kuciak (ICJK) highlighted a trend where Slovak politicians and their affiliates sponsored 523 hateful or defamatory Meta ads between mid-2024 and mid-2025. These paid campaigns frequently target specific journalists and NGO representatives, serving as a ‘pre-litigation’ stage of harassment meant to discredit the targets before or during legal proceedings.⁴⁶

The overall atmosphere in the Slovak media space in 2025 is defined by growing polarisation and a transition from professional editorial plurality toward a model where critical journalism increasingly finds itself under economic and political pressure.

Implementation of 2025 Commission recommendations

Recommendation: Strengthen the rules and mechanisms to restore and further safeguard the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)

Although the legislation establishing STVR (abolishing the previous public broadcaster and establishing a new one) was approved in 2024, the government and parliament only appointed the STVR Board in 2025, and it is composed exclusively of nominees of the ruling coalition. This Board selected a new director, and there is now significant pressure on editorial content, including the suspension or abolition of investigative programmes, while news output has become increasingly pro-government and decreasingly critical.

Commission’s 2025 assessment: No progress

VIA IURIS’s current assessment: Backsliding

46 Ivan GODÁRSKY, [Press Freedom Predators 2025] Slovak PM Fico listed. MEMO98, 2 November 2025, <https://memo98.sk/article/2025-press-freedom-predators-slovak-pm-fico-listed>

Recommendation: Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account the European standards on the protection of journalists (first made in 2022)

There has been no change in this field introduced either by legislation or implementation. The verbal attacks on journalists from the government party's representatives continued through the year in the same – if not an even more aggressive – manner than before.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

New Issues that Emerged in 2025

Following the 2024 law that dissolved RTVS management, the STVR Board was reconstituted with nine members, all of whom are appointed by the parliamentary majority or the Ministry of Culture, ensuring no independent or opposition representation.⁴⁷

In May 2025, the Board appointed Martina Flašíková as Director General in a closed-door session that excluded the public and the media.⁴⁸ Flašíková's background as a producer of pro-government disinformation and her familial ties to a former key political strategist for the ruling party led international media watchdogs to classify the move as an 'openly political appointment'.⁴⁹

The consequences of this capture became immediate and visible throughout 2025:

47 Peter HANÁK, *Media Capture Monitoring Report: Slovakia. Measuring EMFA compliance. The International Press Institute (IPI), The Media and Journalism Research Center (MJRC), November 2025*, <https://ipi.media/wp-content/uploads/2025/12/SLOVAKIA-Media-Capture-Monitoring-Report-2025-Final.pdf>

48 *Slovak Television and Radio, Martina Flašíková to lead Slovak public broadcaster, 13 May 2025* <https://enrsi.stvr.sk/articles/news/402021/martina-flasikova-to-lead-slovak-public-broadcaster> / *Safety of Journalists Platform: Governance and Funding Structure of STVR Undermines Public Service Media Independence, 11 September 2025*, <https://fom.coe.int/en/alerte/detail/107642814>

49 *Safety of Journalists Platform, Governance and Funding Structure of STVR Undermines Public Service Media Independence, 11 September 2025*, <https://fom.coe.int/en/alerte/detail/107642814>

- **Editorial Purges:** Respected journalists resigned in protest of editorial interference, while the first decisions of the new leadership included the cancellation or restriction of independent discussion and investigative programmes.⁵⁰
- **Ideological Realignment:** The broadcaster retained parallel shows by commentators whose platforms had previously been labelled as sources of disinformation, while hiring journalists known for pro-Russian narratives and homophobic remarks.⁵¹

Implications and Recommendations for 2026

The transition from the independent RTVS to the new entity, STVR, represents a calculated effort to transform the public broadcaster into a government mouthpiece. We recommend the Commission to adopt following recommendations:

Suggested recommendation: Ensure the effective independence and pluralistic functioning of the public media by introducing legal and institutional safeguards for the governance of STVR, in line with European standards. In particular, Slovakia should revise the appointment procedures for the STVR Board and senior management to guarantee balanced, transparent, and merit-based selection, including safeguards against political dominance and ensuring representation of diverse societal interests.

Suggested recommendation: Ensure transparent and open appointment processes, including public scrutiny, and put in place effective guarantees to protect editorial independence, prevent undue political interference, and safeguard journalists against pressure or retaliation, thereby strengthening public trust in the impartiality and credibility of public service broadcasting.

