

State of rule of law in Slovakia 2025

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Slovakia

Slovak National Centre for Human Rights

This report is a part of a joint report of the European Network of National Human Rights Institutions (hereinafter referred to as "ENNHRI") on the state of the rule of law in the European Union. The chapter on Slovakia was prepared by the Slovak National Centre for Human Rights and covers the period from January to December 2024. The text contains links to sources that are accessible in the electronic version of the report published at www.snslp.sk.

1. NHRIs' establishment, independence and effectiveness

International accreditation status and SCA recommendations

The Slovak National Human Rights Centre (the Slovak NHRI) 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 administrative 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 International and European actors' recommendations on NHRIs and relevant developments

The Slovak NHRI does not have any updates to report on follow up to SCA or European actors' recommendations or since ENNHRI's 2024 Report.

Regulatory framework

The national regulatory framework applicable to the institution has not changed since January 2024. Furthermore, the institution's mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, providing legal assistance to individuals or awareness-raising has not been strengthened since 2022. The NHRI's regulatory framework should be strengthened in line with the Centre's recommendations made in the 2024 Rule of Law Report.

NHRI enabling and safe space

The relevant state authorities have good awareness of the NHRI's mandate, independence and role.

Lack of access to information

6 The Slovak NHRI does not have adequate access to information and to policy makers and is not it involved in all stages of legislation and policy making with human rights implications.

As reported in ENNHRI's previous Rule of Law reports, in order to be able to effectively monitor compliance of national laws and policies with human rights obligations, the Slovak National Centre for Human Rights (hereafter the "Centre") considers it crucial to be granted a status of obligatory commenting body 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.

Lack of resources

The NHRI does not have adequate resources to carry out the full breath of its mandate. Since 2022, the Centre´s budget has been gradually increased to address the staffing needs and increased activities. However, the Centre performs tasks according to various national strategies and action plans without any additional adequate financial resources.

Responses to NHRI recommendations

There have been no state measures put in place to ensure timely and reasoned responses to NHRI recommendations. Overall, the follow up of the state authorities to the NHRI recommendations has been insufficient.

Immunity

The leadership and staff of the institution do not enjoy functional immunity. There are no specific or targeted measures in place to protect and support the NHRI, its director or staff against threats and harassment.

Threats

The institution has not faced threats since 2022.

As reported in the Centre´s 2024 Rule of Law Report, apart from some negative and hateful comments on social media under the posts of the Centre reflecting its work on LGBTI+ rights and gender equality, the Centre faced negative reactions to flags displayed in the windows of its premises to support the most vulnerable groups of the society (rainbow flag, trans flag, Roma flag, Ukrainian flag and flag for Orange the World campaign). It received complaints from several individuals requesting the flags to be removed especially with regards to the Ukrainian flag and the rainbow flag. to flags displayed in the windows of its premises to support the most vulnerable groups of the society (rainbow flag, trans flag, Roma flag, Ukrainian flag and flag for Orange the World campaign). It 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 authorities

Following recommendations have been continuously made by the NHRI and are still relevant:

- 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 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 mandatory commenting body 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 ensure the effective transposition of the directives on standards for equality bodies at the national level in order to strengthen the mandate, independence and effectiveness of the Centre as a national equality body as well.

2. Human Rights Defenders and civil society space

Laws and measures negatively impacting civil society and Human Rights Defenders

The institution's human rights monitoring and reporting has found evidence of laws, policies and/or state measures that negatively impact on freedom of association, on freedom of assembly and on freedom of expression. Along with creating barriers in access to information and law and policymaking processes and limiting access to funding – including from foreign sources.

Transparency of NGOs funding

In March 2024, a group of MPs submitted an amendment to the Act on non-profit organizations (hereinafter the "NGO Act"). According to its explanatory memorandum, the bill aims to "increase transparency of funding of non-governmental non-profit organisations (hereinafter as "NGO"), which is a key element for strengthening public trust in NGOs" and "strengthens the protection of society against money laundering and financing of terrorism". The NGO Act includes an obligation of all NGOs (non-profit organization, foundation, noninvestment fund, association and organisations with an international element) that receive financial or other material benefits, exceeding EUR 5 000 for a calendar year, from a foreign natural or legal person, to register as an "organisation with foreign support" and to indicate this designation in all acts in the course of their operations. If an NGO fails to fulfil its obligation to notify the registry office that it meets the conditions for designation as an "organisation with foreign support", after being requested to fulfil this obligation, a fine of up to EUR 5 000 can be imposed on such organisation.

In addition, the bill requires all NGOs to disclose in their annual report the donors, if the amount of donations from the same donor exceeds EUR 5 000, in the minimum scope of the name,

surname and nationality, if it is a natural person, if it is a natural person - entrepreneur, also the business name and identification number, and if it is a legal person, the name or business name, identification number and the address of the registered office of the person who provided the donations or funds and the amount of the donations or the funds.

For nonpayment of a fine imposed for not registering as an "organisation with foreign support", the NGO Act introduces the possibility to petition the court to dissolve a non-profit organization, foundation or noninvestment fund or to dissolve an association or an organisation with an international element directly by a decision of the Ministry of Interior. Associations and organisations with an international element may also be dissolved directly by the Ministry of Interior for failure to deposit the annual report in the registry of financial statements (a detailed analysis of the bill by the NGO VIA IURIS can be found here). The Centre considers the NGO Act discriminatory and restrictive. Labelling certain organisations might negatively impact their functioning. The adoption of the law would disproportionately interfere with fundamental rights and freedoms guaranteed by the Constitution of the Slovak Republic and EU law.

