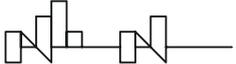


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State of rule of law in Slovakia 2024

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State of rule of law in Slovakia 2024

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Slovakia

This report was prepared as a separate chapter under the joint report of the European Network of National Human Rights Institutions (ENNHRI) on the state of rule of law in the European Union.

It was prepared by the Slovak National Centre for Human Rights as a member institution.

Slovak National Centre for Human Rights

Implementation of regional actors' and NHRI's recommendations on rule of law (from previous year) and actions undertaken by NHRI to facilitate implementation

State authorities follow-up to regional actors' recommendations on rule of law

In the [2023 EC Rule of Law report](#) seven recommendations were addressed to Slovakia. Concerning the judiciary, the recommendations aim at ensuring sufficient safeguards for the independence of the members of the Judicial Council and safeguards for the offence of bending the law. No progress has been made, however, in the [Programme Statement](#) (p. 65), the new government established in 2023 proposes to abolish or amend the offence of bending the law.

Concerning the fight against corruption, the EC recommended to introduce a legal regulation of lobbying, to strengthen the legislation on conflicts of interest and asset declarations, to strengthen coordination between law enforcement authorities and to assure the objectivity of prosecutorial decisions. The government undertook to strengthen transparency, to prepare anti-corruption legislation to regulate lobbying and to introduce uniform rules for the asset declarations ([Programme Statement](#), p. 70). In December 2023, the government introduced an [amendment](#) to the criminal law system through an accelerated legislative procedure intending to amend substantive as well as pro-

cedural law. The most notable changes include:

- lowering the penal rates for property and economic crimes;
- reducing the penal rates for crimes committed by public officials;
- the abolishment of the Special Prosecutor's Office of the Slovak Republic;
- changes to the legal position of the cooperating person and the suspect. (for more information see chapter: [Other challenges in the areas of rule of law and human rights](#))

A draft [amendment](#) to the Criminal Procedure Code was submitted by the political opposition as well, to limit the powers of the General Prosecutor by establishing the right of a prosecutor and a police officer to appeal an order of the General Prosecutor annulling a binding decision in a pre-trial proceeding and by narrowing the grounds for issuing such an order.

Regarding media freedom and pluralism, the EC recommended to continue the process of establishing safeguards to improve the safety of journalists and to strengthen the rules and mechanisms concerning the independence of public service media. The government declared

that it would enforce the legal and economic framework for the division of Radio and Television of Slovakia into two independent public media institutions or consider other solutions to ensure independent and objective public media and journalism. Concerning the safety of journalists, no measures were introduced ([Programme Statement](#), p. 70).

In the system of checks and balances, the EC recommended to ensure public consultation

in the law-making process. The government is committed to guarantee a stabilised legislative environment in the context of improving the business environment by reducing the accelerated legislative process ([Programme Statement](#), p. 11-12). In connection with the tasks of the Ministry of Justice of the Slovak Republic, an increase in public participation in the adoption of laws is mentioned ([Programme Statement](#), p. 68).

NHRI's follow-up actions supporting implementation of regional actors' recommendations

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The Slovak National Centre for Human Rights (hereafter “the Centre”) reported on the rule of law through the ENNHRI reporting mechanism and subsequently participated in a technical meeting with representatives of the European Commission. Upon the technical meeting, the Centre provided further written information to the questions of the European Commission. The information about the publication of reports regarding rule of law, including the EC Report, is published on the [website](#) of the Centre, and has been disseminated through social media.

As part of the [project](#) “Supporting National Human Rights Institutions in Monitoring Fundamental Rights and the Fundamental Rights Aspects of the Rule of Law”, the Centre organised a [Rule of Law Festival](#) in 2023. The Festival took the form of a discussion during business brunches in Bratislava and in the regions of Banská Bystrica and Košice. In Bratislava, the Festival was organised in cooperation with the EU Commission Representation in Slovakia and divided

into three sessions, on the following topics:

- space for civil society;
- protection of journalists;
- human rights structures and public policy-making.

In the regions, the festival focused on the space for civil society and protection of journalists within the rule of law.

During each event, a special section was dedicated to the EU Commission Rule of Law Review cycle. The Centre introduced the participants to the mechanism under which ENNHRI and NHRIs contribute to the EU Commission's reports via joint annual reports on the state of the rule of law in Europe. Particular attention was paid to the [report](#) prepared by the Centre and the recommendations issued in this report. The EC Representation presented their reporting mechanism on the rule of law. Moreover, the [chapter on Slovakia](#) included in the ENNHRI joint rule of law report was translated into

Slovak, printed and distributed to participants of the Festival as well as through other channels to increase its visibility and accessibility. The Festival reached out to a wide audience. Representatives of state authorities, civil society, journalists or even the private sector participated in the Festival.

The Centre is actively involved in the UN Universal Periodic Review mechanism. On the occasion of Slovakia's upcoming review, the Centre sent its [individual submission](#) to the UN Human Rights Council, reflecting on the recommendations issued in 2019. Some of the recommendations also concerned rule of law issues, particularly:

- media freedom and the protection of journa-

lists –attention was brought to hate speech and harassment and absence of SLAPP regulation;

- civic space –the Centre reported on constricted democratic space for civil society and human rights defenders, including fragmented regulation and inadequate funding;
- human rights violations against minorities - including the rights of Roma women or LGBTI+ people.

The Centre also sent its alternative [report](#) to the UN Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights, including situation concerning LGBTI+ people, Roma, journalists and space for CSOs.

State authorities follow-up to NHRI's recommendations regarding rule of law

In [ENNHRI's 2023 Report](#) on the state of the rule of law in Europe, the Centre issued seven targeted recommendations regarding all areas of the rule of law. The recommendations were addressed to various state authorities. In particular, four were addressed to the National Council of the Slovak Republic, three were general recommendations issued to the national authorities and regional actors, two recommendations regarded the Ministry of Justice of the Slovak Republic, two were issued to the government, one was issued to the Ministry of Labour, Social Affairs and Family of the Slovak Republic, one concerned public figures in general, one was issued to the European policy makers, one particularly to the members of the EU parlia-

ment, one was issued to the Representative of the Slovak Republic before the European Court of Human Rights and one to the Representative of the Slovak Republic before the Court of Justice of the European Union. The recommendations were divided into six categories, particularly:

- impact of 2022 rule of law reporting;
- independence and effectiveness of the NHRI; human rights defenders and civil society space;
- implementation of European Courts' judgments;
- artificial intelligence;
- other challenges in the areas of rule of law and human rights.