50 Lenka MÁJIKOVÁ, *Another disappointment for viewers from STVR. The popular show, which was suspended by the new management, will not return in the upcoming season.*, 29 November 2025, <https://www.aktuality.sk/clanok/KxGGGEb/dalsie-sklamanie-pre-divakov-zo-strany-stvr-oblubena-relacia-ktoru-pozastavilo-nove-vedenie-sa-v-najblizsej-sezone-nevrati/>

51 *State Media Monitor, Slovak Television and Radio (STVR)*, 11 October 2025, <https://statemediamonitor.com/2025/10/radio-and-television-slovakia-rtvs/>

CHECKS AND BALANCES

General assessment

The system of checks and balances in Slovakia has undergone regression. The executive branch has used its parliamentary majority to systematically marginalise the legislature and the Constitutional Court, while using the 23rd Constitutional Amendment to assert ‘national sovereignty’ as a justification for non-compliance with EU law.⁵²

The year 2025 was defined by the government’s attempt to place its ‘cultural and ethical’ agenda beyond the reach of European and international law through constitutional amendment. This move has triggered a conflict with the European Commission.

The 23rd Constitutional Amendment adopted on 26 September 2025, introduced a series of provisions under the banner of ‘safeguarding traditions’.⁵³ While many of the changes—such as defining parenthood as a ‘mother and father’ or recognising only biologically determined sex—were described as symbolic by some—their legal implications are far-reaching.⁵⁴

The amendment to Article 7 is the most legally problematic, asserting that Slovakia “retains its sovereignty... in matters of national identity,” specifically regarding fundamental cultural and ethical questions. This provision is intended to serve as a constitutional guarantee that national values will trump supranational norms (for example EU law and the ECHR) whenever a conflict is perceived. Legal experts and the European Commission have noted that this directly undermines the principle of the primacy of EU law, as it empowers domestic authorities to unilaterally decide which EU rulings or treaty provisions to apply.⁵⁵

52 Thomas WAHL, *Slovakia under the EU’s Rule-of-Law Eye*, Eucrium, 17 December 2025, <https://eucrim.eu/news/slovakia-under-the-eus-rule-of-law-eye/>

53 Lilla GARAYOVÁ, *Slovakia’s 2025 Constitutional Amendment - Traditional Values and National Identity in the Constitution*, Central European Association for Comparative Law (CEACL), 25 October 2025, <https://www.ceaclaw.org/post/slovakia-2025-constitutional-amendment>

54 Max Steuer, *No Skyfall. The Twenty-Third Amendment to the Slovak Constitution*, 20 October 2025, <https://verfassungsblog.de/slovakia-constitutional-amendment/>

55 *Expert Opinion on the Draft Amendment to the Constitution* of various legal experts and professionals from constitutional law, european and international law, adopted in June 2025. The Opinion was accompanied by a public call for signing campaign: <https://www.mojapeticia.sk/campaign/odborne-stanovisko-k-navrhu-novely-ustavy/6387b6dd-593f-49f7-afff-7dbc026eee1e>

On 21 November 2025, the European Commission initiated an infringement procedure by sending a letter of formal notice to the Slovak government.⁵⁶ The Commission argued that even when a Member State amends its constitution, it cannot circumvent the obligation to comply with the fundamental principles of Union law, including the principles of autonomy and primacy. The procedure targets the empowerment of Slovak authorities to vet CJEU rulings, which the Commission views as a threat to the entire EU legal order.

The legal environment for civil society in 2025 was further constrained by the implementation of the amendment to the law on non-profit organisations (the so-called ‘Russian law’) in June 2025.⁵⁷ While the government avoided the specific label of ‘foreign agent’ to bypass an immediate CJEU challenge, the law introduced discriminatory transparency obligations that apply to NGOs but not to political parties or commercial entities receiving public funds.³³

NGOs were required to publicly list all donors contributing more than €5,000 and provide detailed financial transparency statements starting in 2026. Regulatory authorities were granted broad powers to audit organisations and impose heavy fines or initiate dissolution for non-compliance with vague requirements. VIA IURIS pointed out the absurdity of the legislation, noting that it obliges NGOs to respond to information requests about public funds even if they receive none, creating a pretext for administrative harassment by the public.

