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COMMISSION STAFF WORKING DOCUMENT

**2023 Rule of Law Report
Country Chapter on the rule of law situation in Slovakia**

Accompanying the document

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

2023 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

Reforms of the Slovak justice system continued. The reform of the judicial map has entered into force and a new separate system of administrative courts has become operational. The new regime for disciplinary proceedings regarding judges before the Supreme Administrative Court is reported to function well. No steps have been taken to ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal. No additional safeguards have been introduced in relation to the crime of ‘abuse of law’. Concerns continue regarding the power of the Prosecutor General to annul decisions of lower ranking prosecutors. The justice system still faces challenges as regards efficiency in administrative cases.

The planned update of Slovakia’s 2019 National Anti-Corruption Programme remains pending, while work on the new strategy for 2024-2028 is at an initial stage of preparation. No steps have yet been taken to regulate lobbying and some initial steps have been taken to strengthen the legislation on conflicts of interests and asset declarations. Slovakia’s dedicated Whistleblower Protection Office is investing in public awareness campaigns to address the persistent low levels of reporting. Efforts to fight high-level corruption continued, with several former high-ranking officials charged with bribery offences. The use of the Prosecutor General’s discretion to annul investigations in several high-level corruption cases continues to raise concern, while some progress has been made in consulting the public on limiting the respective provision in law. The coordination among the different law enforcement entities still requires improvement, and allegations of politically motivated decisions in relation to corruption investigations continue to erode law enforcement cooperation.

The Council for Media Services operates autonomously and is sufficiently funded. Its remit was extended under the Media Services Act adopted in August 2022 to include research, media literacy and liaison with digital media platforms. Legislative frameworks are in place for ensuring transparency of media ownership. The independent governance of public service media has been enhanced while new concerns have arisen in terms of its sustainable financing. The Freedom of Information Act has undergone amendment to clarify the entities required to provide access. There has been legislative progress on a bill to improve the physical safety and working environment of journalists, including reform of the defamation regime.

The involvement of stakeholders in the law-making process remains a concern, especially in connection with the use of fast-track procedures. Efforts have been made to enhance participation in the creation of public policies, while stakeholders raise concerns over legislative riders. A new Ombudsperson took office after a prolonged vacancy, and a constitutional amendment was adopted to prevent such a situation in the future. The law establishing a National Preventive Mechanism has been adopted by Parliament. Measures are planned to improve the environment, funding framework and status of civil society, but organisations and defenders on gender equality and LGBTIQ rights continue to face a difficult environment.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2022 Rule of Law Report, Slovakia has made:

- No progress yet on ensuring that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- No progress on ensuring that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Some progress towards strengthening the legislation on conflicts of interest and asset declarations and no progress on introducing proposals to regulate lobbying.
- No progress on improving the coordination among the different law enforcement entities and some progress to ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Some progress on advancing with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Some progress on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.

On this basis, in addition to recalling the commitments made under the National Recovery and Resilience Plan, relating to certain aspects of the justice system, it is recommended to Slovakia to:

- Introduce measures to ensure that the members of the Judicial Council, notably those not elected by judges, are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils.
- Ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of “abuse of law” as regards their judicial decisions.
- Introduce proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.
- Take measures to improve the coordination among the different law enforcement entities and ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor-General to annul prosecutorial decisions with a view to promoting a robust track record of high -level corruption cases.
- Advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists.
- Continue with the process of strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media.

- Ensure effective public consultation and stakeholder involvement in the law-making process.

I. JUSTICE SYSTEM

The court system of the Slovak Republic consists of 36 District Courts, five Municipal Courts, eight Regional Courts, three Administrative Courts, the Specialised Criminal Court, the Supreme Court, the Supreme Administrative Court and the Slovak Constitutional Court¹. The Regional Courts function as the courts of appeal in civil, commercial and criminal cases. The Specialised Criminal Court is competent to judge serious criminal matters as enumerated in the relevant provision of the Code of Criminal Procedure². The Judicial Council plays a central role in the administration of the judiciary and in the appointment of judges, as well as in maintaining judicial ethics. Half of its members (9 out of 18) are judges elected by their peers. Other members of the Judicial Council are appointed by the Slovak President, the Parliament and the Government³. The public prosecution service of Slovakia is an independent state authority headed by the Prosecutor General⁴. Slovakia participates in the European Public Prosecutor's Office (EPPO). The Slovak Bar Association is an independent self-administrative professional organisation⁵.

Independence

The level of perceived judicial independence in Slovakia is now low among the general public and continues to be low among companies. Overall, 34% of the general population and 31% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2023⁶. According to data in the 2023 EU Justice Scoreboard, no clear trend can be identified in the evolution of the perceived level of independence among the general public since 2016. Nevertheless, this figure has increased in comparison with 2022 (25%), as well as with 2016 (21%). The perceived judicial independence among companies has increased slightly in comparison with 2022 (30%) as well as with 2016 (7%).

The reform of the judicial map has entered into force, as one of key reforms to make the justice system more efficient. The reform, referred to in the 2021 and 2022 Rule of Law reports⁷, entered into force on 1 June 2023. Its implementation was postponed by five months⁸, mainly to improve the preparation of the justice system for the launch of the reform. This involved enhanced awareness raising and communication with judges and ensuring that all courts are sufficiently staffed and that work plans of the new courts are prepared⁹. The reform, which is also part of the Slovak National Recovery and Resilience Plan, decreases the number of district courts from 54 to 36, changes territories of regional courts, and establishes

¹ For a description of the judicial structure, see e.g. the Annual study for the European Commission carried out by the Council of Europe Commission for the Efficiency of Justice (CEPEJ).

² Slovak Code of Criminal Procedure, para. 14 (e.g. premeditated murder, corruption, terrorism, organised crime, severe economic crimes, damaging the financial interests of the EU etc.).

³ Art. 141a of the Slovak Constitution.

⁴ Arts. 149-151 of the Slovak Constitution; Act No. 153/2001 Coll. on Public Prosecution Service.

⁵ Parliamentary Act No. 586/2003 Coll. on the Legal Profession and on Amending Act No. 455/1991 Coll. on the Business and Self-employment Services (Business Licensing Act) of 4 December 2003.

⁶ Figures 49 and 51, 2023 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

⁷ 2021 and 2022 Rule of Law Reports, pp. 6-7 and pp. 5-6, respectively.

⁸ Act No. 398/2022 Coll. of 10 November 2022.

⁹ Information received from the Ministry of Justice in the context of the country visit to Slovakia. Contribution from the Slovak Bar Association for the 2023 Rule of Law Report, p. 19.

five municipal courts. This will allow to introduce specialisation of the judges on the main judicial agendas: civil, criminal, commercial, and family law. Administrative law cases will be addressed in a separate system of administrative courts. The expectation is that the new map and specialisation of judges will improve the efficiency and quality of the justice system. The transfer of judges and staff from the dissolved courts to the new courts does not require them to physically move to other locations, as these original locations will serve as a branch of the successor court. Should a judge be transferred between two workplaces of the same court without their consent¹⁰, the law¹¹ stipulates that the proposal shall be submitted by the President of the Court to the Judicial Council if it is considered that such transfer is necessary for the proper functioning of the court and requires a prior consent of the Judicial Council¹². The transferred judge could claim a breach of his or her right to equal access to office before the Constitutional Court¹³. European standards foresee that judges who would be transferred in the course of a reform without their consent benefit from procedural safeguards in order to ensure that their independence is not jeopardised, with the grounds for transfer of judges clearly established and a mandatory transfer decided by means of transparent proceedings conducted by an independent body or authority without any external influences and whose decisions are subject to challenge or review¹⁴. In view of the latter, the conditions and criteria under which the transfer can be done could be specified, in order to better support the judicial review. Stakeholders mostly welcomed the reform and agreed with the postponement of its coming into effect, however, some also warned that the efficiency of the justice system might be temporarily affected after its launch¹⁵. It was noted that the reform will have consequences in terms of travel to the nearest court¹⁶.

The new regime for disciplinary proceedings regarding judges before the Supreme Administrative Court is reported to function well. The 2020 Constitutional amendment introduced a new system of disciplinary proceedings regarding judges, prosecutors,

¹⁰ According to information provided by Slovak authorities and Judicial Council, there was no case of a transfer of judge without their consent in the course of the reform.

¹¹ Act No. 398/2022 Coll.

¹² Act No. 398/2022 Coll., Art. 9, section 2. Stakeholders have pointed at this strong managerial power of the Court President combined with the strong role of the executive power in the Court Presidents' selection and dismissal and voiced concerns over the impact this might have on judicial independence. Contribution from Association of Judges of Slovakia for the 2023 Rule of Law Report, p. 10. Information received in the context of the country visit to Slovakia from the Association of Judges of Slovakia.

¹³ Decision of the Constitutional Court, II. ÚS 298_2015, of 15 December 2016.

¹⁴ ENCJ Report of 2012-2013 on minimum standards for the evaluation of professional performance and the irremovability of members of the judiciary, p.20. Also Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 52; European Charter of the Statute of Judges, Arts. 1.4., 3.4.; report of the European Network of Councils for the Judiciary, on Minimum standards for the evaluation of professional performance and the irremovability of members of the judiciary, proposal 4.21; judgment of the European Court of Human Rights of 9 March 2021, *Bilgen v Turkey*, 1571/07, para. 96.

¹⁵ Information received from the Supreme Court and Supreme Administrative Court in the context of the country visit to Slovakia. Concerns about the efficiency were also raised in Comments of the Association of Judges of Slovakia on the draft law to delay the entry into force of the so-called new judicial map, 17 October 2022.

¹⁶ Under the new map, bigger court districts are established as a result of the reduction of the number of district courts. In some districts, there will be more than one locations of the same court (a seat and a so-called workplace) and it can happen that a case will be randomly assigned to a site which is further away from the residence of the court user. Contribution from Association of Judges of Slovakia for the 2023 Rule of Law Report, p. 14. Information received from the Association of Judges of Slovakia in the context of the country visit to Slovakia.

enforcement agents and notaries, by transferring the decisive powers to the Supreme Administrative Court¹⁷. The disciplinary proceedings are conducted by a disciplinary panel composed of five members, three of which, including the Chair, are judges of the Supreme Administrative Court appointed according to a work schedule, and the remaining two members are selected randomly from a list of persons elected by the Judicial Council¹⁸. A question posed by the Supreme Administrative Court is pending before the Constitutional Court related to the composition of the panels¹⁹. The new model is assessed very positively by stakeholders, who have reported a good functioning of the system, reasonable time for the decision-making and emerging unified case law²⁰. A judge condemned in the disciplinary proceedings may challenge the decision before an appellate body²¹ if the decided sanction is dismissal from office²². There is also a possibility to challenge the decision of the disciplinary panel before the Constitutional Court in such cases²³.

There has been no progress regarding the regime for the dismissal of the members of the Judicial Council. The 2022 Rule of Law Report recommended to Slovakia to “ensure that the members of the Judicial Council are subject to sufficient guarantees of independence as regards their dismissal, taking into account European standards on independence of Judicial Councils”²⁴. As stated in the 2022 Rule of Law Report, despite the Judicial Council having been granted more powers by the 2020 Constitutional amendment²⁵, the conditions for the dismissal of its members, notably those not elected by judges²⁶, have still not been laid out in law²⁷. This absence may affect the independence of the members of the Judicial Council²⁸. According to the case law of the Court of Justice of the European Union, judicial councils need to be subject to sufficient guarantees of independence in relation to the

¹⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 7-8. Since January 2022, 100 cases have been decided, of which 67 cases concerned judges, 1 prosecutor, 15 notaries and 17 enforcement agents, information provided in the context of the country visit to Slovakia from the Supreme Administrative Court (March 2023).

¹⁸ Section 5 and following of the Act on the disciplinary proceedings, No. 432/2021 Coll.

¹⁹ The Supreme Administrative Court has posed a legal question to the Constitutional Court whether prosecutors - assisting judges - are independent enough, as their selection to the panel depends on the opinion of the Prosecutor General.