Similarly to the recommendations of the EC, implementation of the recommendations issued by the Centre remains a challenge due to non-binding character and reluctance of state authorities to address them. The turbulent political situation in 2023 in Slovakia, with early termination of the government, appointment of technocratic government and pre-elections,

did not provide space for structural reforms and implementation of recommendations. Out of all 17 recommendations, only two were fully implemented, two were partially implemented or followed up on and thirteen remain unimplemented or cannot be adequately assessed. (see Annex 1)

NHRIs' establishment, independence and effectiveness

International accreditation status and SCA recommendations

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The Slovak National Human Rights Centre was accredited with B-status in [March 2014](#). On that occasion, the SCA noted that the NHRI has a clear mandate to promote and protect human rights, but with an emphasis on equality and discrimination. Acknowledging that the NHRI interprets its mandate broadly to encompass all rights, the SCA encouraged the Centre to advocate for legislative changes giving them the power to: submit opinions, recommendations, proposals and reports on any human rights matter to the Government; promote and ensure harmonisation of national legislation, regulations and practices with international human rights instruments to which Slovakia is a party; create awareness of human rights norms through teaching, research and addressing public opinion; encourage ratification or access to international human rights instruments; and effectively investigate complaints of human rights violations.

The SCA noted that the Administrative Board, one of the two bodies of the SNCHR together with the Executive Director, is made up of members selected by nine separate appointing authorities, each of which can define its own selection criteria. The SCA encouraged the Centre to advocate for the formalisation of a clear, transparent, and participatory selection and appointment process of decision-making body, in relevant laws, regulations or binding adminis-

trative guidelines.

Further, the SCA took the view that the arrangements for the appointment of members did not ensure pluralism in the composition of the Administrative Board. It encouraged the Centre to ensure that its membership and staff are representative of the diverse segments of society. Additionally, the SCA pointed out that the enabling legislation of the NHRI does not explicitly include provisions to protect the members from legal liability for the actions undertaken and decisions made in good faith in their official capacity.

Moreover, the SCA noted, that according to the enabling law, membership of the Administrative Board can be terminated by recall of the appointing authority. The SCA emphasized that dismissal should not be solely dependent on the discretion of appointing authorities. It encouraged the Centre to advocate for the formalisation of a dismissal process in which: dismissal is made in strict conformity with all procedural and substantive requirements prescribed by law; grounds for dismissal are clearly defined and appropriately confined only to actions adversely impacting the members' capacity to fulfil their mandate; and where appropriate, the legislation should specify the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction.

Follow-up to SCA Recommendations and relevant developments

The Centre was accredited with B-status in March 2014 ([SCA Report](#), March 2014). Since then, the Centre has not applied for a review of its accreditation status due to the fact that the legislative framework has not been significantly amended in order to implement the SCA recommendations.

As reported in [ENNHRI's 2023 Report](#), some issues raised by the SCA in 2014 have now been addressed either by internal regulations (such as more transparent open process of electing the Executive Director) or through government support (such as the increase of financial resources).

The budget of the Centre has been gradually increased. Compared to 967 002 Eur in 2023, the Centre has been allocated 1 071 000 Eur in 2024 which represents more than a 10 % increase. The increased budget includes financial

resources to sustain the two expert positions created under the project [Strengthening National Human Rights Institutions in Monitoring Fundamental Rights and the Fundamental Rights Aspects of the Rule of Law](#) funded by Iceland and Norway through the EEA and Norway Fund for Regional Cooperation and implemented between October 2022 and February 2024.

In October 2023, the Centre underwent elections of Executive Director as the three-year tenure of the Executive Director ended in November 2023. The position was openly announced, together with conditions for applying and conditions for the nomination by members of the Administrative Board. The [hearing of candidates](#) was open to public and streamed online. The vote was private but the results were announced publicly. The former Executive Director was [re-elected](#) and has now been serving her second consecutive term.

Regulatory framework

[The Act No. 110/2023 Coll. Amending and supplementing the act on Public Defender of Rights as amended and amending and supplementing certain other acts](#), which entered into force on 1 May 2023, brought about a minor amendment of the Act on Establishment of the Centre ([Act No. 308/1993 Coll. on Establishment of the Slovak National Centre for Human Rights](#)). The amendment, specified in Article 1.2 that the reports and recommendations prepared and published by the Centre concerning discrimination are independent.

The Centre considers this amendment merely as a formal clarification, as the reports produced by the Centre, both under its NHRI and under its NEB mandate, are prepared independently and include independent targeted recommendations to different stakeholders and national authorities. According to the information provided by the Ministry of Justice of the Slovak Republic, the amendment was adopted in line with the recommendations of the European Commission addressed to the Slovak Republic within the EU Pilot 4446/13/

JUST procedure and concern the mandate of the Centre as equality body ([Explanatory Note to the amendment](#), p. 14). Apart from this minor

amendment, there has been no change to the national regulatory framework.

NHRI Enabling and safe environment

As reported in [ENNHRI's 2023 Report](#), in order to be able to effectively monitor compliance of national laws and policies with human rights obligations, the Centre considers it crucial to be granted a status of obligatory commenting entity to legislative proposals as part of a broader mandate to submit opinions, comments and recommendations on both legislative and non-legislative initiatives to relevant authorities.

12 Under the applicable rules, the Centre on its own initiative provides comments to legislative proposals that may have an impact on human rights or the principle of equal treatment, with the status of “general public”. Thus, the authorities are not obliged to address these comments and further discuss them with the Centre. The level of engagement depends on the ministry concerned and legislation proposed. For instance, in 2023, the Ministry of Justice of the Slovak Republic published [preliminary information](#) about a prepared amendment of the Antidiscrimination Act. The Centre submitted its [statement](#) supporting the amendment, underlying the main gaps in the current legislation and requested its participation in the legislative process. In response, the Ministry requested the Centre to comment on the prepared amendment prior to its submission to the inter-resort commentary procedure, thus ensuring participation of the Centre and the inclusion of its expertise in the early stages of preparation of the

amendment.