In October 2025, the Venice Commission adopted a comprehensive opinion on the law which significantly deepened the legal context surrounding the constraints on Slovak civil society.⁵⁸ The Commission concluded that the law, while marketed under the guise of transparency, raised grave concerns regarding its compatibility with international human rights standards, specifically the rights to freedom of association and privacy.

56 European Commission, *November infringements package: Key decisions*. 21 November 2025, https://ec.europa.eu/commission/presscorner/detail/en/inf_25_2481

57 Ketrin JOCHCOVÁ, *Slovakia Slovakia adopts Russian-style law targeting NGOs*. POLITICO, 17 April 2025, <https://www.politico.eu/article/slovakia-adopts-russian-bill-targeting-ngos/>

58 Council of Europe, Venice Commission, *OPINION ON LAW NO. 109/2025 AMENDING THE LAW “ON NON-PROFIT ORGANISATIONS PROVIDING SERVICES OF GENERAL INTEREST AND OTHER RELATED LAWS*, Venice, 9-10 October 2025, CDL-AD(2025)041

In December 2025, the Constitutional Court of Slovak Republic declared this law unconstitutional and upheld the criticism that had consistently pointed out the harmfulness and absurdness of this legal provision since its adoption.⁵⁹

The trajectory in 2025 shows backsliding becoming entrenched through the continued and unjustified use of fast-track procedures, which prevent meaningful public and expert consultation. In 2025, 20% of the laws passed by the parliament were discussed and adopted in fast-track legislative procedure⁶⁰ including such significant changes as proposed abolition of the Whistleblower Protection Office, Penal Code amendments or legislation on the consolidation of the public finances.

Implementation of 2025 Commission recommendations

Recommendation: Ensure effective public consultation and stakeholder involvement in the law-making process, including by addressing the frequent use of the fast-track procedure (first made in 2023)

The trajectory in 2025 shows backsliding becoming entrenched through the continued and unjustified use of fast-track procedures, which prevent meaningful public and expert consultation. In 2025, 20% of the laws passed by the parliament were discussed and adopted in fast-track legislative procedure⁶¹ including such significant changes as proposed (but ultimately rejected) abolition of the Whistleblower Protection Office or major changes to criminal law. This happens constantly despite regular mass protests and international condemnation. Even the legislation on the consolidation of the public finances is pushed through the fast-track legislative process to avoid any public discussion and criticism of the governmental policies.

There is no sign of motivation or effort of the current government to change this trend.

Commission's 2025 assessment: No progress

VIA IURIS's current assessment: No progress

59 Constitutional Court of the Slovak republic, no. PL. ÚS 19/2025. Available at https://www.ustavnysud.sk/rozhodovacia_cinnost/rozhodnutia

60 *Brief overview of legislative activity of the National Council of the Slovak republic in 2025* available at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=582798>

61 *Brief overview of legislative activity of the National Council of the Slovak republic in 2025* available at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=582798>

Gaps in the Commission's Report

An important issue the Commission should have made a recommendation on is the systemic and coordinated effort by the state to silence and delegitimise civil society through legislative, administrative, and rhetorical tools. This includes the weaponisation of the Freedom of Information Act (FOIA) and the imposition of discriminatory reporting duties that target non-profit organisations (NGOs) while exempting other entities (Act. No. 109/2025 Coll. on NGOs providing services of general interest).

Throughout 2025, the alarming developments occurred regarding:

- Expansion of FOIA Duties to NGOs: Law No. 109/2025 retroactively designated NGOs receiving public funding as ‘obliged persons’ under the Freedom of Information Act. This requires them to respond to public information requests similarly to state bodies, but without the authority to deny requests for information they do not possess, leading to an intentional administrative overburdening of organisations.
- ‘Russian-Style’ NGO Law: In June 2025, Law No. 109/2025 introduced extensive reporting requirements, including the mandatory public disclosure of personal data for all personal donors contributing over €5,000 per year and all companies and institutional donors without any limit.

The Commission’s report is very brief in its explanation of these developments. By failing to detail the consequences of the FOIA amendments, the Commission missed the resulting decline in transparency in public administration and the administrative bullying of civil society. Relegating these restrictions on civic space to a single final paragraph ignores the systemic nature of the government’s efforts to silence the civic sector, which effectively emboldens the executive to continue its strategy of state capture.

New Issues that Emerged in 2025

The government’s reaction to the EC Rule of Law Report 2025

The reaction of the Slovak government to the EC Rule of Law Report 2025, where the government states misleading, deceptive, and unsubstantiated claims on civil society, depicts the environment in which civil society in Slovakia operates.