²⁰ Information provided in the context of the country visit to Slovakia from the Judicial Council, the Judges for Open Judiciary, the Association of Judges of Slovakia and the Slovak Bar Association.

²¹ An appellate body is composed of five judges of the Supreme Administrative Court. Information received from the Supreme Administrative Court. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 8.

²² Sec. 37 of Act No. 432/2021 on disciplinary proceedings conducted by the Supreme Administrative Court.

²³ Based on Art. 127 of the Constitution.

²⁴ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

²⁵ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 3-4.

²⁶ The Council is composed of 18 Members, half of which are judges elected by their peers. The Government, the Parliament and the President of the Republic each choose three members as well. Members of the Council can be dismissed only by the body which appointed them.

²⁷ Input from the Slovak Government for the 2023 Rule of Law Report, p. 2; Input from the Office of the Public Defender of Rights for the 2023 Rule of Law Report, p. 10; Information received from the Ministry of Justice, the Judicial Council, Judges for Open Judiciary, Association of Judges of Slovakia in the context of the country visit to Slovakia.

²⁸ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 3; Contribution from the Association of Judges of Slovakia for the 2023 Rule of Law Report, p. 12; Information received from the Judicial Council and the Association of Judges of Slovakia in the context of the country visit to Slovakia.

legislature and the executive including as regards the way their members can be dismissed²⁹. As no action has been taken, there has been no progress yet on the implementation of the 2022 recommendation.

No additional safeguards have been introduced to the crime of ‘abuse of law’. The 2022 Rule of Law Report recommended to Slovakia to “ensure that sufficient safeguards are in place and duly observed when subjecting judges to criminal liability for the crime of ‘abuse of law’ as regards their judicial decisions”³⁰. The crime of ‘abuse of law’, under which judges may be prosecuted for an arbitrary decision causing damage to or bestowing a favour on another person, has been introduced with the 2020 Constitutional amendment, with the aim to enhance the integrity regime for judges³¹. In practice, by March 2023, more than 100 crime reports were filed based on this provision, and one judge was convicted of this crime in court³². The Office of the Special Prosecutor reported a high burden connected with handling all these vexatious complaints, which have so far been dismissed in early stages of proceedings³³. The possibility for the Judicial Council to discontinue the criminal proceedings against a judge by a vote of minimum 10 of its members, described in the previous editions of the Rule of Law Report³⁴, can take place only after the indictment enters into effect, which means that at the moment of the voting within the Judicial Council on this matter, the judge may be already in detention³⁵. Stakeholders reiterated that the mere

²⁹ The Court of Justice of the European Union has recalled, as regards the process for appointing members of the judiciary, for a Council of the Judiciary to contribute to rendering that process more objective, it is necessary that such a body should itself be sufficiently independent of the legislature, the executive and the authority to which it is required to submit an opinion on the assessment of candidates for a judicial post (judgment of 20 April 2021, *Case C-896/19, Repubblica*, ECLI:EU:C:2021:311, para. 66).

³⁰ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

³¹ Section 326a of the Slovak Criminal Code; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 4.

³² In 2021 and 2022, 114 criminal reports were filed based on the crime of abuse of law; Information received from the Office of the Special Prosecutor in the context of the country visit to Slovakia. The conviction was a result of a requalification of a previous different indictment during court proceedings.

³³ Information received from the Office of the Special Prosecutor in the context of the country visit to Slovakia.

³⁴ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 4-5; 2021 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 6.

³⁵ *Slovak Judicial Council, Decision No 63/2023 on the crime of abuse of law, as stipulated in Section 326a of the Criminal Code, 16 February 2023*. Criminal proceedings are led by the Special Prosecutor and a Specialised Criminal Court. A judge accused of this crime is entitled to request the Judicial Council to express its disagreement on the continuation of the criminal prosecution, which, if granted, is tantamount to the termination of the proceedings (this safeguard was originally only effective until 2024, but the relevant provision was subsequently amended and it is no longer temporary; Art. IX of Act No. 432/2021). The prosecuted judge may be temporarily suspended only by a decision of a disciplinary court; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 4-5. Association of Judges of Slovakia expressed that the strongest safeguard would be to restore the functional immunity of judges as it existed before 31 December 2020, allowing for criminalisation of a judge for corruption and disciplinary action for an arbitrary decision in breach of the law, if it caused significant damage or another particularly serious consequence. In the current regime, a change that would make the prosecution of a judge for their decision conditional on the consent of the majority of all members of the Judicial Council of the Slovak Republic (as opposed to the current decision on opposition to his prosecution) would also be seen as a step forward. Information received from the Association of Judges of Slovakia in the context of the country visit to Slovakia. European standards provide that subjecting judges to liability for their judicial decisions may occur in exceptional cases of malice and gross negligence, the forms of conduct which may constitute a crime should be defined sufficiently clearly and precisely, and any regime governing personal liability of judges

existence of such crime and complaints creates a negative psychological effect on judges, as the lack of clarity and insufficient safeguards could lead to a potential misuse of the provision³⁶. As there have been no additional safeguards in relation to the crime of ‘abuse of law’, no progress has been made on the 2022 recommendation.

Concerns continue regarding the power of the Prosecutor General to annul decisions of lower ranking prosecutors. As already noted in the 2022 Rule of Law Report³⁷, the Prosecutor General has the power, as an extraordinary remedy, to annul any final decision by lower-ranking prosecutors or the police made in the course of criminal proceedings³⁸. There is no legal remedy against such decision and no judicial review³⁹. European standards foresee that interested parties or victims are able to challenge decisions of public prosecutors not to prosecute⁴⁰. In addition, European standards relating to autonomy and internal independence within the prosecution service call for a clear mechanism to allow lower level prosecutors to appeal against assignments or instructions of a superior prosecutor⁴¹. These apply also in cases where the Prosecutor General can issue a decision on discontinuation of the prosecution procedure directly⁴². A draft amendment of the Code of Criminal Procedure, submitted to an interdepartmental consultation in September 2022, narrowed down this power of the Prosecutor General⁴³. Many responded to that consultation, which was concluded in

must provide necessary guarantees to prevent any risk of abuse, cf 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 5.

³⁶ Contribution from the Association of Judges of Slovakia for the 2023 Rule of Law Report, p. 13. Information received from the Judicial Council and Judges for Open Judiciary in the context of the country visit to Slovakia. The Judicial Council has publicly issued a decision No 63/2023 on the crime of abuse of law, as stipulated in Section 326a of the Criminal Code, from 16 February 2023.

³⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 9.

³⁸ Art. 363(1) of the Criminal Procedure Code. The Prosecutor General shall revoke the final decision of the prosecutor or police officer if the decision or proceedings which preceded it were in breach of the law.

³⁹ Art. 363 of the Criminal Procedure Code. See also Figure 59, 2022 EU Justice Scoreboard. Following such decision, the only possibility for investigators to bring again charges is to start the process again and collect new evidence different from what was presented in the original case.

⁴⁰ Interested parties of recognised or identifiable status, in particular victims, should be able to challenge decisions of public prosecutors not to prosecute; such a challenge may be made, where appropriate after a hierarchical review, either by way of judicial review, or by authorising parties to engage private prosecution. Recommendation Rec(2000)19 of the Committee of Ministers on the Role of Public Prosecution in the Criminal Justice System, para 34. See also Venice Commission CDL-AD(2010)040-e Report on European Standards as regards the Independence of the Judicial System: Part II — the Prosecution Service (2011), para 45 and Venice Commission Rule of Law Checklist (2016), para. 96.

⁴¹ Clear mechanisms should be established, which will allow lower-level prosecutors to appeal against assignments or instructions of a superior prosecutor if they find that these assignments or instructions are illegal or unjustified. CCPE Opinion No. 13: Independence, accountability and ethics of prosecutors (2018), para 43. Also Recommendation CM/Rec(2000)19 of the Committee of Ministers to member states on the role of public prosecution in the criminal justice system, recommendation 9 and 10; Venice Commission, Rule of Law Checklist, CDL-AD(2016)007rev, para. 92.

⁴² Venice Commission CDL-AD(2014)042, Opinion No. 785/2014 Interim Opinion on the Draft Law on the State Prosecution Office of Montenegro, paras. 34 and 108.

⁴³ Art. 363 of the Criminal Procedure Code was proposed to be amended to say that the Prosecutor General “shall revoke a final order of the prosecutor or police officer if such a decision violated the law **in essential circumstances** or because of **substantial** defects in the proceedings prior to it.” In addition, a new section was included: “Where a court has decided to place the accused person in custody or to replace pre-trial detention, or where a European Arrest Warrant or an international arrest warrant has been issued against the accused, or the court has issued a different decision in the pre-trial stage showing that the charge is well

December 2022. The Ministry of Justice now aims at having the proposal adopted by the Government. However, according to the Ministry, any proposal is unlikely to be tabled to the Parliament before the early Parliamentary elections planned for September 2023⁴⁴. In parallel, the Parliamentary Constitutional Committee also proposed a partial amendment to the Article⁴⁵. Stakeholders generally accept the power of the Prosecutor General defined by Article 363 as an extraordinary remedy. However, they have raised issues as regards consistency and transparency of the process, especially in the way it has been applied by the Prosecutor General in several high-profile cases (see also in section 2), and call for an expert discussion on the conditions of its application, including non-interference in judiciary power⁴⁶. Art. 363 was challenged before the Constitutional Court, which confirmed that the provision does not violate the Constitution⁴⁷.

Criminal proceedings in relation to corruption and abuse of office charges against judges continue. These proceedings are related to longstanding concerns regarding the independence and integrity of the Slovak justice system, as already referred to in the 2020 Rule of Law Report⁴⁸. The need to continue addressing specific concerns on the overall integrity of the justice system has been raised in the context of the European Semester, and Slovakia has received a country specific recommendation to this end⁴⁹. So far, high-profile police operations, as also referred to in the previous editions of the Rule of Law Report⁵⁰ have, as regards judges, resulted in four indictments, two proposals for indictments and three convictions in court in 2022. Twelve investigations were ongoing as of March 2023⁵¹.

A new law clarifies the conditions for searches that could affect the confidentiality between lawyer and client, after warning by the Bar Association of repeated breaches by law enforcement. Following reports of threats and harassment encountered by lawyers in the course of their practice, noted by the 2022 Rule of Law Report⁵², the Bar Association has drawn attention to repeated breaches of the procedure that governs searches of law firms’

founded and lawful, the Prosecutor General may not overturn the order imposing the charge”. LP/2022/513 Act amending Act No 301/2005 Coll., Code of Criminal Procedure, as amended, and amending certain acts.

⁴⁴ Information received from the Ministry of Justice in the context of the country visit to Slovakia.

⁴⁵ Resolution of the Constitutional Committee of the Parliament No. 781 from 8 June 2023, point 29 on the proposal for an amendment of the Criminal Code. The amendment proposes to specify that the “violation of law” signifies a substantial mistake which could have influenced the decision on merit.

⁴⁶ Contribution from Civil Liberties Union for Europe for the 2023 Rule of Law Report, Slovakia, pp. 2, 13-16. Information received from the Office of the Special Prosecutor, President of the Police, Judicial Council, Association of Judges of Slovakia, Judges for Open Judiciary, Supreme Court and Via Iuris in the context of the country visit to Slovakia. The original absence of, need for and the contribution of expert discussion has also been highlighted by the Slovak Bar Association in its contribution from for the 2023 Rule of Law Report, p. 10 and in the contribution from CCBE for the 2023 Rule of Law Report, p. 87.

⁴⁷ Judgment of Slovak Constitutional Court of 21 June 2023, PL. ÚS 1/2022. The motion was submitted by a group of Members of Parliament and the President of the Slovak Republic.

⁴⁸ 2020 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

⁴⁹ “Address the integrity concerns in the justice system.” Council Recommendation of 20 May 2020 on the 2020 National Reform Programme of Slovakia and delivering a Council opinion on the 2020 Stability Programme of Slovakia, COM(2020) 525 final.