On the other hand, when the same Ministry submitted the [proposal of Act on Fiduciary Proclamations](#), introducing the opportunity of appointing another person, including a partner, as a legal ‘confidant’. Under the proposal, the legal confidant is a person who, for example, could act on behalf of the person in cases where this person has limited legal capacity.

However, this proposal was mainly submitted as a way to address lack of legal recognition of same-sex couples and criticised as inappropriate and insufficient, the [comments](#) of the Centre remained unaddressed by the Ministry without any reasoning. In its comments, the Centre called for the Ministry to recall the proposal as it did not reflect the positive obligation of the state under the right to private and family life as determined in *Fedotova and others v. Russia* and did not provide a specific legal framework for recognition of same-sex couples as it did not reflect crucial life situations and the its establishment was not a dignified form of recognition of same-sex unions (instead of mutual proclamation before the civil registry it had a form of unilateral proclamation before the notary public). The proposal was submitted to the parliament in the original wording disregarding comments from human rights organisations and CSOs, however, it was later recalled by the technocratic government appointed by

the President.

In order to establish more effective cooperation with the parliament, in autumn 2023, the Centre initiated discussions with the newly appointed chair of the Committee for Human Rights and National Minorities, referring also to the [Belgrade Principles](#).

As addressed above, the Centre's budget has been gradually increased to address the staffing needs and increased activities. In 2023, the main challenge concerning the budget was that, upon the establishment of the new government in October 2023, it was uncertain whether the agreement reached previously between the Centre and the Ministry of Finance of the Slo-

vak Republic would be observed. The budget was finally approved at the end of December 2023, in line with the previous communication.

Besides some negative and hateful comments on social media under the posts of the Centre reflecting on its work on LGBTI+ rights and gender equality, in 2023 the Centre also faced negative reactions to flags displayed in the windows of its premises to support the most vulnerable groups in society (rainbow flag, trans flag, Roma flag, Ukrainian flag and flag for the Orange the World campaign). The Centre received complaints from several individuals requesting the flags to be removed, especially with regards to the Ukrainian flag and the rainbow flag.

NHRI's recommendations to national and regional authorities

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- To the Ministry of Justice of the Slovak Republic to enhance its efforts to increase full compliance of the Centre with the Paris Principles and ensure effective participation of the Centre in discussions on the possible legislative amendments of its legal and institutional framework, including Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights.
- To the Ministry of Justice of the Slovak Republic to enhance the independence and effectiveness of the Centre by placing more emphasis on the general obligation of relevant entities to cooperate with the Centre in all areas of its mandate, including an explicit mandate of the Centre to request response from the relevant state entities to the Centre's opinions and recommendations and a mandate of a compulsory commenting entity to legislative proposals ensuring review of their impact on human rights and equality.
- To the Government of the Slovak Republic and the Ministry of Justice of the Slovak Republic in particular, to facilitate smooth adoption of the proposed directives on standards for equality bodies at the European level and ensure their prompt transposition and effective implementation at the national level once adopted in order to strengthen the mandate, independence and effectiveness of the Centre as national equality body as well.

Checks and balances

Separation of powers

Amendment to the Competence Act

In December 2023, the parliament adopted an [amendment](#) of Act No. 575/2001 Coll. on the organisation of government activities and the organisation of the central state administration and certain acts (“Amendment to the Competence Act”) through an accelerated legislative procedure. One of its most significant reforms, impacting the concept of independence, is the transfer of the right to appoint and dismiss the chairpersons of the Statistical Office of the Slovak Republic and the Health Care Surveillance Authority from the president to the government.

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The amendment also introduces a new ground enabling the government to remove the chairpersons of the two bodies practically any time, verbatim “in the event of conduct, which raises or is likely to raise doubts as to the personal, moral or professional qualifications for the performance of his or her duties.” The new rules shall also apply retroactively to the chairpersons appointed under the previous legislation. The amendment further introduces that the Slovak Information Service and the Regulatory Office for Network Industries will be classed as bodies of central state administration. This fundamental change is to be carried out without any previous expert discussion and preparation and could jeopardize the public interest in the proper functioning of these bodies. The President of the Slovak Republic raised concerns about the amendment and [vetoed](#) it. She, among

others, argued that the amendment makes the Statistical Office and the Health Care Surveillance Authority politically accountable to the government for the performance of their duties and the amendment does not take into account the case law of the Constitutional Court of the Slovak Republic, according to which the law cannot entrust the appointment and removal of high-ranking state officials to the government but must entrust it to the president. On 16 January 2024, the parliament overrode the veto of the president and adopted the Amendment to the Competence Act.

Discussions are currently underway to change the electoral system to eight electoral districts. According to the Constitution of the Slovak Republic, the territory of the Slovak Republic constitutes one electoral district for elections to the National Council of the Slovak Republic. To amend this provision of the Constitution, a constitutional majority of 90 MPs votes is required. The [Programme Statement of the Government](#) indicates that it is prepared to set up an expert group to evaluate alternatives for legislative changes for the elections to the National Council of the Slovak Republic, with a focus on changing the number of electoral districts. Opinions within both the coalition and the opposition are polarized on this issue. The critics of the current electoral system say that it benefits parties build upon a strong political leader who is well known, while the 8-district electoral system would bring regional representation and voi-

ce. On the other hand, the common argument against the new electoral system is mostly that it would strengthen the strong parties and weaken the small ones that often do not have regional structures and representatives.

[Amendments to the Criminal Code and the Whistleblowing Act](#)

In December 2023, the government submitted to the parliament an [amendment of the Criminal Code](#) and an [amendment of the Whistleblowing Act](#), both through an accelerated legislative procedure without involving stakeholders and expert authorities with relevant competence. The government has been facing widespread protests against the amending proposals that have been strongly criticized by the opposition as well as other stakeholders. Nine Slovak MEPs sent a [letter](#) to the European Commission to warn against the “unprecedented attack on the rule of law” in Slovakia. The [European Chief Prosecutor](#) concluded that the amending proposals constitute a serious risk of breaching the rule of law.