The NGO Act was adopted by the parliament in its first reading and is scheduled for a second reading in March 2025. After widespread criticism and due to a potential breach of EU law given the law's identity with the Hungarian Law on the Transparency of Organisations that are recipients of foreign aid, an amendment was submitted by an MP that substantially revises the original wording of the amendment. The fundamental change in the amendment concerns the obligation to register as an „organisation with foreign support" that is to be replaced by an obligation to register for „lobbying" activities. Lobbying, according to the amendment, is to be understood as repeated direct or indirect influence on the decision-making of public officials and leading employees in the public sphere.

According to the amendment, only NGOs would be required to register to carry out such "lobbying" and to draw up an annual report with an overview of the income, expenses and persons

who have contributed to the NGOs activities. Failure to comply with these obligations carries the risk of fines of EUR 1 000, EUR 10 000 and, for the third time, the dissolution of the organisation. In addition, NGOs would have to notify the person being lobbied that their activities involve lobbying and publish quarterly reports on the lobbying carried out with a fine of up to EUR 1 000 for non-compliance.

The Centre notes that the amendment does not deal with the obligation of registration for lobbyists, such as interest associations or commercial companies, and therefore does not address the risk of influencing public affairs by commercial, professional or personal interests. Furthermore, it does not address the regulation of gifts to senior public officials, or the regulation of advisory services but only provides for the regulation of NGOs. It therefore does not respond in any way to the recommendations of the Group of States against Corruption (GRECO), to which the proposal also referred in the explanatory memorandum. The amendment to the NGO Act has been withdrawn but is likely to be re-submitted with some changes before the second reading of the draft law.

Excessive use of the accelerated legislative procedure and limitations to freedom of assembly

In June 2024, the parliament adopted the Act on some measures to improve the security in the Slovak Republic (so-called "lex assassination attempt") in an accelerated legislative procedure without a previous participatory process. According to the government, the reason for submitting the draft law was to reflect the security situation in the Slovak Republic after the assassination attempt on Prime Minister, Robert Fico, on 15 May 2024. The Act covers a broad range of topics thus amending several acts including the Act on the Right to Assemble.

It restricts the possible locations where an assembly may take place and introduces new grounds for prohibiting an assembly. The Act introduces a blanket prohibition of assemblies within 50 meters from the permanent residence of the President, a building where the National Council and government regularly

meet, the permanent seat of the Constitutional Court of the Slovak Republic, and where such constitutional bodies deliberate or otherwise exercise their functions, and certain other public buildings (assemblies within a radius of 50 meters from the buildings of the National Council or places where it deliberates were already prohibited under the previous legislation).

The Act further introduces new grounds for municipalities to prohibit assemblies - in case the assembly is to be organised in the vicinity of the home of a person whose employment, profession or function is directly connected with the purpose of the assembly; within 50 meters from the permanent seat of general courts or where such courts exercise their functions, if the purpose of the assembly is directly connected to the decision-making of the general court; in case of reasonable apprehension of a clash between the participants in several notified assemblies; in case of reasonable apprehension of interference with the fundamental right to privacy of several persons or with the peaceful enjoyment of the home. In response, the opposition filed a petition for a constitutional review objecting mainly to the restriction of the right to assemble and the accelerated legislative procedure the law was adopted in. In the Centre´s view, any law potentially restricting the right to freedom of assembly as one of the fundamental pillars of democracy must be subject to an in-depth impact assessment and an effective public participatory process, which, in this case were absent.

Concerns over politicization and lack of participation of NGOs in EU funds monitoring

In July 2024, the government adopted new rules for selecting members of the monitoring committees for EU funds without public discussion and consultation with the Government Council for Non-Governmental Non-Profit Organisations, as an advisory body of the government. Under the new rules, NGOs would no longer be able to participate in the selection of members of monitoring committees representing civil society. The selection process would be performed exclusively

by the Government Plenipotentiary for the Development of Civil Society, raising concerns regarding politicization of the nominations. The Platform for Democracy warned that the new rules are in direct contradiction with the principle of partnership, which clearly states that other sectors - independent of the state - should participate in the preparation and control of EU funds. The Plenipotentiary announced that she had formally relinquished this competence at the session of the Council of the Government for non-governmental non-profit organisations in December, which will be reflected in a resolution defining that the selection of representatives remains in the competence of the Chamber of NGOs and the final agreement will be subsequently reflected in the statutes of the monitoring committees and commissions. The Centre welcomes the decision of the Plenipotentiary to relinquish this competence and stresses the importance of adjusting the statutes of the monitoring committees and commissions as communicated by the respective authorities in line with the principle of partnership, which will be reflected in a resolution defining that the selection of representatives remains in the competence of the Chamber of NGOs and the final agreement will be subsequently reflected in the statutes of the monitoring committees and commissions.

NGOs' limited access to state-supported funding

The Centre is concerned by the decision of some state institutions to limit NGOs access to state-supported funding. In 2024, the Ministry of Environment decided that funding from the Green Education Fund and the Environment Fund in the field of education and training will not be allocated to NGOs, but educational institutions will be supported instead. Although the scheme will still support environmental education, it may threaten projects conducted by NGOs, which possess expert knowledge and are an important part of children's environmental education.