⁵⁰ 2020, 2021 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Slovakia, p.2, pp. 2-3 and p. 8, respectively.

⁵¹ Data received from the Office of the General Prosecutor.

⁵² 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 9.

premises⁵³, which it claims undermines confidentiality as stipulated by law, and as interpreted by Constitutional Court⁵⁴. An amendment to the Code of Criminal Procedure, effective since 1 May 2023, clarified the conditions for searches of premises where documents might be present that are subject to legal professional secrecy. In such cases, the law enforcement authority carrying out the act is obliged to seek the assistance of the Slovak Bar Association and of the pre-trial judge⁵⁵. The Slovak Bar Association continued in its activities to promote expert dialogue in the justice sector, as already reported in the 2022 Rule of Law Report⁵⁶, including a creation of criminal law sub-platform to discuss the ongoing reforms of the Criminal Code and Code of Criminal Procedure⁵⁷.

Quality

A new separate system of administrative courts has become operational. The new separate system of three administrative courts was created by the law of 27 April 2022⁵⁸, as referred to in the 2021 and 2022 Rule of Law reports⁵⁹, and finally entered into force on 1 June 2023, after its implementation was postponed by five months⁶⁰. The postponement was related to the delayed coming into effect of the new judicial map (see above) and difficulties in filling the vacancies for judges in the new courts⁶¹. The issue was tackled, among others, by easing the conditions of the transfer of judges to the new courts⁶². Consequently, as of 1 March 2023, the number of judges in these courts exceeded the minimum number needed for the transition of the administration of justice from regional courts to the administrative courts⁶³. The selection of the first presidents of the new administrative courts was performed by 31 July 2022 by a committee of five members chosen by the Minister of Justice, three of which were nominated from a list proposed by the Ministry of Justice and two from a list

⁵³ Contribution from CCBE for the 2023 Rule of Law Report, pp. 86-87 and contribution from the Slovak Bar Association for the 2023 Rule of Law Report, pp. 11-12.

⁵⁴ III. ÚS/455/2022 of 08.12.2022, II. ÚS 96/2010 and III. ÚS 68/2010.

⁵⁵ Act No. 111/2023 Coll. of 16 March 2023, Art. 1.

⁵⁶ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 9.

⁵⁷ Contribution from Slovak Bar Association for the 2023 Rule of Law Report, p. 19. Lawfulness and effectiveness of criminal proceedings with an emphasis on preliminary proceedings - joint statement of representatives of the Supreme Court, Prosecution General, Slovak Bar Association and law faculties, 6 July 2022. Meeting of representatives of the main judicial institutions - a joint call of the Supreme Court of the Slovak Republic, the General Prosecutor's Office of the Slovak Republic and the Slovak Bar Association, 21 November 2022.

⁵⁸ Act No. 151/2022 Coll.

⁵⁹ 2021 and 2022 Rule of Law Reports, pp. 7-8 and p. 7, respectively.

⁶⁰ Act No. 398/2022 Coll. of 10 November 2022. The Supreme Administrative Court had already been established by the Constitutional amendment of 2020 (Constitutional Act No. 422/2020 Coll. amending the Constitution of the Slovak Republic No. 460/1992 Coll.) and became operational as of 1 August 2021.

⁶¹ DenníkN Interview with Minister of Justice Viliam Karas (4 October 2022).

⁶² This included, among other, that judges of the regional court, who specialise in administrative matters, could apply until February 2023 for a transfer to the new administrative courts without the need to go through a selection process and without an ex-ante supervision of the fulfilment of the prerequisites of competence of the judge. The supervision would be performed by the Judicial Council within three months after the transfer. Other judges could also apply until February 2023 for a transfer to the administrative courts without the need to go through a selection process. Act No. 398/2022 Coll, Art. XII, section 4.

⁶³ Transition of the administration of justice from regional courts to administrative courts as of 1 June 2023, 1 March 2023. Positions in the new administrative courts were filled in three ways: by existing judges who applied for the transfer, judges who have been seconded or temporarily transferred and candidates who succeeded in competitions for the positions.

proposed by the Judicial Council⁶⁴. The aim of the reform is to improve the efficiency and quality of administrative justice⁶⁵.

The level of digitalisation of the justice system is advanced with efforts to improve and integrate electronic case management systems. Digital tools are broadly used in courts, including an electronic case management system, technology for distance communication and electronic case allocation. The prosecution service uses an electronic case management system and allocates cases electronically, but prosecutors and staff cannot yet securely work remotely⁶⁶. The Ministry of Justice prioritises the development of a new Court Management System and the new Commercial Register. The Office of the Prosecutor General cooperates with the Ministry of Interior on the connection between the information systems of the police and prosecution with the aim of an electronic exchange of documents in the first stage and of the whole investigation file progressively⁶⁷. Digitalisation efforts are also supported by funding from the EU, including the Recovery and Resilience Facility⁶⁸.

Efficiency

The justice system continues to face challenges as regards efficiency in administrative cases and in several other types of cases. As already noted in 2022 Rule of Law Report, proceedings in administrative cases are comparatively lengthy in EU perspective⁶⁹. Also in 2021, the efficiency of proceedings in administrative cases continued to decline⁷⁰. The estimated time of resolving administrative cases at first instance increased to 679 days in 2021 (from 585 days in 2020)⁷¹. At the same time, the rate of resolving administrative cases at first instance decreased to 80.1 % in 2021 (from 86 % in 2020)⁷², which is one of the lowest in the EU and indicates that courts did not keep up with their incoming caseload⁷³. As regards civil and commercial cases, the estimated length of proceedings in litigious civil and commercial cases was 206 days (204 days in 2020), which places Slovakia in the middle field

⁶⁴ Act 151/2022 Coll. of 27 April 2022, part 3, section 6; Input from Slovakia for the 2023 Rule of Law Report, p. 4.

⁶⁵ Explanatory statement to the Government draft law on the establishment of administrative courts and on the amendment of certain laws, <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=508019>, pp.1-2.

⁶⁶ Figure 42, 2023 EU Justice Scoreboard.

⁶⁷ Input from Slovakia for the 2023 Rule of Law Report, p. 15.

⁶⁸ The Slovak Recovery and Resilience Plan plans investments into digitalisation and analytical capacities for the justice system, in particular under Component 15 of the Slovak Recovery and Resilience plan. Component 15 of the Slovak National Recovery and Resilience Plan. Annex to the Proposal for a Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Slovakia, COM(2021) 339 final, pp. 127 – 133.

⁶⁹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 10.

⁷⁰ Figure 8, 2023 EU Justice Scoreboard.

⁷¹ Figure 8, 2023 EU Justice Scoreboard.

⁷² Figure 12, 2023 EU Justice Scoreboard.

⁷³ Data for 2022 from the Ministry of Justice suggests improved efficiency in administrative cases (estimated length of proceedings at first instance decreased to 648 days while the rate of resolving cases moving to 93 %). Despite the improvements in administrative cases, Slovakia belongs to Member States with the longest disposition time while the rate of resolving cases remains below 100 %, indicating that courts did not keep up with incoming caseload.

in the EU⁷⁴. The rate of resolving litigious civil and commercial cases at first instance was 104%⁷⁵, which means that courts are generally able to deal with the incoming cases in these categories. Nevertheless, several groups of cases concerning excessive length of civil proceedings have been examined by the Council of Europe⁷⁶. Stakeholders signal that court proceedings in some cases pertaining to racial discrimination⁷⁷, debt and claim enforcement or care for minors⁷⁸ continued to be excessively lengthy. The reform of the judicial map and the establishment of a separate system of administrative courts, which have entered into force on 1 June 2023 aim to lead to improvements in efficiency.

II. ANTI-CORRUPTION FRAMEWORK

In Slovakia, the competences for the prevention, detection and prosecution of corruption are shared between several authorities. The Office of the Government, which is structurally under the Prime Minister's Office, is the central body for the corruption prevention coordination. The National Crime Agency of the Presidium of the Police Force is in charge of the detection and investigation of corruption offences, with the exception of corruption crimes committed by members of the police itself and certain law enforcement agencies falling under the remit of the Bureau of Inspection Service⁷⁹. The Special Prosecutor's Office⁸⁰ has exclusive jurisdiction over the investigation of criminal offences under the substantive jurisdiction of the Specialised Criminal Court, including corruption offences⁸¹.

The perception among experts and business executives is that the level of corruption in the public sector still remains relatively high. In the 2022 Corruption Perceptions Index by Transparency International, Slovakia scores 53/100 and ranks 20th in the European Union and

⁷⁴ Figure 6, 2023 EU Justice Scoreboard. Data for 2022 from the Ministry of Justice suggest improved efficiency (estimated length of proceedings at first instance decreased to 141 days and the rate of resolving cases improved to 108 %).

⁷⁵ Figure 10, 2023 EU Justice Scoreboard.

⁷⁶ These groups of cases concern excessive length of civil proceedings, excessive length of proceedings concerning a compensation claim of the aggrieved party attached to criminal proceedings, effectiveness of the remedy for excessively lengthy civil proceedings and excessive length of restitution-of-land proceedings (two-tier proceedings consisting of an administrative phase before a Land Office and a judicial phase on appeal) and lack of effective remedies, respectively. Decisions on these cases were delivered by the European Court of Human Rights and the execution of these judgments by the Slovak authorities is ongoing and monitored by the Council of Europe under the standard procedure. See statuses of execution of the judgments of the European Court of Human Rights of 24 July 2012, *Maxian and Maxianova*, 44482/09, of 15 September 2015 *Javor and Javorova*, 42360/10, of 27 June 2017, *Ivan*, 57405/15, of 31 August 2018, *Balogh and others*, 35142/15. Slovak authorities presented two action reports: Communication from the Slovak Republic concerning the cases of *Maxian and Maxianova* (Application No. 44482/09) and *Ivan v. Slovak Republic* (Application No. 57405/15), DH-DD(2021)696, of 6 July 2021, and Communication from the authorities (05/05/2021) concerning the case of *Javor and Javorova v. Slovak Republic* (Application No. 42360/10), DH-DD(2021)467 of 6 May 2021. Revised action plans or reports are awaited.

⁷⁷ Contribution from UN Human Rights Regional Office for Europe for the 2023 Rule of Law Report, p. 2.

⁷⁸ The Ombudsperson reported 39 breaches of the right to have his or her case heard publicly without undue delay in 2022. Report on the activities of the Ombudsman for 2022, March 2023, p. 137 and pp. 95-104.

⁷⁹ Cf. Article 4(3) of Act No. 171/1993 Coll. on the Police Force.

⁸⁰ Act of the National Council of the Slovak Republic No. 458/2003 Coll. on the establishment of the Special Court and the Office of Special Prosecutor's Office.

⁸¹ Act No. 291/2009 Coll. on the Specialized Criminal Court.

49th globally⁸². This perception has been relatively stable over the past five years.⁸³ The 2023 Special Eurobarometer on Corruption shows that 82% of respondents consider corruption widespread in their country (EU average 70%) and 37% of respondents feel personally affected by corruption in their daily lives (EU average 24%)⁸⁴. As regards businesses, 79% of companies consider that corruption is widespread (EU average 65%) and 51% consider that corruption is a problem when doing business (EU average 35%)⁸⁵. Furthermore, 28% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)⁸⁶, while 13% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 30%)⁸⁷.

A proposed update of the current National Anti-Corruption Programme has been pending since November 2021. The 2019 programme⁸⁸ is part of Slovakia's overall strategic framework for anti-corruption provided by the Anti-Corruption Policy for 2019-2023. The programme focuses primarily on prevention through soft measures, entrusting individual ministries to define, adopt and update their own sectoral anti-corruption measures. While there is a standard monitoring system for the programme in place⁸⁹, the programme lacks a dedicated, centralised evaluation system. As previously reported⁹⁰, the updated programme⁹¹ was submitted to the Government in November 2021. Following the suspension of the discussions on the update in November 2021⁹², a decision on its approval remains pending⁹³.