One of the most significant changes the amendment to the Criminal Code proposes is the abolishment of the Special Prosecutor’s Office that has exclusive jurisdiction over serious crimes, such as terrorism, crimes against the EU’s financial interests, organized crime or corruption, including high profile cases linked to officials from the ruling political party. According to the proposed amendment, cases pending before the Specialized Criminal Court will be transferred to regional prosecutor’s offices. One of the cases is the murder of investigative journalist Ján Kuciak and his fiancée,

that is currently under appeal. [The Council of Prosecutors](#) consisting of regional prosecutor’s offices argue that they are not prepared to take over the agenda of the Special Prosecutor’s Office, and that its abolition would lead to weakening of the fight against serious organized crime and corruption. The amendment also aims to modify the statute of limitations and to fundamentally reduce penalties for corruption and economic crimes, of which several people close to the ruling party are accused. The government argues that penalties are disproportionately high and need to be brought into line with neighbouring countries. All corruption and economic crimes, irrespective of their scope, will have a maximum penalty of ten years and in each case a fine or suspended prison sentence may be imposed. The [Special Prosecutor](#) warns that the modified statute of limitations in combination with reduced penalties will result in time-barring of dozens of criminal cases under the jurisdiction of the Special Prosecutor’s Office, including serious high-profile cases.

Excessive use of Section 363 of the Criminal Procedure Code that allows the annulment of any final decisions of lower-ranking prosecutors or the police by the General Prosecutor, if such decision or the related procedure breached law, continues. In 2023, charges against several high-profile political figures, including the current Minister of Defence of the Slovak Republic, have been cancelled. In April 2023, an MP submitted to the parliament an [amending proposal](#) on strengthening the position of the General Prosecutor through Section 363. The amendment proposed, among others, to prevent the filing of indictments and the issuan-

ce of substantive decisions in the preparatory proceedings during proceedings pending un-

der Section 363. The proposal was withdrawn.

The process for preparing and enacting laws

16 In December 2022, the government [amended](#) the [Rules of Legislative Procedure of the Government of the Slovak Republic](#), which regulate law-making in Slovakia. Among the changes introduced, the possibility to collect signatures to show public support of comments to proposed legislation via paper signature forms or online petition websites was removed. Public support could only be raised through the online portal SLOV-LEX.sk. The comments themselves could no longer be submitted in writing but only through the online portal. The amendment was criticised as limiting the right to public participation at law-making as the online portal is very complicated and unknown to the general public. It also precludes participation of 14% of households without access to the internet. More than 85 organisations, including the Centre, [appealed](#) to the government to remove the adopted changes. In June 2023, the interim technocratic government adopted a new [amendment](#), removing the obstacle to collect signatures to show public support of comments by online petition websites or through paper signature forms.

The Centre is concerned by the excessive use of accelerated legislative procedures. In 2023, such a procedure was proposed or adopted in 22 cases, 15 of them since the establishment of the new government. The accelerated legislative procedure was adopted or requested also in cases of significant reforms, such as

the proposed reform of the [Criminal Code](#), the [Whistleblowing Act](#) or the [Competence Act](#) (explained more in detail under “checks and balances”) The general justification, suggested without further explanation or reasoning, was that the current legislation causes risks of human rights violations due to e.g. abuse of the whistle-blower protection by police officers, or the urgent need to establish a new Ministry of tourism and sports of the Slovak Republic by an amendment of the Competence Act. The excessive use of this procedure has been contested also by an informal association of 20 employers’ organisations, businesses and commercial chambers “[Rule of Law Initiative](#)”, which [appealed](#) to MPs not to support such proposals to protect transparency of legislative procedure and secure proper social dialogue.

The proposed [Amendment to the Criminal Code](#) introduces large-scale systematic changes and is thus likened by some experts to a recodification. According to its [Explanatory Memorandum](#), the urgency of adopting the amendment through an accelerated procedure stems from the necessity to adopt legislative measures following infringement procedures of the EU and to address the reservations of the European Commission. The government further justifies the accelerated legislative procedure by alleged systemic bias and gross violations of human rights by the Special Prosecutor’s Office, which, the government claims,

is evidenced by 30 decisions of the Constitutional Court of the Slovak Republic. However, no evidence of such decisions has been submitted so far. The President indicated that due to the absence of any real grounds for an accelerated proceeding, she will consider using her veto power and filing a motion in the Constitutional Court. The necessity to change the Whistleblowing Act through an accelerated

procedure is also justified by alleged presence of exceptional circumstances in which fundamental rights and freedoms or security may be threatened, supposedly by abuse of the whistle-blowers protection by police officers that could endanger the functioning of the Police Force. As of January 2024, the opposition has been using parliamentary obstructions to stall for time in protest.

Access to information

In June 2023, the parliament adopted a [new Act on Consumer Protection](#). Through an amending proposal of MP Milan Vetrák, the new Act also amended Article 13(1) of the Civil Code adding that reasonable satisfaction always includes at least an apology, if it is proven that unjustified interference was caused by publishing or sharing of false information about a natural person, even if the person who did so relied on trustworthiness of information source and did not double check whether the information is true. It was criticised as possibly [limiting the journalists work](#), for instance by burdening them with responsibility for publishing false statements made by politicians. The Act on Consumer Protection was [vetoed](#) by the President of the Slovak Republic for several reasons including the contested amendment of Article 13(1) of the Civil Code. The President contested the provision under the freedom of expression and the right to information and argued that it sanctions without distinction both those subjects spreading disinformation as well as press information, interfering with the work of journalists who share and comment on statements

and opinions of third persons, including public persons. In November 2023, the new government adopted the [proposal of new Act on Consumer Protection](#) and submitted it to the parliament. The contested provision is not included.

In November 2023, the new Prime Minister announced that the Office of the Government of the Slovak Republic has been reviewing accreditation of all media with access to its premises. According to the Prime Minister, the review concerns the observance of the obligation to inform the public truly and universally (see [media article](#)). Subsequently, the Prime Minister informed that the government ceases any communication with certain media outlets, in particular the TV Markiza, Denník N, SME and online media Aktuality.sk. According to the Prime Minister, these media outlets fail to provide true, universal and timely information about the activities of public bodies, mainly the government and the Prime Minister. Journalists from the media concerned are still allowed to access the Office of the Government but they are not given responses to their requests and ques-

tions (see [media article](#)). These mainstream media have been traditionally seen as critical to government. The Centre believes that the steps

of the current government significantly interfere with media freedom and right to access to information.