In February 2024, the Ministry of Justice has cancelled the call for applications for grants under the programme "Human Rights 2024", the day before hearing of applicants. Then deputy

speaker of the parliament praised the Minister's decision to cancel the subsidy call "for the sunshine NGOs (slniečkarské mimovládky), which are now screaming hysterically" (in Slovakia, the term "sunshine NGO" is a derogatory term for NGOs that are perceived to be liberal or pro-European typically focusing on promoting human rights, social justice, environmental protection, and advocating for marginalized groups). Later, the Ministry claimed that it had cancelled the call due to alleged manipulation of subsidies and launched an audit into the matter. The call was only re-launched in June.

In 2024, NGOs advocating for LGBTI+ rights have not received funding under state-supported grant schemes as opposed to previous years. The governing coalition party SNS has installed billboards nationwide with a slogan" we stopped financing for LGBTI projects."

Practices negatively impacting civil society and human rights defenders

The institution's human rights monitoring and reporting has found evidence of **practices** that could negatively impact on civil society space and/or reduce human rights defenders' activities such as verbal or physical attacks on civil society organisations and/or human rights defenders, their work and environment, negative attitudes/campaigns towards/perceptions of civil society and/or human rights defenders by public authorities and the general public, online and/or offline threats or harassment and intimidation, harassment or violence before, during or after protests; harassment in the form of excessive administrative controls or audits and SLAPPs.

Verbal attacks

Verbal attacks on civil society and HRDs are increasingly becoming part of the public discourse, including political discourse. Consequently, it is the Centre's view that this further incites the general public to target hate towards civil society and HRDs. After consultation with various non-governmental organizations active in Slovakia, the Centre monitored online threats and harassment targeted at their representatives. Commonly used phrases used by public officials and general public to defame CSOs are "freeloaders", "traitors", "Soros people", "agents of foreign power", et cetera. Furthermore, members of an organization involved in holocaust remembrance initiatives were labelled as "servants of Judaism" and "big nosed." Organizations working with LGBTI+ people reported attacks and life threats due to their gender identity. Consulted NGOs reported that such negative discourse also affects private lives of human rights defenders.

Verbal attacks also target individuals involved in environmental protection, including HRDs and civil servants. A former Minister of Environment candidate and current member of parliament has criticized a former activist and ex-coordinator of the Brown Bear Intervention Team at the State Nature Protection Office.

The politician has accused him of terrorism and has incited physical violence against him.

Smear campaigns

Public authorities launched a smear campaign against the Milan Šimečka Foundation, which provides various educational and cultural activities and focuses on persons with migration backgrounds and fights against prejudices. The foundation aims to support the ideas of Milan Šimečka, a Slovak dissident and philosopher, who was also a grandfather of the current opposition leader. The foundation stated not to be aligned with any political party, nor the opposition leader himself. Without submitting any evidence, the coalition representatives accused the opposition leader of tunnelling state money through the foundation. As a result, the organization was a target of harassment, online hate and verbal attacks, including life threats.

Excessive administrative controls of NGOs

The consulted NGOs reported excessive administrative controls on their projects. For instance, in less than a few months, one NGO experienced more than 10 administrative controls that were described as burdensome. Another NGO said that the public authorities threatened them that they will limit the possibilities of conducting their educational activities in schools, which could have devastating consequences for its functioning.

Intimidation attempts

After launching a petition for the resignation of the Minister of Culture, which gained over 180,000 signatures, the Ministry took legal action against its organizers. Firstly, the police stated that there was no reason to start criminal prosecution regarding this case. However, after the Ministry of Culture lodged a complaint, the organizer of the petition and a member of the platform “Open Culture”, which advocates for better conditions in the cultural sector, was summoned to the police. The platform “Open Culture” claimed that the Ministry of Culture’s complaint was seen as an attempt to intimidate its critics.

Physical threats and attacks

The police uncovered a planned attack on Bratislava Pride 2024. An extremist group involving people from different countries communicated about the attack on Telegram. Suspicious persons were arrested and subsequently, the security of the Pride was enhanced.

Gender aspects of verbal attacks

When consulting the selected NGOs, their representatives stated that the attacks are verbal and mostly targeted at their organizations, not personally. However, if such personal attacks happen, they could have a gendered undertone, for example in the usage of gendered curse words. As noted above, LGBTI+ organization face attacks due to their gender identity.

Initiatives, frameworks, or policies for the protection of human rights defenders do not exist at the national level with regards to specifically protecting the rights of human rights defenders, or any specific protection mechanisms for civil society and/or human rights defenders, f. ex. emergency response systems, safe houses or legal aid. Specific strategies to protect human rights defenders and/or inclusion of human rights defenders in human rights action plans are not in place either.

The Centre considers the most important gaps in the lack of long-term, sustainable, transparent, timely and predictable funding for NGOs and HRDs. Moreover, in case of harassment, including legal against HRDs, there is a lack of accessible legal services.

Activities of NHRIs to support civil society space and Human Rights Defenders

Joint meetings and/or roundtables were organised to **promote** civil society space and human rights defenders in 2024.