⁸² Transparency International (2022), Corruption Perceptions Index 2022. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁸³ In 2018, the score was 50, while, in 2022, the score is 53. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points) and is relatively stable (changes from 1-3 points) in the last five years.

⁸⁴ Special Eurobarometer 534 on Corruption (2023). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 523 (2022).

⁸⁵ Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). The Eurobarometer data on business attitudes towards corruption as is updated every year. The previous data set is the Flash Eurobarometer 507 (2022).

⁸⁶ Special Eurobarometer 534 on Corruption (2023).

⁸⁷ Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023).

⁸⁸ 2021 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 10. Government of the Slovak Republic, National Anti-Corruption Programme of the Slovak Republic (2019), which includes several sectoral programmes that were adopted by the ministries and other institutions, including the Ministry of Justice, of Economy, of the Interior, of Transport and Construction, of Environment, of Finance Sector, of Foreign and European Affairs, of Health, and of Labour, among others. The adopted action plans of these entities contained also primarily preventive elements, including on awareness-raising, anti-corruption education and corruption risk-management.

⁸⁹ Government of the Slovak Republic, Anti-Corruption Policy of the Slovak Republic for 2019-2023 (2018). The performance of the tasks defined in the programme is reported according to their deadlines and inspected by the Control Department of the Office of the Government.

⁹⁰ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 12.

⁹¹ The Updated National Anti-Corruption Programme of the Slovak Republic (October 2021).

⁹² Input from Slovakia for the 2022 Rule of Law Report, p. 22. According to information received by the Office of the Government, officially, there were some fundamental objections from the Ministry of Finance regarding the terminology, the length of the draft update, the preciseness of measures, with the Government preference for less measures (four or five), which would require a complete re-drafting.

A new Anti-Corruption Programme for 2024-2028 continues to be in the preliminary stages of preparation, as previously reported⁹⁴, and is expected to enter into inter-departmental consultation by the end of 2023 and to be approved after the elections⁹⁵.

The government initiated some legislative steps to limit the powers of the Prosecutor General to annul corruption investigations⁹⁶, yet concerns remain regarding a more robust track record of high-level corruption investigations, prosecutions and judgments. The 2022 Rule of Law Report recommended to Slovakia to “[...] ensure the objectivity of prosecutorial decisions, including by continuing to advance the legislative amendments to restrict the power of the Prosecutor General to annul prosecutorial decisions with a view to promoting a robust track record of high-level corruption cases [...]”⁹⁷. Slovakia’s reform of its Criminal Code⁹⁸ aims at introducing new definitions of the crime of bribery⁹⁹ modifying and widening their scope to include also bribes of an intermediary influencing a decision-maker, and new sanctions¹⁰⁰. The reform provides for additional possibilities to pursue political corruption. The entry into force is planned for 1 April 2024¹⁰¹. The legislative amendments to the Code of Criminal Procedure¹⁰², originally planned to be introduced into the legislative process in 2022, were re-submitted for inter-ministerial review in December 2022¹⁰³ and are still pending at governmental level¹⁰⁴. The reform aims at accelerating criminal proceedings, also to address lengthy pre-trial periods¹⁰⁵. The reform also aims to

⁹³ Information received by the Office of the Government in the context of the country visit to Slovakia. The 2022 OECD integrity review contains several recommendations to enhance the country’s anti-corruption policy system, see OECD Integrity Review (3 March 2022).

⁹⁴ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 12.

⁹⁵ Written contribution from the Government Office of the Slovak Republic in the context of the country visit to Slovakia. A number of reforms and investments to improve the anti-corruption framework, anti-money laundering and law enforcement has also been included in Slovakia’s National Recovery and Resilience Plan, see in particular Component 16 of the Slovak Recovery and Resilience Plan.

⁹⁶ See section II above.

⁹⁷ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

⁹⁸ Act amending Act No. 300/2005 Coll. Criminal Code, as amended, and amending certain acts <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/744>. Act No 312/2020 added to Act No 300/2005 provisions on new criminal offences, in particular Section 233a, Section 326a, Section 336 ‘Indirect corruption’ and, Section 336 ‘Acceptance and confer of an undue advantage’. The amendment to the Criminal Code is based on the government commitment as laid down in the Manifesto of the Government of the Slovak Republic for the years 2021-2024 in the section Criminal Policy and Prisons, in response to issues identified in practice.

⁹⁹ Section 328 of the Criminal Code (passive bribery) and section 332(1) (active bribery).

¹⁰⁰ The proposed amendments to the Criminal Code introduced stricter rules on electoral corruption (for more information, see further below in this section II the part dedicated to political party and campaign finance) and the new criminal offence of ‘violation of whistleblower protection’, as well as, among others, a grace period to express ‘efficient regret’, while making compensation for damages more enforceable.

¹⁰¹ Input from Slovakia for the 2023 Rule of Law Report, p. 34.

¹⁰² Act No. 301/2005 Coll. Code of Criminal Procedure, as amended. See 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 13.

¹⁰³ For more background information on the process, see section I above.

¹⁰⁴ Information received from the Ministry of Interior/ National Crime Agency/ Police President in the context of the country visit to Slovakia.

¹⁰⁵ The envisaged simplification of the pre-trial procedure is overall welcomed by the police, as it would prevent to repeat witness interrogations and provide for swifter procedures, pursuant to information received from the National Crime Agency in the context of the country visit to Slovakia. According to information received from the Ministry of Justice/ Government Corruption Prevention Department, more emphasis is

narrow the discretion powers of the Prosecutor General to annul final decisions of public prosecutor or police officers to prosecute corruption cases¹⁰⁶. As previously reported, this power resulted in the closure of investigations against several high-profile defendants held in pre-trial detention for corruption allegations without the possibility of a remedy against the annulment¹⁰⁷, which triggered calls for more transparency of the process¹⁰⁸. The reform is not expected to be adopted before the next parliamentary elections in autumn 2023¹⁰⁹ and the adoption of the partial amendment to Article 363 proposed by the parliamentary Constitutional Committee to the Criminal Code is not certain. Against this background, and given that concerns remain regarding a more robust track record of high-level corruption investigations, prosecutions and judgments, only some progress has been made regarding the implementation of the recommendation made in the 2022 Rule of Law Report.

The lack of adequate coordination among corruption investigators and prosecutors remains an obstacle, hampering a more robust track record of high-level corruption.

The 2022 Rule of Law Report recommended to Slovakia to “improve the coordination among the different law enforcement entities [...] with a view to promoting a robust track record of high-level corruption cases”¹¹⁰. In 2022, investigations on charges of bribery, procurement fraud and other crimes were opened against several high-ranking public officials, including eight members of Parliament¹¹¹, while some high-level corruption defendants were indicted in cases from previous years or entered into plea bargains¹¹². In at least one case, charges were brought again in cases that had previously been annulled by the Prosecutor General on the basis of Article 363 of the Code of Criminal Procedure¹¹³. In 2022, the National Crime

also placed on restorative aspects of the criminal proceedings, including mediation and other alternative dispute resolution approaches.

¹⁰⁶ Article 363 of the Code of Criminal Procedure.

¹⁰⁷ For example, on 31 August 2021, Article 363 of the Code of Criminal Procedure was invoked to annul corruption charges against a former director of the Slovak Secret Service (SIS) and four other individuals held in custody. See in this context also Euractiv (2021), ‘Prosecutor General dismisses high-level corruption charges’. Notably, Article 363 of the Criminal Code of Procedure was considered controversial already before it was used in high-level corruption cases, due to which the government committed itself to explore narrowing down this provision in April 2020. Information received from Transparency International in the context of the country visit to Slovakia. See also the Zastavme korupciu interview on actuality.sk, Let’s stop corruption: Žilinka can go to court using Section 363 (25 January 2023).

¹⁰⁸ Transparency International (2021), The cancellations call for a clear justification in front of the public. As previously reported, the legality of the criminal charges had previously been upheld by different courts, including the Supreme Court and the Constitutional Court, see 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 15.

¹⁰⁹ Information received from National Crime Agency in the context of the country visit to Slovakia.

¹¹⁰ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

¹¹¹ Rubriky news, Police President Hamran: We don't have the capacity for migrants´ (28 September 2022).

¹¹² The Slovak Spectator, Haščák and other people from the Gorilla case charged with serious crime (1 December 2022); The Slovak Spectator, Third man confesses in case of alleged bribe to Pčolinský (27 May 2022); Press Agency SITA, Beňa first entered into a plea bargain, now he is seeking a retrial (29 May 2022).

¹¹³ The possibility for investigators to bring charges again is by providing new evidence different from what was presented in the original case. See, for example, the case against the former Minister of Finance and Governor of the National Bank of Slovakia, Reuters, Slovak police renew bribery charge against central bank governor Kazimir – lawyer (24 November 2022); Press Agency SITA, Kažimír is charged again. This is the same act for which his prosecution was cancelled by Žilinka (24 November 2022). See also, SME.sk, The arguments of Žilinka's office are denied by courts and witnesses (29 November 2022).

Agency recorded 292 new cases of corruption¹¹⁴. The number of individuals convicted for corruption offences remained relatively stable with 118 convictions in 2022 (compared to 132 convictions in 2021)¹¹⁵. Foreign bribery remains an area with low enforcement levels¹¹⁶. The level of human and financial resources for corruption cases within the police and the prosecution service are not considered fully adequate to carry out their tasks, particularly for complex high-level corruption cases¹¹⁷. Shortages of specialised police investigators and financial data analysts for corruption-related crimes have been noted by several stakeholders, including the European Public Prosecutor (EPPO), which continues to pose a significant obstacle to the effective investigation of corruption-related crimes in practice¹¹⁸. This is still the case despite the previously reported police reform, which aimed to increase the effectiveness of the police in fighting corruption and to set up regional analytical and financial investigation departments across Slovakia to facilitate the police's anti-corruption investigations¹¹⁹. There are therefore plans to hire additional financial experts in support of police investigations until the end of 2023, especially for large-scale financial schemes, agricultural schemes and IT tenders¹²⁰, while training for the staff of the newly established analytical and financial investigation departments is foreseen to take place in the course of 2023¹²¹. Coordination between the relevant anti-corruption entities, among different law enforcement agencies and between the prosecution service and the police, continue to present

¹¹⁴ Notably, this figure only indicates crimes under the competence of the National Crime Agency, excluding other corruption offences classified under the Criminal Code and other specific legislation. There is no comprehensive annual report summarising and evaluating the agency's results to publicly present its work. Analyses, statistical surveys and annual reports of its branches are produced in-house on an annual basis, comparing data with the previous period and identifying trends in crime and related security risks for internal management purposes. The latest publicly available annual report is from 2017 (for the year 2016), see https://www.minv.sk/swift_data/source/policia/naka_opr/opr/inf_o_cinnosti_naka/Informacia%20o%20cinnosti%20NAKA%20P%20PZ%20za%20rok%202016%20public.pdf. The Ministry of Interior publishes monthly crime statistics online.

¹¹⁵ Crimes included in the statistics are passive corruption (section 328), passive corruption – procurement of items of general interest (section 329), active corruption (section 332), active corruption – procurement of items of general interest (section 333), trading in influence (section 336), electoral bribery (section 336a), sports corruption (section 336b), see General Prosecutor, Statistics for the year 2022 (March 2023), p. 45, <https://www.genpro.gov.sk/statistiky/statisticky-prehľad-trestnej-a-netrestnej-cinnosti-za-rok-2022-3b03.html>.

¹¹⁶ See Transparency International, *Exporting Corruption* (2022), p. 72, referencing little to no enforcement in foreign bribery cases, including one opened investigations, and no commenced or concluded cases in the years 2018-2021, while also noting the main weaknesses in the legal framework are jurisdictional limitations; a failure to hold companies responsible for subsidiaries, joint ventures and agents; political interference in enforcement and a lack of independence; a lack of public awareness; and a lack of resources, skilled investigators and prosecutors to make and process mutual legal assistance (MLA) requests.