Independence and effectiveness of independent institutions (other than NHRIs)

An [amendment of the Act No. 564/2001 Coll. on Public Defender of Rights](#), establishing a national preventive mechanism (“NPM”) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, entered into force on 1 May 2023. The powers of NPM are divided among three institutions, the Public Defender of Rights, the Commissioner for Children and the Commissioner for Persons with Disabilities, while the Public Defender of Rights has the coordinating role. The Public Defender of Rights communicated its [concerns](#) over the proposed financial and personal resources allocated to the three institutions for the period of first three years of functioning. The main reservation was that the [Analysis of impacts on the budget of public administration, on employment in public administration and funding of the proposal for 2023-2025](#) reflected assessments prepared in 2021, thus insufficient in the current conditions. The same position was maintained by the Public Defender of Rights during the adoption of its budget in December 2023. The Centre believes that insufficient funding of the new mandate added to the institutions can have negative impact on their independence and effectiveness. The Centre [recommended](#) financial, material and personal strengthening of the institutions within the legislative procedure and raised its concerns in the [alternative report submitted to the](#)

[UN Committee against Torture](#) in March 2023.

In December 2023, the government submitted to the parliament an [amendment of the Act on protection of competition](#) implementing the [EU Digital Markets Act](#), thus adjusting the competences of the Antimonopoly Office of the Slovak Republic as well as the above reported [amendment of the Competence Act](#). An amending proposal of an MP for a coalition party SNS proposed significant changes to the election, appointment and dismissal of Chairman and Vice-Chairman of the Antimonopoly Office of the Slovak Republic. The amending proposal was [criticised by the Antimonopoly Office](#) itself as well as by the opposition for affecting the independence of the office by giving the power to elect the Chairman solely to the government (currently appointed by the president upon proposal of the government) and limiting the transparency of the selection procedure (see [media article](#)). The Antimonopoly Office turned to the European Commission contesting that the proposal is contrary to the EU law (see [press article](#)). Consequently, the proposal was withdrawn, and the changes were not adopted (see [press statement](#)).

Enabling environment for civil society and human rights defenders

In December 2023, the Centre published a thematic [report](#) on democratic space for human rights defenders (“HRDs”) in Slovakia, based on interviews conducted with 26 women HRD, LGBTI+ HRD, Roma HRDs and HRDs with disabilities. It reported on main challenges, including prevalence of hate speech and harassment (including some instances of serious threats to life), lack of sustainable financing, lack of transparent participatory processes, administrative and bureaucratic burdens and impact of these challenges on HRDs’ mental health. In particular, women and LGBTI+ HRDs reported on the serious negative impact of ongoing hate speech from political and religious representatives. Respondents also encounter strong “anti-gender movements” and rhetoric, which have moved from fringe ultraconservative or ultra-right-wing forums into the mainstream and have been taken up by state administration employees, top politicians and the general public.

The increasing intensity of hate speech was prevalent during the 2023 parliamentary election campaign. The Centre reported on the occurrence of hate speech on Facebook profiles of the most popular Slovak political representatives, with a focus on online hate speech against Roma, LGBTI+ people and Muslims. The Center also monitored pervasive hateful attacks directed at HRDs and civil society, which included their purported association with “liberal extremism”, or undermining their credibility and trustworthiness, in particular by labelling human rights NGOs as “Soros” organizations. Environmental HRDs were also targeted and

referred to as “eco-terrorists” by several MP candidates (see the [NHRI’s report on hate speech](#), p. 19).

In particular, a new MP and a proposed candidate for Minister of Environment of the Slovak Republic, Rudolf Huliak incited to “hang” an environmental expert (see [media article](#)). The President of the Slovak Republic has decided not to appoint Mr. Huliak due to him not recognizing a scientific consensus on climate change and publicly approving violent statements against environmental HRDs (see [press release](#)).

In October 2023, the Prime Minister of the Slovak Republic announced an intent to enact legislation to designate NGOs that receive financing from abroad as “foreign agents” (see [media article](#)). In addition, in January 2024 the Minister of Culture of the Slovak Republic announced on the Ministry’s Facebook page that the Ministry will stop supporting any “progressive” NGOs, including LGBTI+ NGOs and engaged in hateful slander campaign against LGBTI+ HRDs as “parasiting” on the Ministry’s budget and “sexualizing children”. The video and related posts were later deleted from the Ministry’s page (see for more information [post](#) of NGO Sapliňq). In November 2023, the Minister of Labour, Social Affairs and Family of the Slovak Republic announced an intent to abolish the possibility to assign the 2 % of the income tax to NGOs. The intent was later retracted, however the Minister announced that only NGOs with “noble objectives” will receive state support (see [media article](#)).

NHRI's recommendations to national and regional authorities

- To the Government of the Slovak Republic and the National Council of the Slovak Republic to refrain from the excessive use of accelerated legislative procedure limiting public debate and participation of stakeholders concerned and wider public at the adoption of legislation and policies.
- To the state authorities to refrain from adopting measures negatively affecting independence and effectiveness of independent institutions, including by adding them new mandate and tasks without appropriate funding, increasing the government's control over appointment of their leadership or significantly changing their mandate without participative legislative procedure and involvement of the institution concerned.
- To the Government of the Slovak Republic to ensure efficient protection of human rights defenders to prevent and investigate harassment and intimidation, threats, violence and other restrictions of rights, including from politicians and adopt sustainable and long-term financial and administrative support to all human rights defenders without discrimination.

Impact of securitisation on the rule of law and human rights

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As mentioned, the portrayal of minorities, including LGBTI+ people and human rights civil society organizations, as a security threat was used as a political strategy by some political parties during the 2023 parliamentary election campaign. For instance, a far-right political party Kotlebovci – People's Party Our Slovakia ran a visual campaign with the title "We will protect Slovakia from LGBT and gender!" (see [media article](#)). Several political parties engaged in portraying civil society organizations as a threat to national values or statehood, including through a discourse that NGOs being funded from abroad (such as from the United States) aim to influence the elections (see [media article](#)). In their [report](#) on the pre-election monitoring of Facebook, the NGO Globsec also noted that the popularity of electoral campaign posts was aided by creating enemies or threats, which in-

cluded LGBTI+ people and migrants (p. 8).