2024 Rule of Law Festival

In 2024, the Centre continued to organise a series of public discussions under the joint name "Rule of Law Festival" established in 2023. The aim of the 2024 Rule of Law Festival was to present and discuss main findings of the Centre's Report on the state of Rule of Law in Slovakia. The Festival consisted of five panel discussions on selected topics related to the rule of law in Slovakia including its impact on human rights protection. The discussions usually involved three-four expert guests and covered the topics of legal certainty and human rights, minorities and rule of law, media freedom and protection of journalists, and shrinking space for civil society. Prior to each discussion, a presentation took place on the relation between the rule of law and the Charter of Fundamental rights of the EU, or a presentation of the work of the Centre related to the discussed topic.

"Human rights in the media" research report

The Centre published a research report "Human rights in the media", which monitored media discourse on human rights, with an emphasis on tracking population groups with which human rights are associated, groups that are excluded from media discourse about human rights, and media portrayals of human rights defenders. The results of the monitoring suggest that human rights defenders were more frequently mentioned in Slovak media discourse in foreign news contexts than in Slovak ones. At the same time, they were much more often mentioned as sources of information and data than as the subject of media interest in their work and the challenges they face. The results of the monitoring pointed to significant

room for improvement in the media portrayal of human rights issues. Some population groups drop out of this discourse, which may result in a lack of public awareness of the existence of their human rights or a reduced sensitivity to violations of these rights.

Presentation during UPR pre-session meeting

In February 2024, a representative of the Centre attended the pre-session meeting on the implementation of international human rights obligations under the 4th cycle of the Universal Periodic Review (UPR) of the Slovak Republic at the United Nations in Geneva. During the pre-session, the Centre had the opportunity to present its position on the fulfilment of human rights in Slovakia, focusing on the rights of LGBTI+ people, media freedom and safety of journalists, as well as a space for human rights defenders, in particular the shrinking democratic space for civil society and human rights defenders, including fragmented regulation and insufficient funding.

Dissemination of NHRI Rule of Law report on Slovakia

In September, the Centre organised an information session and presentation of the Centre's Report on the State of Rule of Law in Slovakia 2024 for representatives of embassies accredited to Slovakia. The aim of the meeting was to provide information and discuss current challenges in the field of rule of law and its impact on the protection and promotion of human rights in Slovakia and to highlight difficulties civil society organisations and human rights defenders face.

In 2024, the NHRI **protected** civil society space and human rights defenders by (1) monitoring, (2) issuing recommendations and opinions, and organising (3) capacity-building activities.

Monitoring of legislative initiatives

In 2024, the Centre continued to monitor legislative initiatives potentially impacting human rights and the principle of equal treatment and the rule of law. In contradiction to the legislative

rules of the government, the government tabled significant pieces of legislation in several cases without subjecting them to the public consultation procedure that ensures public discussion and participation of civil society and general public including the Centre. Despite not being able to submit its own comments and reservations to such draft laws, the Centre has taken action in cases of legislation substantially interfering with human rights. In April 2024, the Centre voiced its concerns about the NGO Act and in a letter, called on all MPs not to support the draft law. The Centre pointed out that the wording of the NGO Act is even stricter than the Hungarian Law on the Transparency of Organisations that had to be repealed following the CJEUs judgment, and therefore, its adoption could result in a breach of EU law. In the letter, the Centre also drew attention to the serious shortcomings of the legislative process and pointed out that the proposal may cause mistrust, fear and hostility towards certain organisations and carries the risk of stigmatisation and discreditation, which may make their functioning and activities excessively difficult.

20 With regard to the so-called lex assassination attempt, the Centre requested the Democratic Institutions and Human Rights (ODIHR) to review the draft law with specific focus on the right to freedom of assembly. In response, ODIHR prepared an Urgent Interim Opinion focusing on the most concerning provisions relating to the right to freedom of peaceful assembly. According to the Opinion, the proposed amendments relating to the right to freedom of peaceful assembly present serious deficiencies in terms of compliance with international human rights standards and OSCE human dimension commitments.

After a wave of dismissals of experts from the sector of environmental protection governed by the Ministry of Environment (see chapter V), the Centre coordinated a closed meeting between the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst, and environmental defenders in Bratislava, where the Centre has informed the delegation about the mass dismissal of civil servants including senior experts. During the visit, the Centre invited the environmental defenders to share their cases with the office of the special rapporteur in order to assess the

possibility of providing cooperation within the mandate of the special rapporteur.

Capacity building workshop and meetings

Prior to submission of the Centre´s report to the UN Committee on the Rights of the Child for its 98th session, the Centre organized a capacity building workshop for NGOs on their possibilities to participate in the reporting process. Consequently, the Centre organised meetings with several NGOs to discuss what challenges they face or observe in the implementation of the Convention on the Rights of the Child.

In 2024, The Centre has signed a Cooperation Agreement with the NGO Iniciatíva Inakosť (Initiative Diversity) in order to enhance and support inclusion and advocacy for LGBTI+ rights in Slovakia. The Centre has co-organised with the Central European Labour Studies Institute and Friedrich-Ebert-Stiftung a workshop on sexual harassment on how to effectively prevent and investigate sexual harassment and how to promote better policies to protect the dignity of employees. Representatives of the Centre presented the Centre´s key role in preventing and addressing sexual harassment in the workplace. The workshop was organised as part of the 16 Days of Activism Against Gender-based Violence campaign for researchers, unions and other civil society actors.

Advocacy

In connection with the adopted Act on Nature and Landscape Protection that significantly working in the field of environmental protection, the Centre sent a letter to the President requesting him to veto and return the amendment to the parliament for consideration. The Centre raised concerns about the provisions, under which NGOs can only apply for the status of an interested party and not a party to administrative proceedings. This step fundamentally limits their possibilities to defend the interests of environmental protection, to challenge decisions of administrative authorities or to lodge an appeal. Nevertheless, the amendment was signed by the President.