¹¹⁷ Input from Slovakia for the 2023 Rule of Law Report, p. 20, and information received from Special Prosecutor's Office/ National Crime Agency in the context of the country visit to Slovakia, adding that resources are also limited regarding technical equipment and operative officials within the police, which the Special Prosecutor's Office reported to the Parliament for several years.

¹¹⁸ See contribution from the EPPO for the 2023 Rule of Law Report, p. 4.

¹¹⁹ The regional analytical and financial investigation departments across Slovakia are not all fully functional yet. In addition, oftentimes staff was transferred from local police offices to the newly created specialised departments, weakening local capacities as a result, according to information received. According to information received from the Police President/ NAKA in the context of the country visit to Slovakia. Cf. also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 13.

¹²⁰ Information received from the Police President/ NAKA in the context of the country visit to Slovakia.

¹²¹ This measure is financed under Slovakia's Recovery and Resilience Plan. See also Input from Slovakia for the 2022 Rule of Law Report, p. 21.

significant obstacles to the effective prosecution of corruption¹²². Allegations of politically motivated decisions to open corruption investigations made against investigators persist, risking eroding law enforcement cooperation¹²³. In this context, the Ministry of Interior is registering the low interest of citizens in cooperating with police¹²⁴ due to the lack of trust in successful criminal proceedings and possible repercussions for the crime reporting individual in the course of the proceedings¹²⁵. The Government also stated that the effectiveness of investigations is hampered by the lack of a secure, central electronic information exchange system and central access to databases that hold relevant information for the police and the prosecution¹²⁶. In this context, cooperation between the police and the Financial Intelligence Unit (FIU) also needs to be enhanced in practice¹²⁷. Against this background, there is no progress regarding the implementation of the recommendation made in the 2022 Rule of Law Report.

Slovakia’s dedicated Whistleblower Protection Office invests in public awareness campaigns, while low reporting in practice continues to be an obstacle. On 24 May 2023, the President signed the adopted amendment to Slovakia’s Whistleblowing Act¹²⁸ to transpose the related EU Directive¹²⁹. The Whistleblower Protection Office welcomes the proposed amendments that provide for more distinguished sanctions for wrongdoings while highlighting that the lack of rules regulating whistleblower disclosures to entities outside his or her workplace may create legal uncertainty for whistleblowers in practice¹³⁰. Slovakia’s Whistleblower Protection Office processed in 2022 a total of 163 reports, out of which 39

¹²² Input from Slovakia for the 2022 Rule of Law Report, pp. 39-40. See also information received from the Police President/ Special Prosecutor’s Office in the context of the country visit to Slovakia, indicating an environment, in which investigators and operatives fear retaliation from state authorities for carrying out their work conscientiously and irrespective of the status of the suspect.

¹²³ Information received from the National Crime Agency and civil society organisation and Transparency International in the context of the country visit, reporting about the consequences of increasing public distrust in the police in the context of the country visit to Slovakia. See also the Slovak Spectator, Police chief to general prosecutor: ‘Do your job’ - Four elite investigators are still charged with serious offences after 18 months, despite a court describing them as unjustified (17 March 2023); The Slovak Spectator, The key evidence does not fit – A year has passed since the indictment of NAKA investigators (16 September 2022). See also, as previously reported, The Slovak Spectator (2021), ‘War among the police? Big corruption cases complicate relations between institutions’; and Euractiv (2021), ‘Slovakia’s police chief charged for abuse of power, obstructing justice’. See also Contribution from AKJK law firm and from Association “For Democracy and Rule of Law” for the 2023 Rule of Law Report.

¹²⁴ See in this context also further below on initiatives taken by the Whistleblower Protection Office to increase public awareness of reporting.

¹²⁵ This can include media attacks launched by the accused and the defense attorney against the reporting person’s integrity, according to the input from Slovakia for the 2023 Rule of Law Report, p. 40. See also the written contribution from the National Crime Agency in the context of the country visit in Slovakia, indicating that corruption is almost exclusively detected through the investigation of other related criminal activities, while it is difficult to get witnesses of corruption, as they fear to testify because of possible retaliation as well as intimidation, including by politically involved individuals.

¹²⁶ According to the Ministry of Interior, the set-up of reliable, efficient and secure means of communications is essential to exchange information on corruption investigations in a targeted, timely and safe manner.

¹²⁷ Input from Slovakia for the 2022 Rule of Law Report, pp. 39-40.

¹²⁸ Law amending Act No. 54/2019 on the Protection of Whistleblowers of Anti-Social Activity and on Amendments and Supplements to Certain Acts and amending Act No. 327/2005 on the provision of legal aid to persons in material need and amending Act No. 586/2003 on advocacy.

¹²⁹ The transposition of Directive 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law is delayed.

¹³⁰ Information received by the Whistleblower Protection Office in the context of the country visit to Slovakia.

were eligible whistleblowing reports, including 13 cases of corruption-related cases¹³¹. As previously reported, the Office’s mandate focuses on the reporting of breaches of law and the protection against retaliatory measures based on the principles of confidentiality and anonymity¹³². A number of challenges¹³³ have been identified for the Office to effectively carry out its oversight and sanctioning powers¹³⁴. Despite the Office’s increased public awareness campaigns, active reporting enabling the detection of corruption still remains low¹³⁵, especially in areas where business meets politics¹³⁶. In practice, central government entities receive few whistleblower reports, according to a recent survey, while so far only 13 percent of government organisations have been found to have effective internal channels in place¹³⁷.

Lobbying remains unregulated in Slovakia. The 2022 Rule of Law Report recommended to Slovakia to “introduce proposals to regulate lobbying [...]”¹³⁸. Since 2020 Slovakia has reiterated and postponed its commitment to adopt new lobbying rules¹³⁹. The government considers including the lobbying regulation in the update of the 2019 anti-corruption programme¹⁴⁰, which has not yet been approved¹⁴¹. Furthermore, no ministry has been assigned to propose the lobbying bill in the Government plan of the upcoming legislative

¹³¹ According to the written contribution from the Whistleblower Protection Office in the context of the country visit in Slovakia, the cases related to bribery, public procurement, unauthorized use of public funds or property, and abuse of authority, of which the most serious ones relate to state-owned enterprises and public procurement. See also Report on the activities of the Office to protect whistleblowers for the year 2022.

¹³² For more details on the office’s role, see 2021 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 13. The Office is accountable to the Parliament and provides annual reports. The target audience for the Office is both the public and the private sector.

¹³³ In this context, a more supportive engagement by politicians would be beneficial and carry the potential to influence the willingness to report. Reportedly, government members are openly skeptical or not active in promoting a whistleblower agenda, including also the internal reporting in institutions. A relatively low engagement can also be observed in the Parliament with few parliamentarians attending the Whistleblower Office’s annual reporting.

¹³⁴ According to information received from the Whistleblower Protection Office, Transparency International, Investigative Center of Jan Kuciak, and the Slovak Syndicate of Journalists in the context of the country visit to Slovakia. The Office has submitted a request to the Ministry of Finance for four additional posts of lawyers that would help ensure the necessary independence and functional separation between staff that deals with administrative issues and staff that provides attorney services directly to whistleblowers.

¹³⁵ Input from Slovakia for the 2023 Rule of Law report, p. 30, indicating that the low level of reporting of corruption, when it occurs presents the biggest obstacle to the detection of corruption. . Similarly, information received from the Whistleblower Protection Office/ Transparency International/ Investigative Center of Ján Kuciak in the context of the country visit to Slovakia.

¹³⁶ Input from Slovakia’s Special Prosecution Office for the 2023 Rule of Law report, p. 33, highlighting in particular the high-risk corruption areas of bribes from entrepreneurs to public officials for the provision of subsidies, non-refundable financial contributions, and lucrative contracts, among others.

¹³⁷ Whistleblower Protection Office, Functionality of internal notification systems in the state administration (January 2023), p. 28. According to the findings, only 1 out of 10 government entities has registered at least 1 whistleblower report in the past 3 years. See also the second survey conducted in 2022, assessing whistleblowing practice in Slovakia’s private sector, Whistleblower Protection Office, Do Slovak companies support whistleblowers (February 2023).

¹³⁸ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

¹³⁹ Cf. 2020, 2021 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 8 (for 2020), p. 13 (for 2021) and p. 16 (for 2022).

¹⁴⁰ Written contribution from the Government Office of the Slovak Republic in the context of the country visit in Slovakia, p. 4.

¹⁴¹ See further above in this section on the anti-corruption programme and action plan.

tasks for 2023¹⁴². According to that Government plan, the lobbying bill is supposed to be submitted alongside amendments to Slovakia's conflict of interest, asset declarations and post-employment rules¹⁴³. Thus, as lobbying remains unregulated, no progress has been made regarding the implementation of the recommendation made in the 2022 Rule of Law Report.

Some initial steps have been taken to reform Slovakia's conflict of interest and asset declaration rules. The 2022 Rule of Law Report recommended to Slovakia to “[...] strengthen the legislation on conflicts of interest and asset declarations”¹⁴⁴ concerning members of Parliament, judges, prosecutors, public officials and civil servants. The Parliamentary Committee responsible for the publication of asset declarations of members of Parliament reduced the time between submission and publication of declarations in 2022, following previously reported significant delays in 2020 and 2021¹⁴⁵. In 2022, out of 1 589 public officials under the obligation to declare their assets 132 did not submit their notifications on time¹⁴⁶. On 7 March 2023, the Corruption Prevention Department of the Government Office submitted an analysis of the current asset declaration system to inter-departmental consultation, including the recommendations to prepare a legislative proposal to unify and streamline Slovakia's fragmented asset declaration rules and to amend the Constitutional Act¹⁴⁷ to introduce an electronic asset declaration system¹⁴⁸. For the time being, the system of asset declarations for members of Parliament, judges, prosecutors, public officials and civil servants remains decentralised and fragmented¹⁴⁹. Also, the establishment of the Office for the Protection of Public Interest remains at an initial stage that is still a question of political discussion¹⁵⁰. The Office would oversee the majority of asset declarations of public officials and other civil servants¹⁵¹, check tax declarations, and conflict

¹⁴² In 2021, the task to prepare and submit the draft law was assigned to the Office of the Deputy Prime Minister as per the Plan of legislative tasks of the Government of the Slovak Republic for the months of June to December 2021, see task no. 57.

¹⁴³ Government Office of the Slovak Republic, Plan of Legislative Tasks of the Government of the Slovak Republic for 2023.

¹⁴⁴ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

¹⁴⁵ Cf. 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 16-17. Press Agency SITA, 'Politicians' property declarations will be delayed, and they have hired an external company to help (22 August 2021).

¹⁴⁶ Information received from the Parliamentary Institute of the Slovak Parliament in the context of the country visit to Slovakia.

¹⁴⁷ Constitutional Act No. 357/2004 Coll. on Public Interest Protection in the Performance of Office of Public Officials.

¹⁴⁸ Written contribution from the Government Office of the Slovak Republic in the context of the country visit in Slovakia, p. 4, indicating that Slovakia's asset declaration rules are regulated in eight different legal norms. The proposal is sponsored by the Government Office, the Ministry of Justice with the cooperation of the General Prosecutor's Office, the Judicial Council and the Civil Service Council.

¹⁴⁹ As reported in previous years, 2022 and 2021 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 16 (for 2022) and p. 14 (for 2021).

¹⁵⁰ Written contribution from the Government Office of the Slovak Republic in the context of the country visit in Slovakia, p. 4. Reportedly, the chairperson of the Constitutional and Legal Affairs Committee of Slovakia's parliament announced to prepare an amendment to the Slovak constitution to be able to regulate conflicts of interest and tax returns of public officials in August 2022. The bill foresees the establishment of an Office for Protecting Public Interest by the end of the parliamentary term, while there may not be sufficient political support to do so in the Parliament and the minority government, see NovinyPlus, MP Vetrák is preparing a "whip" to control MPs' property of deputies (5 August 2022).