In its response to the European Commission, the Slovak government portrays key civil society organisations and NGOs not as independent watchdogs, but as politically engaged actors deeply entrenched in conflicts of interest. The government argues that the Commission relies on ‘one-sided claims’ from organisations funded by ‘oligarchs’ or foreign entities that are ideological opponents of the current

administration, specifically citing the Open Society Foundation (George Soros) and ESET co-owner Miroslav Trnka. Specifically, NGOs Stop Corruption Foundation and VIA IURIS are accused of actively organising anti-government protests and supporting opposition mobilisation campaigns, while Transparency International Slovakia is dismissed as biased for allegedly favoring specific political figures like former President Zuzana Čaputová. Consequently, the government insists that these entities function as political opponents rather than neutral civil society representatives, rendering their input to the Rule of Law report unreliable.

Furthermore, the government aggressively challenges the credibility and methodology of the data provided by these NGOs, describing their reports as incomplete, inaccurate, or methodologically unsound. It specifically attacks the Corruption Perceptions Index for reflecting media-driven narratives rather than reality and criticises the CIVICUS monitor for what it deems a biased assessment that fluctuates based on which government is in power. The government rejects the narrative that the space for civil society is shrinking, defending its controversial ‘NGO transparency law’ as a necessary anti-corruption measure aligned with OECD standards. Conversely, the response paints the government as the victim of polarisation, arguing that NGOs and media outlets are responsible for ‘dehumanising’ government officials and inciting hatred—including comparisons to dictators—which the Commission allegedly ignores.⁶²

The ongoing government audits in NGOs

Following the Slovak Parliament’s resolution on 30 September 2025, the government launched a comprehensive audit of state funding provided to central administrative bodies between 2020 and 2025, specifically aiming to uncover evidence of duplicate financing, wastefulness, or unauthorised fund usage by NGOs. According to the Platform for Democracy, which monitored data from the Ministry of Finance and the organisations themselves, audits were conducted on at least 13 NGOs following this mandate.

The results of these investigations have largely failed to substantiate the government’s narrative of widespread misconduct. Out of the 13 known audits, nine organisations were cleared with no deficiencies found, while the three organisations flagged for alleged irregularities dispute the findings and are prepared to take legal action if the state demands repayment. Filip Vagač, the Program Director of the Platform for Democracy, noted that the ruling coalition’s effort to prove “massive and systematic

62 *Reaction of the Government of the Slovak Republic to the Rule of Law Report 2025* adopted on 20 August 2025. The Reaction and related documents available at: <https://rokovania.gov.sk/RVL/Negotiation/1420>

fraud” has so far “come up empty,” with a final government report on the matter due to Parliament by 15 February 2026.⁶³

Implications and Recommendations for 2026

The Commission completely omitted to reflect on the developments regarding CSOs and the shrinking of the civic space and to propose recommendations on fundamental rights regarding association, assembly, petition, civil society legislation, exploitation of the fast-track legislative procedure, freedom of information act, and administrative harassment aimed at civil society actors.

Suggested recommendation: Strengthen the environment for civil society and the protection of fundamental rights by ensuring that legislation and administrative practices fully respect the freedoms of association, assembly, expression, and access to information, in line with EU law and European standards. In particular, Slovakia should refrain from stigmatising or discrediting civil society organisations.

Suggested recommendation: Ensure that transparency and funding rules for NGOs are proportionate, non-discriminatory and not used to exert undue pressure, and guarantee that audits, inspections and other administrative measures are based on objective criteria and conducted without political motivation.

Suggested recommendation: Avoid the excessive use of fast-track legislative procedures in areas affecting fundamental rights, to preserve civic space, legal certainty and public trust.

63 Platform for Democracy: *Government audits did not reveal any systemic failure of NGOs*, 20 January 2026, <https://www.predemokraciu.sk/2026/01/20/vladne-audity-nepreukazali-systemove-zlyhanie-mno/>

CONTACTS

VIA IURIS

VIA IURIS is a non-partisan, not-for-profit organisation registered in Slovakia since 1993. Our mission is to use the law as an instrument of justice, bring systemic solutions, and promote the equal application of law for all. Our activities are arranged into three pillars: promoting effective public participation (Citizen), protecting the legislative environment and civil society (Civil Society), and strengthening the political independence of courts, prosecution, and police (Rule of Law).

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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