When necessary, the Centre communicates with the Office of the Commissioner for Human Rights of the Council of Europe on issues affecting civil society in Slovakia, including ongoing legal changes. The Centre has been actively engaging in the UN Universal Periodic Review mechanism including follow-up on recommendations addressed to Slovakia.

NHRI's recommendations to national and regional authorities

1. To the Government of the Slovak Republic to refrain from online and offline harassment including verbal attacks and threats against non-governmental organisations and human rights defenders that causes their stigmatisation and discreditation.

2. Investigate harassment and intimidation, threats, violence against non-governmental organisations and human rights defenders and other restrictions of rights, including from politicians, and guarantee that they can carry out their activities in safe conditions.

3. To ensure long-term, sustainable, transparent, timely and predictable funding for non-governmental organisations and human rights defenders.

3. Justice systems

The NHRI has found significant challenges affecting access to justice and/or effective judicial protection in terms of independence and impartiality of judiciary.

Independence and impartiality of judiciary

The Centre remains concerned over the legislation regulating the process of dismissal of members of the Judicial Council, under which members can be dismissed by their appointing authority at any time before the end of their term and such dismissal does not need to be founded on specific criteria prescribed by law. In 2024, both the parliament and the President dismissed two-two members appointed by the previous parliament and the previous President, while the new government had already dismissed the three members in 2023 appointed by the previous government. Despite the European Commission´s recommendation to ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards dismissal, there has not been any legislative amendment introduced or other significant development in 2024.

In August, the Minister of Justice issued a decision to file an extraordinary appeal and release former prosecutor Dusan Kovacik from prison until the Supreme Court issues a verdict on the minister's appeal. Representatives of the government claimed for years that Mr. Kovacik, who was convicted in several cases of corruption, is a victim of a political process. Extraordinary appeal of the Minister of Justice is normally issued in cases of reasonable doubts that a judicial error has occurred, however it is not normally accompanied by a prison release, as except in extraordinary circumstances, the decision to postpone or interrupt a sentence should remain with the court. In this case, however, the minister's appeal aims to revert the verdict of the courts. The Centre views the minister's decision to order Mr. Kovacik's release as undermining the authority of the judicial system which has found Mr. Kovacik guilty in two separate

corruption cases, as well as undermining the rule of law by using this extraordinary prerogative to help a person with close ties to the government.

The Centre perceives an increase in verbal attacks of several government officials against judges. After the Constitutional Court temporarily suspended the effectiveness of the highly criticized amendment to the Criminal Codes, adopted without a participatory process, introducing large-scale changes in the Slovak criminal system, the Prime Minister announced that if he had the power to remove the President of the Constitutional Court, he would remove him and called for his resignation. He reacted so to the fact that the court's decision had been leaked to the public before its promulgation. In its statement, the Constitutional Court noted that the unprecedented statements of public officials call into question the independence and impartiality of the Constitutional Court and its judges.

Throughout 2024, judges faced verbal attacks from the Prime Minister and other public officials in numerous other instances that have been highlighted by the association For Open Justice as well, including threats of disciplinary action, criticism of certain custodial decisions, questioning the electronic allocation of files, or requests by the Minister of Justice to hand over files from the Supreme Court and the Specialized Criminal Court.

Access to justice for women or marginalised gender groups.

In its 2024 Rule of Law Report, the Centre reported on two unsuccessful legislative initiatives introduced in 2023 on financial compensation for women sterilized in violation of the law. In 2024, another draft law was tabled by MPs, however, it has not even passed the first reading in the parliament. The Centre considers alarming that the current national framework does not allow affected women to obtain effective redress, and there has been no progress in establishing a national framework providing for an effective and accessible compensation for women sterilised in violation of the law. After his country visit in 2024, the Commissioner for Human rights of the Council of Europe has stressed the need to set up an accessible and

effective compensation mechanism for Roma women who were forcibly sterilised and continue to suffer the physical, mental and social impact of these acts. These challenges have long been highlighted by the Centre and were also the subject of a joint meeting with the Commissioner. According to the Plan of legislative tasks of the government for 2025, the Ministry of Justice will be responsible for the adoption of a law on a one-off financial compensation for persons sterilised in violation of law in December 2025.

Follow-up and implementation by state authorities of European Courts' judgments

As of 22 January 2025, a total of 657 judgments of the European Court of Human Rights ("ECtHR") concerning Slovakia were transmitted to the Committee of Ministers for supervision of their execution, of which 27 were delivered in 2024. Currently, there are 593 cases closed and 64 still pending. Out of the pending cases, 29 were identified as leading cases, 32 as repetitive cases, 8 are dealt with via friendly settlement. Out of the 29 pending cases identified as leading, the following 5 cases are under enhanced supervision of the Committee of Ministers of the Council of Europe.

In the case of R.R. and R.D. v Slovakia and P.H. v Slovakia, the national authorities provided four updated information throughout 2024. In June 2024, the authorities reported that the R.R. and R.D. case has been opened for new investigation on several offences, including torture and alleged racist motives in planning of the police operation. The General Prosecutor´s Office decided that no further individual measures will be possible in the case of P.H. due to prescription. Latest examination was carried out by the Committee of Ministers in September 2024 inviting the authorities to take additional general measures related to investigation of ill-treatment and training.