¹⁵¹ Municipal deputies and members of the National Council would be subject to the oversight by this Office.

of interest along with violations of codes of conduct and lobbying¹⁵². Against this background, even if only initial, some progress has been made regarding the implementation of the recommendation made in the 2022 Rule of Law Report.

Amendments to the criminal offence of electoral corruption and to transparency requirements in political party finance remain pending. The Ministry of Justice carried out a public consultation on the amendments until December 2022, with a planned entry into force by 1 April 2024¹⁵³. As previously reported, the reform of the Criminal Code aims at criminalising active and passive bribery in the electoral context, including acts of bribery of a larger number of voters, thus including the more regular and serious cases beyond the scenario of one bribe for one vote¹⁵⁴. The National State Commission for Elections and Control of Funding of Political Parties proposed that considerations should prospectively be given to making the offence of electoral corruption also applicable to municipal and regional elections¹⁵⁵. In addition, more severe penalties are proposed for electoral corruption taking into consideration its social impact¹⁵⁶. The main law regulating the financing of political parties is the Act on Political Parties and Movements¹⁵⁷, allowing for donations to political parties of up to EUR 300 000 per calendar year, while donations from foreign entities and anonymous donors are banned¹⁵⁸. Stakeholders raised concerns about the possible circumvention of transparency obligations during election campaigns, when candidates and political parties hire public relations agencies in support of their campaign activities, as their campaign services are not published in detail¹⁵⁹. In turn, the State Commission for Elections and Control of Funding for Political Parties emphasised as operational challenge in the fulfilment of its statutory tasks the increasing number of complaints related to violations of

¹⁵² Noviny Plus, MP Vetrák is preparing a "whip" to control MPs' property of deputies (5 August 2022).

¹⁵³ See the resolution of the Parliament's Constitutional Committee (Amendment No. 29). Input from Slovakia for the 2023 Rule of Law Report, p. 34. According to the written contribution from the National State Commission for Elections and Control of Funding for Political Parties in the context of the country visit in Slovakia, p. 1, the Commission was not invited to comment on the draft amendment to the Criminal Code so far but considers the proposed amendments to respond to challenges arising in electoral practice.

¹⁵⁴ Act No. 300/2005 Coll. Criminal Code, as amended, introducing a new sub-section in Section 336(1)(e) of the Criminal Code.

¹⁵⁵ Written contribution from the National State Commission for Elections and Control of Funding for Political Parties in the context of the country visit in Slovakia, p. 1.

¹⁵⁶ Input from Slovakia for the 2023 Rule of Law Report, p. 27.

¹⁵⁷ Act 85/2005 on political parties and political movements, largely reflecting GRECO recommendations.

¹⁵⁸ Written contribution received by the National State Commission for Elections and Control of Funding of Political Parties and the Ministry of Interior in the context of the country visit to Slovakia, p. 2. Failure to comply can result in a fine by the State Commission on Election and Control of the Financing of Political Parties in the amount of double the income from the donation or the gratuitous service. Parties are required to report on their finances annually to the State Commission. Financial reports are made publicly available. The reports are overseen by the National Council of the Slovak Republic and must reveal financial information in relation to election campaigns and the identity of donors (section 22(5) of the Act 85/2005 on political parties and political movements of 2005, as amended in 2019).

¹⁵⁹ Instead, the campaign details of their paid services are published only under one single budget item. For more details, see Transparency International, 'Every third euro in the election campaign went through the agency' (3 April 2020). In turn, the National State Commission for Elections and Control of Funding of Political Parties considers that the legislation in force on the financing of the electoral campaign, including section 15 of the Electoral Campaign Act, is in principle satisfactory, see written contribution from the National State Commission for Elections and Control of Funding for Political Parties in the context of the country visit in Slovakia, p. 2.

electoral rules as well as the increasing number of requests for advice by candidates and political parties on the financing of campaigns¹⁶⁰.

Several reforms to address corruption in the agricultural sector remain pending¹⁶¹. The Slovak Land Fund¹⁶² provided the Ministry of Agriculture and Rural Development with proposals for legislative amendments to prevent corruption schemes such as those that occurred between 2016-2020¹⁶³. The Slovak Land Fund also took steps to address previous OLAF concerns¹⁶⁴, regarding the lack of a complete central digital depository of EU payment-related documentation in the agricultural sector, guaranteeing the accessibility and storage of information for transparency and control¹⁶⁵. These include, among others, the publication of lease contracts signed by the Slovak Land Fund that allow interested parties to monitor free and leased land¹⁶⁶. In addition, the Slovak Land Fund Board has introduced several organisational reforms, including on transparency, and aims at tackling its significant applications backlog by December 2023¹⁶⁷. The Land Fund could still benefit from introducing clear internal procedural rules to ensure more legal certainty for applicants and those who lease land¹⁶⁸. A large-scale fraud case concerning EU funds involving the

¹⁶⁰ Another practical challenges according to the written contribution received by the National State Commission for Elections and Control of Funding of Political Parties and the Ministry of Interior in the context of the country visit to Slovakia, p. 2, concerns the combined elections for local and regional authorities (municipalities and higher territorial units) in October 2022, in which the State Commission supervised compliance with the electoral moratorium.

¹⁶¹ Amendments have been proposed to Act No. 330/1991 Coll. on Land Modifications, Arrangement of Land Ownership, Land Offices, Land Fund and Land Communities, to Act No 504/2003 Coll. on the lease of agricultural land, agricultural enterprise and forest land and on the amendment of certain acts, and to Government Regulation No 238/2010 laying down details on the conditions of lease, sale, exchange, and acquisition of real estate by the Slovak Land Fund, as amended.

¹⁶² The Slovak Land Fund is in charge of the management of agricultural land under State ownership or land without a known private owner. These parcels cover approximately 20% of all agricultural land in Slovakia and are in majority eligible for EU direct payments grants.

¹⁶³ As previously reported, the National Crime Agency detained several high-ranking officials of the Land Fund allegedly involved in corruption schemes between 2016 and 2020, see 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 17.

¹⁶⁴ To help prevent corruption schemes in Slovakia's agricultural land management system, as identified in previous Rule of Law reports, the European Anti-Fraud Office has issued several financial and administrative recommendations, including on more transparency and better coordination between the Land Fund and the Agricultural Paying Agency. See European Anti-Fraud Office, OLAF closes cases on EU agricultural funds in Slovakia (21 January 2021), and also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 17-18.

¹⁶⁵ The OLAF recommendations were issued following an administrative investigation, see in this context also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 17-18.

¹⁶⁶ This includes lists of valid lease agreements, new applications and contracts ending in a given year. It is now also possible to apply digitally for the lease of agricultural land, see <https://pozfond.sk/verejny-pristup-k-informaciam/uzatvorene-zmluvy>. However, there is not yet a link with the cadaster, which makes searches more difficult and calls for enhanced transparency.

¹⁶⁷ Reportedly, the Land Funds' activities were seriously hampered due to backlogs at the outset of 2022 with approximately 30 000 files pending, while 11 000 new applications were received in the course of last year, see written contribution from the Slovak Land Fund in the context of the country visit in Slovakia, p. 1. Also by the end of 2023, the Land Fund indicated the intention to link the lease contracts with the parcel meta-data data and make it available via the relevant portal managed by the Ministry of Agriculture and Rural Development.

¹⁶⁸ The EU Anti-Fraud Office had already raised concerns in this regard following investigations.

Agricultural Paying Agency is currently pending in court¹⁶⁹, while public concerns arose concerning the award of EU funds to a recycling company in majority owned by a Minister who, as a consequence, stepped down over conflict of interest allegations¹⁷⁰.

Public contracting remains vulnerable to risks of corruption. Government procurements continue to be among the most vulnerable sectors for corruption risks also in 2022, including reportedly the most serious corruption cases¹⁷¹. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 42% of companies in Slovakia (EU average 26%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹⁷². Despite Slovakia's public procurement reform in 2021 that aimed, among others, at speeding up tender procedures¹⁷³, stakeholders emphasised that challenges in the application of law remain in practice, including the systemic misuse of public tenders and the lack of professional expertise in public tendering particularly in smaller towns and villages¹⁷⁴. In 2022, the use of quality-related criteria in public procurement continues to remain limited, limiting competition and reducing the possibility for strategic use of public procurement in support of other policies¹⁷⁵. Due to the increase of single bids awarded in public procurement procedures, competition on Slovakia's procurement market decreased, risking to further increase corruption vulnerabilities in public tenders¹⁷⁶.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The Slovak Constitution enshrines the right to express opinions, the right to search for, receive and disseminate ideas and information as well as the right of access to information¹⁷⁷. The Media Services Act, which came into force in August 2022, replaces the Broadcasting and Retransmission Act and the Act on Digital Broadcasting is aimed at ensuring plurality of

¹⁶⁹ Information received from the Ministry of Interior/ Police National Crime Agency/ Police President in the context of the country visit to Slovakia, with the police indicating that more financial experts will be hired to better investigate such agricultural schemes in the future. For more background details, see Euractiv, Audit reveals large-scale fraud of EU funds in Slovak agricultural paying agency (19 March 2021).

¹⁷⁰ For more details, see Slovak agriculture minister resigns after EU funds controversy (4 May 2023), Slovak Spectator, Agriculture minister to step down over subsidy to his firm (4 May 2023), Agriculture minister to step down over subsidy to his firm - spectator.sme.sk.

¹⁷¹ Information received from the Ministry of Interior/ NAKA/ Police President/ Special Prosecutor's Office/ Office for the Protection of Whistleblowers/ Transparency International in the context of the country visit to Slovakia.

¹⁷² Flash Eurobarometer 524 on Businesses' attitudes towards corruption in the EU (2023). This is 16 percentage points above the EU average. Similar proportions of companies think that corruption is widespread in public procurement managed by national authorities (63%; EU average 52%) or managed by regional or local authorities (62%; EU average 54%).

¹⁷³ See in this context also Slovakia's commitments made to reform its public procurement laws under the Recovery and Resilience Plan (reform C14.R3.M6).

¹⁷⁴ Information received by Transparency International in the context of the country visit to Slovakia.

¹⁷⁵ In 2022, approximately 96% of the public contracts, i.e. the highest proportion in the EU in 2022, were awarded on the basis of the lowest price only, cf. Single Market Scoreboard 2022 and European Semester Country Report Slovakia (2023), p. 55

¹⁷⁶ *Ibid.* From 2018 to 2022, there is a percentage increase of single bids awarded of almost 10 percentage points (from 21% in 2018 compared to 30% in 2022).

¹⁷⁷ Slovakia ranks 17th in the 2023 Reporters without Borders World Press Freedom Index compared to 27th the previous year.

information¹⁷⁸. The Publications Act, which also came into force in August 2022, replacing the former Press Act, establishes rules relating to the press, news media portals, press agencies, the media register and to journalists¹⁷⁹. The right to access information finds legal expression in the Freedom of Information Act¹⁸⁰.

The Council for Media Services operates autonomously and is sufficiently funded. The Council's remit was extended under the Media Services Act to include research, media literacy, liaison with digital media platforms and it oversees a specific co-regulatory commission dedicated to the protection of minors. The Council disposes of its own budget, allocated resources are considered adequate for the accomplishment of its tasks and clear rules on the appointment and dismissal of the Council's members are established by law. To ensure transparency of the decision-making process, Council proceedings and voting are public. The Council is composed of nine members who are elected and may be dismissed by the National Council of the Slovak Republic after a public hearing of the candidates which is broadcast live. The Media Pluralism Monitor 2023 confirms that the independence of the Council is overall guaranteed and therefore presents low risk though purely political nominations are possible given that the selection of candidates remains solely in the hands of the Parliament¹⁸¹.

