

**EUROPEAN RULE OF LAW REPORT 2023**  
**4<sup>th</sup> EDITION**  
***Input of the Slovak Republic***

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*Following the request for input to the Rule of law Report 2023 from 14<sup>th</sup> November 2022, the Slovak Republic hereby sends information to the questions regarding (i) justice system, (ii) anti-corruption framework, (iii) media freedom and pluralism and (iv) other institutional issues related to checks and balances.*

**I. JUSTICE SYSTEM**

The legal and institutional framework for the independence of the justice system in Slovakia reported in previous editions of the Rule of Law Report is still applicable. This part contains mainly new information which was not reported for the purpose of the 3<sup>rd</sup> Edition of the Rule of Law Report, neither for Justice Scoreboard for 2023 or by other occasion (for ex. consultations with the Commission).

Any other Act quoted in the text below can be also easily find via the Slov-lex Portal either using the search option (<https://www.slov-lex.sk/vyhľadavanie-pravnych-predpisov>) or simply by using a direct link: [www.slov-lex.sk/pravne-predpisy/SK/ZZ/year/number\\_of\\_the\\_Act](http://www.slov-lex.sk/pravne-predpisy/SK/ZZ/year/number_of_the_Act) (see the links below). Subsequently, using a „history “option (on the right) you can choose which time version of the Act you want to see.

**Main reform laws**

***Laws adopted by the Parliament:***

- Act No. 398/2022 Coll. which amends Act No. 150/2022 Coll. amending other acts in the context of new seats and districts of Courts
- Act was adopted to postpone entering into the force of the Act. No 150/2022 Coll. by 5 months to better foster introducing of the changes to the judicial map adopted by Act No. 150/2022 Coll.  
See: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/398>
- [Act No. 251/2022 Coll. amending Act No. 211/2000 Coll. on Free Access to Information](http://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/251)
- [Act transposes Directive 2019/1024.](http://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/251)  
See: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/251>
- Act No. 428/2022 Coll. [amending Act No. 211/2000 Coll. on Free Access to Information](http://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/428)  
See: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/428>

***Draft bills in the public consultations (inter-ministerial review process) or bills after consultations & awaiting adoption by the Government***

- ***Draft Bill amending Criminal Code (Act No. 300/2005 Coll.)***
  - A major draft amendment to the Criminal Code comes with a comprehensive reassessment of the setting of penalty rates according to the principle "Let us be milder to the weaker and stricter to the stronger". It represents the important change in the rules on imposition of criminal penalties.
  - See: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2022/511>
- ***Draft Bill amending Criminal Procedure (Act No. 301/2005 Coll.)***
  - A major amendment concerns de-formalization of the pre-trial proceedings, which should help LEAs to act faster and more efficiently during criminal proceedings. Among other introduced changes, more emphasis is placed on restorative aspect of the criminal proceedings via introducing mediation in criminal proceedings among other proposed approaches.
  - See: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2022/513>

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

#### **Recommendation No. 1**

***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.***

Since the legislation on removal of the members of Judicial Council became effective, no abuse of new provisions was reported. Nevertheless, the Ministry of Justice of the Slovak Republic (hereafter "Ministry of Justice" or "Ministry") perceives concerns of the European Commission. However, the current political situation in Slovakia is complex and achieving a constitutional majority needed for legislative changes seems impossible.

#### **Recommendation No. 2**

***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***

Although sufficient safeguards are in place and we are not aware of any abuse of the new criminal offence, we will analyse possible legislative changes to address concerns of the Commission.

#### **Recommendation No. 4**

***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***

Proposal for the amendment of the Code on Criminal Proceedings, which addresses also problematic provision § 363 is under intergovernmental review procedure, which was closed in December and comments received are currently being examined.

As regards statements/comments in the Rule of Law Report 2022 we would like to point out, that by the decision under § 363, General Prosecutor only annuls ruling on laying the charges, which does not represent *res iudicata*. Such criminal matters can be further investigated, which in practice often happens (including in political cases).

Process under § 363 is a special remedy of the General Prosecutor against misconducts in the pre-trial proceedings, which is used by General Prosecutor by default (see statistics below). In the media, only those decisions in the cases with political background are questioned.