In the case Maslak (no. 2) v. Slovakia, the ECtHR´s Department of the Execution of Judgments sent comments on the action plan published by the national authorities on January 19, 2024. The updated action plan was submitted by the national authorities on April 15, 2024. This version is currently under assessment.

The Committee of Ministers examined the case of Zoltán Varga v. Slovakia in March 2024 and put forward several decisions on individual and general measures that are yet to be taken. The national authorities submitted to the Court three addendums to the Action Plan in 2024. As a result of the re-opening of the case by the Constitutional Court of the Slovak Republic, the Constitutional Court ordered the destruction of the recordings obtained by the Slovak Intelligence Service violating the rights of the applicant. The recordings were subsequently destroyed in 2024.

In 2024 the case Plechlo v. Slovakia was added to the list of cases under enhanced supervision. The judgment found a similar lack of safeguards against abuse by the implementation of a secret surveillance warrant in the context of criminal proceedings as in the previous case Zoltán Varga v. Slovakia. The Court currently awaits the action plan from the national authorities.

In 2024, the Court of Justice of the European Union announced three judgments addressing Slovakia's failure to fulfil its obligations under EU law. Additionally, one lawsuit was filed with the Court against Slovakia. There were 9 requests for a preliminary rulings submitted to the Court of Justice of the European Union.

In terms of supporting implementation of the European Courts' judgments, the NHRI has engaged with courts, raised awareness with the general public, participated in human rights education and referred to judgments of European Courts in the reports and recommendations to state authorities.

Indeed, the Centre points out various ECtHR case-law in its reports and recommendations to support human rights-based arguments. In the 2024 Centre's annual report several cases concerning media freedom and freedom of speech were cited.

Furthermore, the Centre, in collaboration with Equinet, submitted its first amicus curiae brief to the ECtHR regarding case no. 29359/22 Salay v. Slovakia. In the observations, arguments concerning the overrepresentation of Roma children in "special schools" were presented and demanded these practices be ended.

As part of its awareness raising initiatives, the Centre organized a Rule of Law Festival—a series of discussions with various experts. One of the events included a discussion on the challenges with preliminary proceedings in Slovakia.

As part of its human rights education activities, the Centre incorporated cases related to ECtHR judgments, including the notable case of Verein KlimaSeniorinnen Schweiz v. Switzerland, into the Human Rights Olympics tests organized in schools across Slovakia. This education has been mainly focused on high school pupils and teachers.

NHRI's recommendations to national and regional authorities

1. To the Government of the Slovak Republic to adopt necessary measures in order to ensure that the Judicial Council can serve as an independent self-regulating body of the judiciary, free from political influence, elected by the judiciary with guaranteed long-term mandates.

2. To the government to review the system of continuous education of judges as provided by the Judicial Academy to allow for regular and mandatory trainings on developments in law, including human-rights law and approach in dealing with sensitive cases involving human rights issues, such as cases of domestic violence, sexual violence, care for children and persons with disabilities. Such trainings could be made mandatory by making them a prerequisite for career advancements within the system of the judiciary.

4. Media freedom

Based on the Centre's human rights monitoring and reporting, a decline in media independence and media pluralism has been detected. There have also been challenges reported in terms of independence and effectiveness of media regulatory bodies, misinformation and/ or disinformation, access to public interest information/documents and harassment, threats and attacks against journalists and media outlets (including legal harassment, SLAPPs).

Independence of the public service broadcaster

In 2024, the public broadcaster RTVS was dissolved by the Act on Slovak Television and Radio in July. The NHRI protested during the public consultation procedure on grounds of protection of the freedom of media as well as several EU legal instruments to no effect. The new Act established a new institution named Slovak Television and Radio (STVR). This change has entailed, among others, the automatic dismissal of the Board of RTVS. The move was widely viewed as simply a tool to take over the Board and the Director's position by the government, as the Director's term would otherwise expire in 2027 and leader of the governing coalition party SNS has stated in the past that the public broadcaster should function as a "state television". As such, these changes have raised serious concerns about the independence of the public service broadcaster. Subsequently, the coalition parties were not able to agree on election of the new members of the Board who would then appoint the new Director. As such, the public broadcaster is as of January 2025 led by a temporary appointee of the Vice-Chair of the Parliament. Furthermore, the public broadcaster has an interim budget as the budget of the broadcaster also requires approval of the Board.

Censorship in political debate shows

In private media, government representatives refused to take part in several political debates especially in cases where they

believed they would not be viewed favourably by the host or the medium itself. This culminated in May with the political debate show on mainstream TV Markiza, whose host at the end of one of his shows used the live broadcast to voice his concerns over political influence at the television and attempts at censorship. He was subsequently dismissed without union consent and the political debate show was temporarily cancelled.

Increased threats and harassment of journalists

Slovak journalists continue to face threats and harassment, including physical attacks. A survey conducted in 2023 by the Investigative Centre of Ján Kuciak reported that 66.2% of Slovak journalists experienced an attack or threats in the past 12 months (while 4% experienced physical attack) and 47% think the number of incidents has increased over the last 5 years. According to the survey, 33,3% of Slovak journalists think the intensity of verbal attacks by politicians has increased. The offence of defamation is also frequently used to intimidate and bully journalists and the media.

In 2024, European Centre for Press and Media Freedom recorded a record number of incidents in Slovakia compared to previous years.