Legislative frameworks are in place to ensure transparency of media ownership. The interplay of the new Media Services Act and Publications Act ensures that all media need to make information about their ultimate beneficial owners available via a public register. In light of this positive development, the Media Pluralism Monitor has reduced the risk score, now considering that this is an area presenting low risk¹⁸². Under the provisions of the new Media Services Act, the Council for Media Services performs a market analysis of the media landscape with a view to assessing risk of disruption to media plurality, based on levels of expected impact, namely decisive impact (more than 60%), relevant impact (more than 30%) and low impact (up to 30%)¹⁸³. It shall withhold its consent to a market operation if it concludes that it would lead to a decisive interference with media plurality in the country¹⁸⁴. Despite this improvement, given that audience concentration in the newspaper, audio-visual, and radio sectors remains very high the Media Pluralism Monitor considers news media concentration to be an area presenting high risk¹⁸⁵.

Some progress has been made to enhance the independent governance and editorial independence of public service media. The 2022 Rule of Law Report recommended to Slovakia to “strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account the European standards on public service media”¹⁸⁶. The Media Services Act has introduced some novelties

¹⁷⁸ Act No. 264/2022 Coll. on media services and amending certain acts (Media Services Act) of 22 June 2022 transposes Directive 2018/1808 on audiovisual media services.

¹⁷⁹ Act No. 265/2022 Coll. on publishers of publications and on the media and audiovisual register of 22 June 2022.

¹⁸⁰ Act No. 211/2000 Coll. on free access to information.

¹⁸¹ Media Pluralism Monitor 2023 report on Slovakia, p. 12.

¹⁸² Media Pluralism Monitor 2023 report on Slovakia, p. 14.

¹⁸³ Article 101 of Act No. 264/2022 Coll. on media services and amending certain acts (Media Services Act).

¹⁸⁴ Input from Slovak Government for the 2023 Rule of Law Report, pp. 46-47.

¹⁸⁵ Media Pluralism Monitor 2023 report on Slovakia, p. 14.

¹⁸⁶ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

in this regard given that the election of the director general of the public service broadcaster by the National Council of the Slovak Republic is now public (as opposed to by secret vote) and the Parliamentary committee in charge sets up a special expert advisory commission for the selection. The Media Pluralism Monitor 2023 concludes that the legislative framework is fit for purpose but that politicisation and political interference in the appointments and dismissals of managers and board members remain issues of concern¹⁸⁷. Furthermore, additional concerns have been raised by various stakeholders with regard to the fragile situation related to Radio and Television Slovakia (RTVS) funding given that the license fee paid by households under the Act on Slovak Radio and Television has been abolished as from July 2023¹⁸⁸ and is likely to be replaced by funds allocated directly from the state budget. For all these reasons the Media Pluralism Monitor confirms that this remains an area of high risk¹⁸⁹. Against this background, there has been some progress regarding the implementation of the recommendation made in the 2022 Rule of Law Report¹⁹⁰. The issue of financing of RTVS is scheduled to form part of Slovakia's Cultural Policies Strategy 2030, currently under discussion¹⁹¹.

Positive amendments have been introduced to the regime regulating access to public documents. The Freedom of Information Act has been amended by means of two amending acts. Act No. 428/2022 has clarified and widened the scope of entities obliged to provide information and the definition of information considered to be in the possession of an obliged entity¹⁹². The Act, as amended, now also expressly provides that persons who obtain information under the Act may further disseminate such information and shall not be held liable for doing so except in cases where it may breach an individual's right to privacy¹⁹³. Act No. 251/2022 has brought the Freedom of Information Act in line with Directive 2019/1024 on open data and the re-use of public sector information¹⁹⁴.

Legislative progress on a bill amending the Criminal Code means that some progress has been made on safeguards to improve the physical safety and working environment of journalists. The 2022 Rule of Law Report recommended to Slovakia to “advance with the process to establish legislative and other safeguards to improve the physical safety and working environment of journalists, including the reform of defamation law, taking into account European standards on the protection of journalists”¹⁹⁵. A bill aimed at strengthening the protection of journalists via amendments to the Criminal Code has passed first reading in parliament. The bill adds an aggravating circumstance if a crime is committed due to the “performance of (the victim's) employment, position or function”. With regard to the crime of defamation, the proposal establishes a higher level of proof (intention to cause real damage to the victim's reputation) for criminal liability to arise while reducing the maximum sanction

¹⁸⁷ Media Pluralism Monitor 2023 report on Slovakia, p. 18.

¹⁸⁸ Information received from Transparency International, the Jan Kuciak Investigative Center, the Slovak Print and Digital Media Association and RTVS itself in the context of the country visit to Slovakia.

¹⁸⁹ Media Pluralism Monitor 2023 report on Slovakia, p. 18.

¹⁹⁰ According to the European Parliament's Flash Eurobarometer: News & Media Survey 2022, 41% of respondents in Slovakia stated that they trust public TV and radio stations, below the EU average of 49%.

¹⁹¹ Input from Slovak Government for the 2023 Rule of Law Report.

¹⁹² Act No. 428/2022 Coll. on amendment of the Act No. 211/2000 Coll. on free access to information.

¹⁹³ Paragraph 5, Section 3 of Act No. 211/2000 Coll. on free access to information, as amended.

¹⁹⁴ Act No. 251/2022 Coll. on amendment of the Act No. 211/2000 Coll. on free access to information.

¹⁹⁵ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 2.

contemplated for the crime of defamation to one year imprisonment¹⁹⁶. Furthermore, the bill stipulates that sanctions other than imprisonment should be preferred and that imprisonment shall be excluded in the case of first-time offenders. Plans to amend the Constitution to strengthen provisions relating to media freedom have been stalled. Since July 2022, the Council of Europe's Platform to promote the protection of journalism and safety of journalists published three new alerts¹⁹⁷. They relate, respectively, to anonymous death, torture and rape threats targeting a female anchor of an RTVS talk show¹⁹⁸ and to simultaneous criminal defamation cases lodged by a political party against three political commentators¹⁹⁹. The MPM 2023 reports that Slovak journalists frequently face threats and are subject to intimidation, including from politicians and that SLAPP cases are on the increase²⁰⁰. A 2023 survey conducted by the Ján Kuciak Investigative Center (ICJK) found that two-thirds of Slovak journalists experienced a threat or intimidation in the preceding 12 months while 4% experienced a physical attack²⁰¹. For these reasons, there has been some progress on the recommendation made in the 2022 Rule of Law Report.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Slovakia is a parliamentary republic with a unicameral parliament (the National Council) as the sole legislative body²⁰². The right to introduce legislative proposals belongs to the Committees of Parliament, individual members of Parliament, and the Government²⁰³. The Constitutional Court decides on the compliance of laws with the Constitution, constitutional acts and international agreements, and ensures respect for fundamental and constitutional rights. Independent authorities also play a role in safeguarding fundamental rights, notably the Office of the Public Defender of Rights, the National Centre for Human Rights, the Commissioner for Persons with Disabilities and the Commissioner for Children.

The level of involvement of stakeholders in the law-making process remains a concern, especially in connection with the use of fast-track procedures. Stakeholders reported that their inclusion in the legislative process continues not to be systematic²⁰⁴. They pointed out, in particular, to tendencies to exclude civil society from discussions in relation to major legislative projects, such as the reform of the Code of Criminal Procedure²⁰⁵, as well as to

¹⁹⁶ A previous version of the proposed legislation contemplated abolishing imprisonment in the case of defamation.

¹⁹⁷ Council of Europe, Platform to promote the protection of journalism and safety of journalists.

¹⁹⁸ The Slovak police announced that they had opened an investigation into several persons suspected of having sent these threats.

¹⁹⁹ On 19 May 2023 the Specialised Criminal Court delivered its verdict in the retrial of the two alleged masterminds of the assassination of journalist Ján Kuciak and his fiancée Martina Kušnírová in 2018. The court acquitted one suspected mastermind over lack of evidence while finding another guilty of ordering the murder, sentencing the latter to 25 years imprisonment and to the payment of €160,000 in damages. The victims' families have announced that they will appeal this decision in front of the Supreme Court.

²⁰⁰ Media Pluralism Monitor 2023 report on Slovakia, p. 12.

²⁰¹ ICJK, 2023. Výskum: Cítia sa slovenskí novinári bezpečne?

²⁰² Article 72 of the Slovak Constitution.

²⁰³ Article 87 of the Slovak Constitution.

²⁰⁴ 2022 Rule of Law Report, pp. 20 – 21.

²⁰⁵ Information received from the Slovak Bar Association in the context of the country visit to Slovakia. Contribution from CCBE for the 2023 Rule of Law Report reports lack of consultations when preparing the reform of the judicial map, as well as the revision of the Criminal Code, p. 88.

limitations stemming from the use of fast-track procedures²⁰⁶. In 2022, 20 out of 175 laws were adopted in a fast-track procedure²⁰⁷, which amounts to 11.4 %, thus representing an increase compared to the rate from the pre-COVID-19 pandemic years²⁰⁸. The Constitutional Court has, for the first time, ruled that an adopted law is unconstitutional due to the unjustified use of a fast-track procedure²⁰⁹.

Efforts have been made to enhance participation in the creation of public policies, while stakeholders raise concerns over legislative riders. The Office of the Plenipotentiary of the Government for Civil Society Development is in the process of implementing a national project for participatory policy making²¹⁰, which also contains an analysis of the quality of the legislative process²¹¹. The results will be presented by the end of 2023²¹². An action plan of the open government initiative for 2022-2024 was adopted by the Government in July 2022 with the aim to increase the level of participation, transparency and accountability²¹³. On the other hand, stakeholders voiced concerns with regard to the initiation of the legislative process by the members of Parliament, as this excludes public consultation, as well as consultations with ministries and experts. There has been a significant increase of these initiatives, which stakeholders attribute also to the fact that the Government was acting in resignation²¹⁴. The addition of “legislative riders” to unrelated draft laws has also been identified as one of the reasons for less public consultation²¹⁵. The quality of law-making and frequent changes in legislation remain a reason for concern about the effectiveness of investment protection among companies in Slovakia²¹⁶.

²⁰⁶ Contribution from the Public Defender of Rights for the 2023 Rule of Law Report, p. 18, European Network of National Human Rights Institutions, p. 516, p. 529 and p. 537, Association of Judges of Slovakia, p. 20, Civil Liberties Union for Europe (Via Iuris), p. 3.

²⁰⁷ Contribution from the Office of the Public Defender of Rights for the 2023 Rule of Law Report, p. 18; Slovak Parliament website containing the list of laws adopted in fast-track procedure: <https://www.nrsr.sk/web/default.aspx?sid=zakony/prehľad/slk>; Via Iuris (2022) Dredging laws (*‘Bagrovanie zákonov’*).

²⁰⁸ The average rate of laws enacted in fast-track procedure between the years 2002-2020 was 7.3%; Contribution from the Office of the Public Defender of Rights, p. 18; Via Iuris (2022) Dredging laws (*‘Bagrovanie zákonov’*).

²⁰⁹ Decision of the Slovak Constitutional Court No. Pl. ÚS 13/2022 from 13.12.2022.

²¹⁰ Support for Partnership and Dialogue in Participatory Public Policy Making 2 (*‘Podpora partnerstva a dialógu v oblasti participatívnej tvorby verejných politík 2’*)

²¹¹ Input from Slovak Government for the 2023 Rule of Law Report, p. 54.

²¹² Ibidem.

²¹³ Action Plan of the Open Government Initiative in the Slovak Republic for 2022-2024 (*‘Akčný plán Iniciatívy pre otvorené vládnutie v Slovenskej republike na roky 2022-2024’*); Input from the Slovak Government for the 2023 Rule of Law Report, p. 59.

²¹⁴ Contribution from the European Network of National Human Rights Institutions for the 2023 Rule of Law Report, p. 538, and CCBE, p. 87.