	2013	2014	2015	2016	2017	2018	2019	2020	2021-8
<b>Annulment of the decision in the pre-trial proceedings by decision of the General Prosecutor</b>	<b>99</b>	<b>83</b>	<b>63</b>	<b>92</b>	<b>86</b>	<b>92</b>	<b>88</b>	<b>85</b>	<b>26</b>
on Conditional termination of the criminal investigation - § 216 CC	5	1	2	3	4	2	2	4	
on assignment - §214 CCP	2	1	1	0	1	2	5	1	
on <u>ruling on laying the charges</u> - §206 CCP	41	35	31	15	11	28	16	30	8
on termination - § 215 CCP	13	2	3	4	5	8	2	7	
on reconciliation - § 220 CCP	0	0	1	0	1	1	0	0	
On rejection of complaint - § 193 CCP	21	14	20	35	48	36	50	50	15
on suspension - § 228 CCP	1								

**Recommendation No. 5**

***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.***

The recommendation is addressed in the amendment of the Criminal Code which should be submitted to the Government for its approval at the end of January.

It is suggested to change the existing criminal offence of defamation to a “threatening” offence. In line with the principle of *ultima ratio* it is proposed that intentional real damage to the one’s reputation is needed for the criminal liability to arise. In accordance with the case-law of the ECtHR and the opinion of the Venice Commission it is also proposed that in less serious cases the penalty will not be imprisonment but only alternative penalties without imprisonment. Moreover, the protection of journalists is enhanced also by addition of “*committing a criminal offence against another because of performance of their employment, position or function*” to provision on specific motive (see § 140 g).

It is a general provision which will better protect not only journalists but also medical and other employees. Committing criminal offence with this specific motive will result in application of higher penalties.

#### **A. Independence**

### **2. Appointment and selection of judges, prosecutors and court presidents (including judicial review)**

- **Constitutional Judges**

No legislative changes.

- **Judges (other than constitutional judges)**

No legislative changes

- **Prosecutors**

No legislative changes.

- **Court Presidents**

According to the new legislative Act No. 151/2022 Coll. new presidents of the administrative courts will be appointed. The selection process for the first presidents were announced by Minister of Justice and were performed by 31 July 2022. According to the above mentioned Act the selection committee should consist of three members from the database of the candidates for selection panels proposed by the Minister of Justice and two members from the database of the candidates for selection panels proposed by Judicial Council of the Slovak Republic (hereafter "Judicial Council").

### **2. Irremovability of judges; including transfers (including as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (including judicial review)**

- **Constitutional Judges**

No legislative changes.

- **Judges (other than constitutional judges)**

Pursuant to Act No. 398/2022 Coll. if proper administration of justice cannot be ensured by assignment or transfer of a judge, secondment of a judge with his/her consent on another

court can be performed; secondment of a judge on the district court can be performed if the proper administration of justice cannot be ensured by hosting judge. Secondment cannot extend to more than one year in three-years period.

According to the Act No. 398/2022 Coll. change of workplace of judge from seat of a court to its detached workplace can be done only with the judge's consent. Without consent, such change of workplace can be done by Judicial Council based on the proposal of the president of the court, if it is necessary to ensure proper administration of court.

As regards new administrative courts established by Act No. 151/2022 Coll., judges of the regional court, whose main agenda was in administrative matters, can propose until February 2023 to be transferred to the new administrative courts without need to go through selection process and without supervision of the fulfilment of the prerequisites of competence of the judge. The supervision will be performed by Judicial Council within three months after the transfer. Other judges can also propose till February 2023 to be transfer to the administrative courts without need to go through selection process.

- **Court presidents**

Based on legislation related to the Judicial map reform, there will be no new elections of the presidents of those courts that are succeeding the courts that cease to exist, including the new city courts. Presidents of the courts that cease to exist will become vice-presidents of the succeeding courts. District Court Košice I will be City Court Košice, therefore its president will remain. Presidents of other courts in Košice will become vice-presidents of the new City Court and City Court Košice will have vice-president for each agenda (civil matters, criminal matters, business matters and family matters). The same will happen with the city courts in Bratislava. Each of district court will be renamed to city court and only its causal competence will change due to the specialization of city courts. Only one district court in Bratislava, District Court Bratislava V will cease to exist and it will be merged with District Court Bratislava IV in City Court Bratislava IV. Court president of District Court Bratislava V will become vice-president of City Court Bratislava IV.