Further in October, the Head of the Government Office together with the PM's chief advisor came to the Stop Corruption Foundation to film a video about personally confronting a journalist, who wrote an article about discrepancies in financing of a reconstruction project of the Government Office. They then proceeded to publish an edited version of the video online and promoted it, which resulted in the organization as well as the journalist herself receiving threats, including death threats. A far-right conspiracist, who has been spreading damaging and dangerous far-right disinformation, doxing journalists, condoning attacks on media outlets and individual journalists, as well as harassing several prominent female journalists for years was until January 2025 in the United Kingdom, awaiting a decision from the appeals court regarding his extradition to Slovakia. During this prolonged period, he has been

Independence and effectiveness of media regulatory bodies

Independent Council for Media Services in charge of media oversight as well as oversight of self-regulatory bodies of media, has come under threat in March when the leader of coalition party SNS announced legislative changes that would transform the Council into a government agency. As of January 2025, the government has not yet issued a proposal to that effect.

"Alternative" media outlets supported by the government

As mentioned in last year's report, the government has ceased communication with several mainstream media viewed as critical. Instead, representatives of the government have been increasingly engaging and promoting "alternative" media outlets known for spreading disinformation or misinformation. Several members of cabinet, parliamentarians and government appointees are former employees of such media, most famously Minister of Culture, who continues to appear on the online TV Slovan, known for spreading disinformation, together with her former co-host and current government plenipotentiary for reviewing the process of governance and resource management during the COVID-19 pandemic, who also owns the outlet.

Proposed legislative changes in terms of media freedom

In October, the government approved a parliamentary proposal to amend the Act on publications which sought to establish a new form of the right of correction or reply for print media and news outlets, which would levy heavy fines up to EUR 15 000 for failure to comply. As of January 2025, this proposal is pending approval of the Parliament.

In December 2024, the Parliament broke the veto of the President and passed an amendment to the Freedom of Information Act. Apart from longer deadlines for public institutions to provide information (from 8 to 12 days), the amendment provides for the option to charge additional fees for providing the information. Previously information was provided free of charge, but the institutions could request a fee to cover costs of necessary copies, technical media or the cost of sending the information

to the applicant. Under the new law, further reimbursement of costs may be requested in cases of "extensively excessive" search for information. These changes may lead to arbitrary interpretations and create financial barriers to exercising the right to information and as such the Public Defender of Rights has announced he will use his prerogative and file a petition before the Constitutional Court.

Legal actions against journalists and news outlets

In August, the Prime Minister sued the editor-in-chief of the online news outlet Aktuality.sk and a publisher over a book Fico – Posadnutý Mocou ("Obsessed with Power"). The Prime Minister objected to the use of his photograph on the cover of the book and demanded an apology from both parties, as well as EUR 100,000 from each of them as compensation for non-material damage. The lawsuit did not question the content of the book itself but objected to the use of the photograph.

Further in August, Slovak national cultural organisation Matica Slovenská had initiated a criminal complaint against the author of the investigative show 'Cez čiaru' for alleged defamation. In the show produced by the Stop the Corruption Foundation and published by Daily SME, its author, connected Matica Slovenská with the Russian secret service. Matica Slovenská signed a memorandum of cooperation with the State Russian Historical Society, whose chairman is the head of the Russian secret service, Sergei Naryshkin. This was also confirmed by Matica Slovenská itself, which claimed it did not file a criminal complaint. Police however launched a preliminary investigation, including questioning the author of the show.

Threats against women journalists

The Centre observed that women journalists are disproportionally affected by harassment and threats, especially online. According to the European Centre for Press and Media Freedom, in 2024, 17 incidents against women journalists were recorded, 6 of which were gender-based, as opposed to 12 incidents against men journalists.

Follow-up on the recommendations issued by European actors

No measures were identified by the NHRI, on the contrary, the Platform for the Support of Press Freedom and the Protection of Journalists established in 2023 and highlighted in the 2024 Rule of Law Report has already ceased activity in autumn 2024 after the government plenipotentiary for civil society nominated a representative from a disinformation media to the platform various members refused to continue working with the platform.

NHRI's recommendations to national and regional authorities

1. To the Government of the Slovak Republic to restore and provide for immediate legal safeguards for the independence and editorial autonomy of the public broadcaster.

2. To the Government of the Slovak Republic and all its representatives to refrain from any personal attacks on members of the media, including direct verbal harassment and indirect incitement of hatred online. We call on the Government of the Slovak Republic to adopt a Code of Conduct for members of the cabinet as well as parliamentarians and heads of government agencies, which would among other issues of ethics in public office, provide for clear rules of conduct for public as well as personal use of social media, while holding a public office.

3. To the Government of the Slovak Republic to set up an independent office with sufficient resources, tasked with debunking viral online hoaxes and disinformation, in order to ensure that the right to access objective information and facts is being guaranteed within a pluralistic media environment.