In its [programme statement](#), the government underlined that, as the previous governments had ignored "illegal migration", the new government will "react decisively in order to protect the citizens of the Slovak Republic from the negative impact of illegal migration on internal security" (p. 4) and will adopt new measures and changes in domestic legislation, as the "mass migration of citizens from many countries in Asia and Africa to Europe" will be one of the main security challenges in the near future (p. 75). The Government also noted the need to strengthen "community security", including by involving more police force in "problematic areas" (p. 77).

In a [public statement](#) delivered on the country's Southern borders with Hungary, in October

2023 the Prime Minister of the Slovak Republic announced the government's readiness to use all available forces, including the police force and the army as a reaction to "illegal migration".

The control of a border crossing Čunovo-Rajka involved a major demonstration of power including armoured vehicles, water cannon and police dogs and horses.

NHRI's actions to promote and protect human rights and rule of law in the context of national security and securitisation

The Centre published a [report on hate speech](#) used by politicians on their social media platforms during the 2023 parliamentary election campaign. The Center, amongst others, monitored the perception of minorities as a threat. The Centre identified several ongoing narratives labelling Roma, LGBTI+ people and Muslims as a security issue, including labelling LGBTI+ people as a threat to the majority due to themspreading and forcing an "LGBTI+/trans ideology", labelling migrants and Muslims as an existential threat to nation or threat to national values or criminalizing minority identities (p. 27-31).

In June 2023, the Centre, as a member of the Slovak Republic's Government Council for Hu-

man Rights, National Minorities and Gender Equality proposed a [resolution](#) regarding the ongoing parliamentary election campaign. In the resolution, the Centre recommended to all political parties, MP candidates and other actors involved in the campaign, including churches to refrain from any attacks against fundamental freedoms and hate speech against minorities, including national and ethnic minorities, LGBTI+ people and people on the move. It also recommended to abstain from promoting and disseminating misinformation on gender equality, including regarding violence against women and protection of reproductive rights. The resolution was unanimously adopted by the Council.

NHRI's recommendations to national and regional authorities

- To the Government of the Slovak Republic and members of the National Council of the Slovak Republic to refrain from public expressions that lead to legitimization of hate speech and dehumanization of minorities, including LGBTI+ people, Roma or migrants and refrain from labelling minorities as a threat to national security or national values.
- To the Government of the Slovak Republic to ensure that public bodies, including enforcement authorities comply with international human rights standards and obligations in their treatment of people on the move and combat hate speech and all forms of racism and discrimination against people on the move.

Implementation of European Courts' judgments

As of 17 January 2024, a total of [630 judgments](#) of the European Court of Human Rights ("ECtHR") concerning Slovakia were transmitted for supervision. Out of 630 judgments, 21 were delivered in the period between 11 February 2023 and 17 January 2024. Currently, there are 561 closed cases and 69 that are still pending. Out of the pending cases, 29 were identified as leading cases, 31 as repetitive cases and 13 are dealt with via friendly settlement. Out of the 29 pending cases identified as leading cases, the following 4 cases are under enhanced supervision of the Committee of Ministers of the Council of Europe:

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In the case of [R.R. and R.D.](#), concerning the excessive use of force in a police operation in a Roma neighbourhood in June 2013, following an ineffective investigation of the events and lack of investigation into alleged racist motives in their planning, the authorities provided information on [individual measures](#) on 30 January 2023. On the same date, the General Prosecutor's Office ordered that the prosecution be resumed, pointing also to the failure of the authorities to investigate the alleged racist motives in the planning of the police operation. The last examination was carried out by the Committee of Ministers in March 2023. According to the decision adopted, additional measures are yet to be taken.

In the case [Maslák \(no. 2\) v. Slovakia](#), concerning the applicant's unlawful placement in a high security unit while serving a part of his prison sentence between 2015 and 2018, the ac-

tion plan submitted on 9 January 2023 is under assessment.

In the case [Zoltán Varga v. Slovakia](#), concerning the implementation of a surveillance operation in 2005-2006, without adequate legal safeguards against abuse, the applicants made submissions on [24 January 2023](#), on [30 May 2023](#) and on [7 December 2023](#). The authorities replied in a communication of [16 October 2023](#), stating that on 30 January 2023, the Supreme Court of the Slovak Republic quashed the judgment of the Regional Court in Bratislava and returned the case to the court; the proceedings are pending. On 12 October 2023, the Constitutional Court granted the reopening of the proceedings pending before the Constitutional Court. An [Addendum to the Action Plan](#) regarding individual measures was submitted on 19 December 2023.

The case [P.H. v. Slovakia](#) concerns the authorities' failure to protect the physical well-being of the applicant, an unaccompanied Roma minor in police custody, in an incident in which she fell from the second-store window of a police station and suffered grave injuries. On 30 October 2023, authorities submitted an [Action plan](#) on individual and general measures, indicating that on 3 February 2023, just satisfaction was paid, however, the General Prosecutor's Office concluded that reopening of the prosecution would not be in accordance with the Criminal Procedure Code of the Slovak Republic. The judgment was analyzed by the Criminal Division of the General Prosecutor's Office,

and its “methodological generalization” (guide for implementation) was sent to all regional prosecutor’s offices and discussed at a working meeting with chief prosecutors of all regional prosecutor’s offices and subsequently with subordinate prosecutors.

In 2023, the Court of Justice of the European Union (“CJEU”) issued 2 judgements concerning requests for a preliminary ruling from Slovak courts concerning the interpretation of the concept of international carriage under the Montreal Convention and concerning unfair terms in consumer credit contracts (see the judgments [here](#) and [here](#)). In addition, the CJEU issued a [judgement under Article 258 of TFEU](#) concluding that the Slovak Republic

has failed to fulfil its obligations under EU law, in particular Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC.

Throughout the reporting period, the European Commission brought 2 actions against Slovakia for failing to fulfil its obligations (see [here](#) and [here](#)). In April 2023, the European Commission decided to [refer Slovakia](#) to CJEU “for failing to effectively tackle the issue of segregation of Roma children in education”.

NHRI’s actions to support the implementation of European Courts’ judgments

In connection with the forced and coercive sterilizations of Roma women between 1966-1989 and 1990-2004, which have been confirmed by judgments of the ECtHR, the Centre has submitted its alternative reports to several international human rights bodies in 2023 ([CAT report](#), p. 10-13; [CEDAW report](#), p. 3-4; [ICCPR report](#), p. 10-11; [UPR report](#), p.4).