²¹⁵ The term ‘legislative riders’ in this context refers to a practice where already existing and content-unrelated law is amended within the legislative process for a different piece of legislation. According to the Office of the Public Defender of Rights, such practice makes the legal system disarranged and unsystematic, and the process is non-transparent, as such amendments are not subject to regular procedure and, as a consequence, public consultations; Input from the Office of the Public Defender of Rights for the 2023 Rule of Law Report, p. 18.

²¹⁶ The rate is 43% of those respondents among companies who rated their level of confidence in the effectiveness of investment protection by the law and courts as ‘fairly unconfident’ or ‘very unconfident’, compared to 45.4% in 2022; Figure 54, 2023 EU Justice Scoreboard. Concerns in this respect have also been raised in a joint letter to the Prime Minister and the Speaker of the National Council of the Slovak Republic regarding the draft amendment to Act No. 235/2012 Coll. on the special levy on business in regulated sector,

On 1 January 2023, Slovakia had 24 leading judgments of the European Court of Human Rights pending implementation, an increase of four compared to the previous year²¹⁷. At that time, Slovakia's rate of leading judgments from the past 10 years that remained pending was at 51% (compared to 41% in 2022) and the average time that the judgments have been pending implementation was 2 years and 11 months (compared to 2 years and 10 months in 2022)²¹⁸. The oldest leading judgment, pending implementation for 10.5 years, concerns the excessive length of civil proceedings²¹⁹. On 15 June 2023, the number of leading judgments pending implementation has increased to 27²²⁰.

A new Ombudsperson took office after a prolonged vacancy period, and a constitutional amendment was adopted to prevent such a situation in the future. A new Ombudsperson was elected by the National Council on 9 November 2022 and has taken up office on 1 December 2022. The election followed several rounds of unsuccessful elections after the end of the term of office of the previous Ombudsperson on 29 March 2022. In the period before the election of the new Ombudsperson²²¹, most of the public defender's competencies could not be exercised and 620 cases were accumulated for final approval of the Ombudsperson²²². Since December, the Ombudsperson has addressed all these cases, prioritising those in which violations of human rights and freedoms were detected. Operating with reduced resources, as already reported in the 2022 Rule of Law Report²²³, had a limiting impact on the work performance of Office of Defender of Rights²²⁴. The prolonged vacancy has been accompanied by a 50% drop in the number of received complaints compared to 2021²²⁵. To prevent a similar situation in the future, a constitutional amendment was adopted on 8

drafted by several business organisations on 9 February 2023, available at: <https://amcham.sk/press-room/news/273872-rule-of-law-the-unpredictable-state-tax-policy-is-sending-a-negative-signal-to-foreign-investors-and-risks-deepening-the-economy>.

²¹⁷ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

²¹⁸ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2023. See the Contribution from the European Implementation Network for the 2022 Rule of Law Report, p. 6. See also Contribution from the European Network of National Human Rights Institutions for the 2023 Rule of Law Report, pp. 547 – 552.

²¹⁹ Judgment of the European Court of Human Rights of 24 July 2012, *Maxian and Maxianova v. Slovakia*, 44482/09, pending implementation since 2012.

²²⁰ Data according to the online database of the Council of Europe (HUDOC-EXEC).

²²¹ From 30 March 2022 to 30 November 2022.

²²² Information received in the context of the country visit from the Ombudsperson. The individual cases received at the Office have been analysed and draft responses have been prepared by the Office of the Public Defender employees, but the findings or recommendations could not be communicated to the relevant authorities and the citizens.

²²³ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, p. 22.

²²⁴ Information received in the context of the country visit from the Ombudsperson. Report on the activities of the Ombudsman for 2022, March 2023, p. 152 and 156.

²²⁵ Information received in the context of the country visit from the Ombudsperson.

November 2022²²⁶, under which the Ombudsperson's mandate will be prolonged until a new Ombudsperson takes the office.

The law establishing a National Preventive Mechanism (NPM) was adopted by Parliament. The act²²⁷, which entered into force on 1 May 2023, establishes an NPM, whereby its agenda is divided between three institutions, namely the Public Defender of Rights, who will also have a coordinating role, the Commissioner for Children, and the Commissioner for Persons with Disabilities. It extends the power of these institutions to inspect and monitor places of detention with the aim of preventing ill-treatment of those detained. All three NPM entities raised the issue that the planned financial budget for 2023 was insufficient to carry out the new powers effectively²²⁸. To complete the creation process of the NPM in Slovakia, the ratification of the Optional Protocol to the Convention Against Torture is in the legislative process²²⁹. The Slovak National Centre for Human Rights, with a mandate as NHRI and equality body, continues to be accredited with B-Status, as reported in the 2022 Rule of Law Report²³⁰. The act establishing the NPM also specifies that reports prepared and published by the Centre are independent.²³¹ The Centre has been continuously strengthened financially, allowing its expert staff to reach 25 in 2022, and, in December 2022, introduced a publicly available tool for monitoring and evaluating the state of the rule of law in Slovakia²³².

While measures are planned to improve the environment, funding framework and status of civil society, organisations and defenders on gender equality and LGBTIQ rights continue to face a difficult environment. Civil society space in Slovakia is considered as 'narrowed'²³³. As already noted in the 2021 and 2022 Rule of Law Reports²³⁴, stakeholders continue raising concerns over fragmented regulation and a lack of systemic funding of civil society by the state, which creates obstacles for civil society organisation (CSOs) and human rights defenders to access financing²³⁵. In September 2022, Government approved the new Concept of Civil Society Development for 2022 – 2030 and the related

²²⁶ Constitutional Act No. 378/2022 Coll.

²²⁷ Act 110/2023 Coll. amending Act No 564/2001 on the Public Defender of Rights, as amended, and amending certain acts.

²²⁸ Information received in the context of the country visit from the Ombudsperson and National Centre for Human Rights.

²²⁹ LP/2023/30, at the stage of addressing comments received in the interdepartmental consultation by the Ministry of Justice.

²³⁰ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovakia, pp. 22-23.

²³¹ Article II, Act 110/2023 Coll.

²³² Contribution from the European Network of National Human Rights Institutions for the 2023 Rule of Law Report, p. 526. The monitoring tool is accessible at <https://www.snslp.sk/en/rule-of-law-tracker/#nadpis3>.

²³³ Rating given by Civicus, <https://monitor.civicus.org/explore/slovakia-overview/>. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²³⁴ 2021 and 2022 Rule of Law Reports, p. 20 and p. 23, respectively.

²³⁵ Contribution from Civil Liberties Union for Europe for the 2023 Rule of Law Report, p. 30, and the European Network of National Human Rights Institutions, pp. 534-535. Analysis of sources of funding for non-governmental non-profit organisations in the Slovak Republic, https://www.minv.sk/swift_data/source/rozvoj_obcianskej_spolocnosti/ekonomika_mno/2022/Analzya%20zdrojov%20financovania%20MNO,%20verzia%2008.03.2023.pdf, September 2022. "Up to 80 % of non-governmental non-profit organisations identified the lack of finance as an obstacle to the achievement of their objectives. Organisations also stated that project financing, as the predominant form of funding, did not allow to achieve financial stability of organisations and entailed a high administrative burden." Concept for the development of civil society in Slovakia for 2022-2030, p.16.

action plan for 2022 – 2026, which were developed with broad participation of civil society actors²³⁶. Together, they define measures and tasks aimed at improving the environment and status of CSOs and other civil society actors, and at increasing the level of participation and cooperation with the public sector. Measures to simplify and enhance financing of CSOs are also included²³⁷. To enhance transparency in the non-profit sector, since 1 January 2023, an electronic collection of deeds and documents of CSOs, complementing the already existing public register of Non-Governmental Non-profit Organisations, has become publicly available²³⁸. Recognising an important contribution of the civil society organisations in the wake of the war in Ukraine, during a conference organised by The Office of the Plenipotentiary of the Government for Civil Society Development on 8 November 2022, a Memorandum of Understanding has been signed by the Minister of the Interior and 11 non-profit organisations, regarding cooperation in addressing the emergency related to the inflow of Ukrainian refugees²³⁹. Despite these efforts, organisations working on issues related to gender equality and LGBTIQ rights continue to face a difficult environment, exacerbated by disinformation campaigns and verbal attacks from politicians²⁴⁰. In the wake of an attack on 12 October 2022, in which two LGBTIQ people were killed²⁴¹, LGBTIQ rights organisations unveiled the “Our Lives Are at Stake” initiative²⁴², calling on the Government and Parliament to create a safe environment for LGBTIQ people and their families and proposing concrete recommendations²⁴³. The Prime Minister and the President of the Republic strongly condemned the murders.

²³⁶ Resolution No 549/2022 of 7 September 2022, Concept for the development of civil society in Slovakia for 2022-2030, Action plan to the Concept for the development of civil society in Slovakia for 2022-2026.

²³⁷ Concept for the development of civil society in Slovakia for 2022-2030, pp. 18 – 19. Action plan to the Concept for the development of civil society in Slovakia for 2022-2026, pp. 8-9.

²³⁸ The register is accessible at <https://ives.minv.sk/rmno/>. Contribution from the European Network of National Human Rights Institutions for the 2023 Rule of Law Report, p. 542.

²³⁹ Franet (2023), Country research - Legal environment and space of civil society organisations in supporting fundamental rights – Slovakia, p. 7.

²⁴⁰ Contribution from Civil Liberties Union for Europe for the 2023 Rule of Law Report, pp. 32-33, and from the European Network of National Human Rights Institutions, p. 530 and pp. 536-537.

²⁴¹ BBC (2022), Slovakia: Two dead after shooting outside LGBT bar, Euronews, (2022), Bratislava shooting: Two dead after gunman opens fire in front of LGBT venue in Slovak capital.

²⁴² www.idenamozivot.sk

²⁴³ More than 50 Slovak organisations and civic associations have joined the initiative. Franet (2022), Country research - Legal environment and space of civil society organisations in supporting fundamental rights – Slovakia, pp. 4-5 and contribution from the European Network of National Human Rights Institutions, p. 536. The recommendations included specific references to the fight against disinformation about LGBTI+ persons in online space, the inclusion of information about human rights of LGBTI+ people in schools, the creation of services and community spaces for LGBTI+ people, as well as legal recognition for LGBTI+ couples and families.

Annex I: List of sources in alphabetical order*

* *The list of contributions received in the context of the consultation for the 2023 Rule of Law report can be found at https://commission.europa.eu/publications/2023-rule-law-report-targeted-stakeholder-consultation_en.*

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Annex II: Country visit to Slovakia

The Commission services held virtual meetings in March 2023 with:

- Association of Judges of Slovakia
- Government Office – Corruption Prevention Department
- Investigative Center of Jan Kuciak
- Judges For Open Judiciary
- Judicial Council
- Ministry of Culture
- Ministry of the Interior
- Ministry of Justice
- National Centre for Human Rights
- National Union of Employers
- Office for the Protection of Whistleblowers
- Office of the Plenipotentiary of the Government for Civil Society Development
- Parliament administration
- Police National Crime Agency
- President of Slovak Police Force
- Prosecutor General’s Office
- Public Defender of Rights
- Radio and Television Slovakia (RTVS)
- Slovak Bar Association
- Slovak Council for Media Services
- Slovak Land Fund (replies received in writing)
- Slovak Syndicate of Journalists
- Slovak Print and Digital Media Association
- Special Prosecutor’s Office
- State Commission for Elections and Control of Funding of Political Parties (replies received in writing)
- Supreme Administrative Court
- Supreme Audit Office
- Supreme Court
- Transparency International
- Via Iuris
- Zastavme korupciu

* The Commission also met the following organisations in a number of horizontal meetings:

- ALDA (European Association for Local Democracy)
- Amnesty International
- Civil Liberties Union for Europe

- Civil Society Europe
- Culture Action Europe
- European Centre for Press and Media Freedom
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- Front Line Defenders
- ILGA Europe
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- International Planned Parenthood Federation European Network
- International Press Institute
- JEF Europe
- Osservatorio Balcani e Caucaso Transeuropa
- Philea
- Reporters Without Borders
- SOLIDAR
- Transparency International EU