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

Abolishment of Special Prosecutor's Office

In March 2024, the Special Prosecutor's Office (hereinafter as „SPO") was abolished. SPO together with the Special Criminal Court was, for the past 20 years, in charge of prosecuting high-profile corruption cases, organized crime, financial criminality, extremism (hate crime) and terrorism. As a result of the abolishment, its cases were redistributed to different prosecutors within the structure of the General Prosecution, which in the view of the NHRI, side-lined the original point of establishing the SPO, which was to allow for specialized experts, trained and experienced, to prosecute these challenging cases. From the human rights perspective, this was especially crucial for cases of hate crime, which require training and sensitivity to deal with. Further, the SPO's independence from the General Prosecutor's Office was to ensure its ability to cover high profile corruption cases. While the NHRI accepts the government's discretion to decide on the structure of state prosecution, it finds that the decision to abolish the SPO without ensuring that its prosecutors remain in charge of the cases they covered before the dissolution of SPO and without providing for a period that would allow for specialized training of any new prosecutors that had to be assigned to SPO's files in cases of resignations, creates a regrettable backsliding in already slow efforts of Slovak governments to efficiently combat hate crime and high profile corruption.

Abolishment and replacement of the National Criminal Agency

In September, the National Criminal Agency (NAKA) was abolished and replaced with a new Office to Combat Organized Crime. The National Criminal Agency had been a unit of the Police Force since 2012. Its role was to investigate particularly serious cases, especially those prosecuted by the SPO and the Special Criminal Court. It also included a specialized unit dealing with cases of hate crime.

As both SPO and NAKA were investigating several members of the governing coalition during the past several years, mostly in corruption cases, abolishment of these institutions is viewed by anti-corruption organizations as an act of political revenge, in line with campaign promises made before the 2024 election. This line is further supported by the fact that several police officers and prosecutors involved in sensitive political cases were transferred to regional offices or dismissed (including those under whistleblower protection) and many are also being investigated on charges of abuse of power.

Changes to Criminal Code

Further, significant changes were made in the Criminal Code, which among elements lowered penalty rates and reduced the statutes of limitation for corruption cases. As a result, several people believed to be linked to the government, as well as members of the ruling parties including the Vice-Chair of Parliament had their corruption charges dropped.

Dissolvement of the Ministry of Justice's analytical centre

The Ministry of Justice published an instruction to dissolve the analytical centre at the Ministry as of August 1, 2024. The information was available only one week before its execution. The Centre was established in 2016 to support data-based decision-making process at the Ministry. For instance, it has monitored court agendas and assessed which courts require additional support. All 26 employees were dismissed from the Ministry.

Dismissal of expert ministerial staff

The dismissal of expert staff from various ministries became a more far-reaching issue in 2024. Several leading employees of cultural institutions in Slovakia were dismissed without any explanation. They were subsequently replaced by individuals lacking relevant experience. Moreover, more than 60 regular employees from the Ministry of Culture have been fired. A similar situation is evident at the Ministry of Environment,

where nearly 50 personnel have been dismissed without stating a reason since the start of the current government and replaced with individuals linked to the ruling parties and often lacking relevant qualifications. The selection procedures for these positions are often not transparent prioritising parties' alignment over expertise.

Fast-track legislative procedures threatening legal certainty and limiting public participation.

The fast-track legislative procedure is governed by law and may be adopted by the parliament upon request of the government in exceptional cases of a threat to fundamental rights and freedoms, national security or a threat of significant economic damage. According to data analysed by NGO Via Iuris, they usually form around 6 – 12 % of adopted legislation annually (with the exception of COVID-19 pandemic). During the first 6 months of 2024 the parliament adopted almost 60 % of all legislation using this procedure, while giving dubious reasons for taking this step. Fast-track procedure means there is no period for public consultation in which other government agencies, academia, NGOs or general public may express their views. Under certain conditions, changes may be demanded during public consultation, in which case a series of further consultations in person are held by the responsible ministry.
Among others, sweeping changes of the Criminal Code mentioned above were adopted using this procedure. The initial amendments had to be later changed (for various reasons, including a Constitutional Court judgement mentioned below) and in total the Criminal Code has been amended 7 times during 2024 alone. Large systemic changes in major legal codes of the country without public consultation pose an immense risk to the principle of legal certainty and the rule of law, as well as drastically reduce public participation in the legislative process. Regarding legal certainty for instance, changes made in the Criminal Code regarding statute of limitations for various crimes resulted in uncertainty for law enforcement and courts, as to which criminal proceedings may or may not continue, which was only resolved by a unifying decision of the Supreme Court in November.

In case of the Criminal Code, the apparent lack of statutory grounds for adopting the fast-track legislative procedure led to a petition before the Constitutional Court filed by the parliamentary opposition as well as the president, which further questioned several elements of the legislation. The Constitutional Court in July proclaimed parts of the legislation unconstitutional but also stated that while the government broke the law by clearly lacking any of the grounds envisaged by law for adopting the fast-track procedure, this was not in itself unconstitutional.

NHRI's recommendations to national and regional authorities

1. To the Government of the Slovak Republic to limit the use of the fast-track legislative procedure strictly to cases of sudden, unpredictable and serious threats to the economy, human rights or security, as envisaged by law, in order to ensure effective public participation in the legislative process and safeguard legal certainty through open, transparent and data-driven legislative process.

2. To the Government of the Slovak republic to restore and provide for safeguards of principles of neutrality, stability and professionality of the civil service as provided by law, to build and preserve expertise, ensure continuity between governments, as well as to foster public trust in institutions.

3. To the Government of the Slovak Republic to present a clear plan to combat corruption following the dissolution of various government offices and agencies tasked with this objective, as well as present concrete measures and safeguards ensuring that persons or agencies tasked with combating corruption in the future have the necessary degree of autonomy and independence to combat corruption on all levels, including in state institutions.

Notes