In March 2023, the Ministry of Justice of the Slovak Republic introduced a [Legislative intent](#) of the law on financial compensation for women sterilized in violation of the law to the inter-departmental commentary procedure. It proposed a one-off compensation of EUR 5 000 to a “physical persons who underwent sterilization in violation of the law in the period from 1 July 1966

to 31 December 2004 in a medical facility in the territory of the Slovak Republic.” The Centre raised several issues in the [inter-departmental commentary procedure](#), including recommendation to increase the amount of the financial compensation to EUR 10 000, introduce the right to submit a request in the language of national minorities and proposes that the Ministry of Justice of the Slovak Republic be the decision-making authority in the proceedings. The Centre further recommended to include in the law a direct establishment of the presumption of illegal sterilization, therefore in practice reversing the burden of proof. The Centre recommended that the deadline for submitting the request for financial compensation be set at 5

years as opposed to the proposed 2 years. A similar [draft legislation](#) was introduced as an MP proposal in April 2023. In June 2023, the Centre sent a [letter to MPs](#) addressing the shortcomings of the draft law, which it had raised in relation to the legislative intent (the plan to start preparing the legislation) submitted to the inter-departmental commentary procedure previously. Neither proposal was adopted, including due to end of the regular meeting of the National Council of the Slovak Republic in June 2023. A draft legislation on compensation for women sterilized in violation of the law was also submit-

ted to the parliament in November 2023. The proposal reflects the recommendation to increase the amount of the financial compensation to EUR 10 000. If the draft proposal proceeds to a second reading, the Centre will send a letter to the parliamentary committees addressing the shortcomings of the draft law.

Furthermore, the Centre continues to monitor the performance of Slovakia with regard to the implementation of judgments of the ECtHR via two objective indicators in the [rule of law conceptual framework](#) and the [rule of law tracker](#).

NHRI's recommendations to national and regional authorities

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- To the Government of the Slovak Republic to fully, effectively and timely implement the judgments of the European courts.
- To the Ministry of Justice of the Slovak Republic to raise awareness on the importance of the implementation of European Courts' judgments and make available to the public, in an accessible manner, European Courts' judgments and information on action taken by the state to implement those judgments.
- To the Ministry of Justice of the Slovak Republic to carry out consultations with the NHRI and civil society organization to advance the implementation of European Courts' judgments.

Other challenges in the areas of rule of law and human rights

With regard to persisting structural human rights issues and their impact on the national rule of law environment, the government lost the [vote of trust](#) in the parliament in December 2022. Consequently, the president, entrusted with executing certain functions of the government, and the Speaker of the parliament convoked, upon a resolution of the parliament of 31 January 2023, pre-elections to be held on

30 September 2024 (see [press release](#)). In May 2023, following the political crisis where several ministers resigned, the president appointed a technocratic government, with limited competences to propose laws mainly to implement reforms to reach milestones under the Recovery Plan of the Slovak Republic, prepare measures to stabilise public finances and to calm down the polarised social and political situation (see

[media article](#)).

According to the [Explanatory Memorandum](#) to the Amendment to the Whistleblowing Act, legislative changes are necessary due to overuse or abuse of whistleblower protection. The Amendment modifies the definition of qualified notification. Originally, a qualified notification is understood to be a notification which could contribute or has contributed to clarification of a severe anti-social activity (criminality) or to identifying or finding its perpetrator guilty. The new definition proposes the condition that such notification must concern a person with whom the notifying person is in an employment or similar relation or with whom he/she got into contact at work or in relation to work activity. However, this condition of necessity is according to the [Whistleblower Protection Office](#) not fulfillable in most cases. The amendment also introduces the obligation to provide reasons for the decision granting whistleblower protection, with an indication of the possibility to review. Compared to the current entitlement of the employee to request review of a negative decision, the amendment introduces the right of the employer to request such a review even if protection was granted. In criminal proceedings, the General Prosecutor will decide on the employer's or employee's request for review. Under the explanatory memorandum, this change provides guarantees of independence and impartiality of decision-making. The General Prosecutor will thus have the power to overturn

the decision to grant protection as a new form of termination of the protected whistleblower status. One of the most significant changes introduced is the exemption of police officers from the regime of whistleblower protection. The proposal retroactively annuls the protection granted to police officers under the current legislation. It seemingly targets a group of elite police officers who were put off-duty by the new Minister of Interior despite granted protection. Some of them returned to active duty based on court decisions. The amendment also introduces the possibility for the employer to request a review of a protection granted under the current legislation, whereby it will be possible to revoke decisions on granting protection not meeting the conditions set out in the amended Whistleblowing Act.

Furthermore, the Centre is concerned about the strong presence of alternative media spreading disinformation in Slovakia. Their power and reach have grown since the parliamentary elections in October 2023. Their critical approach towards the new government is completely absent. According to a representative [survey](#) for Transparency International Slovakia, one in seven Slovaks ranked alternative media among the main sources of information on the topic of corruption. In statements on corruption and the rule of law coming from the alternative media, more people leaned towards the "alternative answer" in all five statements.

NHRI's recommendations to national and regional authorities

- To the Government of the Slovak Republic and the National Council of the Slovak Republic to refrain from submitting legislative proposals that severely limit whistleblower protection and jeopardize the detection of corruption crimes, and to the National Council of the Slovak Republic to reject the proposed amendment to the Whistleblowing Act.
- To the Government of the Slovak Republic and the National Council of the Slovak Republic to ensure that stakeholders, expert authorities and wider public are involved in the preparation of legislative changes impacting the protection of whistleblowers.
- To the Government of the Slovak Republic to invest in tools for identifying and fighting disinformation and fake news, adopt effective measures to improve digital literacy among the general public and to support independent professional journalism to encourage

Annex 1 – Implementation of the recommendations of the Centre

Recommendations	Were they implemented?	Comments:
Recommendations of the Slovak National Centre for Human Rights from ENNHRI rule of law report		
<u>Impact of 2022 rule of law reporting</u>		
To the European policy makers to ensure an effective follow-up on the compliance and implementation of the recommendations given in the European Commission’s rule of law report.	Yes	Rule of law recommendations issued in the 2023 EC Rule of Law report require comprehensive and structural measures. Therefore, the old recommendations have been maintained, in addition to the new recommendations, as the EC noted that Slovakia has made little progress in implementing the recommendations.
To state authorities, as concerns the awareness raising activities relating to the European Rule of Law Mechanism, in particular, to the findings and recommendations of the European Commission in its rule of law report, to focus on informing fully about the role of other institutions, including the NHRI and civil society organizations working in this area.	No	Information on the publication of the new EC Rule of Law Report with a brief summary of the report was published on the website of the Office of the Government of the Slovak Republic dedicated to the Partnership Agreement.
To the National Council of the Slovak Republic, to organize specific follow-up initiatives or discussions on the findings and recommendations of the European Commission in the rule of law report within its structures, for instance in the relevant Parliamentary Committees, with a wider participation of relevant institutions, such as the NHRI or civil society organizations working in this field.	No	The chairman of the political party Smer-SD, as an MP, expressed, at an official party press conference regarding the Rule of Law Report, that he considers the report to be a political tool with a selective and biased selection of information.

Independence and effectiveness of the NHRI		
To the Ministry of Justice of the Slovak Republic to enhance its efforts to increase full compliance of the Centre with the Paris Principles and to include the Centre in discussions on the possible legislative amendments of the legal and institutional framework of the Centre, including Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights.	No	No legislative changes proposed
To the Ministry of Justice of the Slovak Republic to enhance the independence and effectiveness of the Centre by placing more emphasis on the general obligation of relevant entities to cooperate with the Centre in all areas of its mandate, including an explicit mandate of the Centre to request response from the relevant state entities to the Centre's opinions and recommendations and a mandate of a compulsory commenting entity to legislative proposals ensuring review of their impact on human rights and equality.	No	No legislative changes proposed
To the Government of the Slovak Republic and the Ministry of Justice of the Slovak Republic in particular, to facilitate smooth adoption of proposed directives on standards for equality bodies at the European level and ensure their prompt transposition and effective implementation at the national level once adopted.	No	No legislative changes proposed
Human rights defenders and civil society space		
To national state authorities to focus on complementing legislative measures aimed at increasing the support and safety of journalists and human rights defenders, as well as civil society organizations with the adoption of additional measures focusing on raising awareness and knowledge on the work of human rights defenders, as well as better monitoring cases of threats.	No	No legislative changes proposed to support journalists, CSOs or human rights defenders.
To all public figures to refrain from aiming unjustified attacks and threats to civil society, human rights defenders and media.	No	In the period between March 2023 and January 2024, there have been 16 incidents reported on the mapping media freedom platform , including discredit, intimidation, defamation, or insult of journalists.

<p>To the Ministry of Labour, Social Affairs and Family of the Slovak Republic and other national authorities administering grant schemes for civil societies to ensure that funding for civil society organizations available from grant schemes administered nationally are equally available to all civil society organizations irrespective of focus of their work.</p>	<p>No</p>	<p>No amendments proposed in legislation within the remit of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.</p> <p>Moreover, in 2024, the Ministry of Culture of the Slovak Republic announced blocking of subsidies for LG-BTI+ projects (justifying it by statement it will not support “training of youth for sexualized LGBTI show”).</p>
<p>Implementation of European Courts’ judgments</p>		
<p>To the Government of the Slovak Republic to promptly, fully and effectively implement the judgments of the European courts.</p>	<p>Partially</p>	<p>Slight progress has been made in the implementation of judgments since last year’s reporting.</p>
<p>To the Representative of the Slovak Republic before the European Court of Human Rights to enhance the efforts to effectively communicate and further distribute judgments and cases concerning the Slovak Republic before the European Court of Human Rights to the wider public.</p>	<p>Partially</p>	<p>The 2023 report of the Representative has not yet been published. The Ministry of Justice of the Slovak Republic publishes information on ECtHR judgments through press releases.</p>
<p>To the Representative of the Slovak Republic before the Court of Justice of the EU to enhance the national data collection on activities concerning the proceedings and cases concerning the Slovak Republic before the Court of Justice of the EU, for example, through a preparation of an annual information on these activities.</p>	<p>No</p>	<p>No report has been prepared.</p>
<p>Artificial Intelligence</p>		
<p>To law and policy makers at the European level to ensure a human-rights based approach to artificial intelligence in the upcoming draft regional conventions on artificial intelligence, including through transparent and participatory engagement with national human rights institutions and equality bodies and their representative networks.</p>	<p>Partially</p>	<p>The Centre is part of the ENNHRI working group on AI, so it is actively involved in the relevant processes. ENNHRI is ensuring a human rights based-approach to artificial intelligence.</p>

<p>To the relevant state authorities to ensure that national human rights institutions and equality bodies have substantial capacity to engage on protection and promotion of human rights with regards to artificial intelligence and protection of potential victims of algorithmic discrimination through capacity-building, financial support and sharing of knowledge and good practices. Other challenges in the areas of rule of law and human rights</p>	<p>No relevant data</p>	<p>No legislative or policy works at the national level yet.</p>
<p>Other challenges in the areas of rule of law and human rights</p>		
<p>To the National Council of the Slovak Republic to ensure the participatory process during law-making, namely concerning the proposals to amend the Constitution, by including a wider pool of subject in the discussion on the proposal, such as the academic experts, CSOs or other relevant stakeholders.</p>	<p>No</p>	<p>Due to the change of legislative priorities, the task of organising an expert debate on the amendment of the Act on Legislative Drafting was cancelled in December 2023. The Government's draft on legislative tasks for 2024 does not include the intention to amend this legislation.</p> <p>See also amendments to the Rules of Legislative Procedure of the Government of the Slovak Republic reported above under the Process for preparing and enacting laws.</p>

<p>To the National Council of the Slovak Republic to refrain from amending the Constitution through introducing amending proposals during the second reading of a proposal for a constitutional act in the legislative process.</p>	<p>No relevant data</p>	<p>Only two proposals to amend the Constitution were drafted. (proposal 1, proposal 2) However, implementation of the recommendation cannot be adequately assessed due to frequent changes in government (no-confidence government, technocratic government, newly elected government after early elections).</p>
<p>To the Members of the National Council of the Slovak Republic to refrain from constant and continuous attempts to amend the Constitution without providing a sufficient justification for such a proposal or an amendment in the explanatory report.</p>	<p>No relevant data</p>	<p>See above.</p>



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