- **Prosecutors**

No legislative changes.

#### **4. Promotion of judges and prosecutors (including review)**

- **Judges**

No legislative changes.

- **Prosecutors**

No legislative changes.

## 5. Allocation of cases in courts

### **Act No. 757/2004 Coll. on Courts (as amended)**

- Specialization of the courts was the one of the main reasons for the reform of the Judicial map. New work schedule will have to respect principle of the specialization of the judges on the main judicial agendas. The main judicial areas are civil law, criminal law, commercial law, family law and agenda of administrative courts.
- Each new city court in Bratislava will be competent in one of the main judicial area for the circuit Bratislava. City Court Bratislava I will have jurisdiction in criminal matters, City Court Bratislava II will have jurisdiction in family matters, City Court Bratislava III will have jurisdiction in commercial matters, City Court Bratislava IV will have jurisdiction in civil matters. So the main agendas in the process of succession will have to be transferred to competent city court according to the new division of the main judicial agendas.
- The agenda of the Business Register (all agenda) will be transferred from District Court Trenčín to District Court Žilina.

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

### • **Constitution - Act No. 460/1992 Coll. (as amended)**

No legislative changes.

### **Act No. 185/2002 Coll. on the Judicial Council (as amended by Act No. 151/2022 Coll.)**

- Judicial Council will supervise the fulfilment of the prerequisites on competences of judge in the case of the successful candidates on court presidents and also as regards judges who will transfer from the lower court to the higher court or from the general court to the administrative court or vice-versa.
- Due to the establishment of the administrative courts, the provisions on the election of the members of the Judicial Council are amended accordingly
- Provisions on proceedings as regards control of asset of judges are also amended (the possibility of the control of bank account has been added).

## 7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (including judicial review)

**The Supreme Administrative Court** of the Slovak Republic (hereafter “Supreme Administrative Court”) has the competence to decide on the **disciplinary liability of judges, prosecutors, notaries and bailiffs.**

For more information on competence of the Supreme Administrative Court see points 51 – 52 of 3<sup>rd</sup> edition of the Rule of Law report.

### **Statistics of the Supreme Administrative Court (2022)**

Total numbers of disciplinary proceedings (judges and prosecutors): **95**

- 91 judges
- 4 prosecutors
- o proposals for disciplinary measure: 87
- o proposal for review of written warnings (§ 117 para 8 of the Act on Judges): 8

The total number of 95 cases consists of

- 69 cases initially addressed to the Judicial Council (by July 31, 2021 including previous years)
- 26 new cases of disciplinary proceedings addressed to the Supreme Administrative Court (as from August 1, 2021) concern 23 judges and 3 prosecutors, e.g. 23 cases concerning disciplinary measures, 2 appeals against the disciplinary decision of Judicial Council and 1 concerning proposals for review of written warnings.

### **Judges - disciplinary proceedings in 2022:**

Number of proceedings initiated by the Minister of Justice:

- o Proposals for disciplinary measures: 10
- o Written warnings: 0
- o Temporary suspensions of the function: 0

### **Prosecutors - disciplinary proceedings in 2022:**

3 new disciplinary proceedings were **initiated in 2022:**

- o in all cases for disciplinary misdemeanour according to §188(1)(a) Act No. 154/2001 Coll. on Prosecutors and Prosecutor Trainees of the Prosecutor's Office ("Act on Prosecutors") (culpable non-performance or breach of prosecutor's duties).

Those were initiated in relation to unjustified delays in the proceedings (2 cases) and missed limitation period for filing the motion to extend the detention period (1 case), for which the given prosecutors were given a written reprimand and a reduction of the basic salary by 10% for one month.

In one case, after the transmission of the competence in disciplinary proceedings to the Supreme Administrative Court, prosecutor was given a written reprimand.

### **Information provided by the General Prosecutors Office of the Slovak Republic:**

One disciplinary proceedings were effectively terminated. In this case a prosecutor was found guilty of a disciplinary offence as he acted contrary to the legal obligation of the prosecutor to refrain from publicly expressing his opinion on cases that are not legally closed, as well as in violation of the instruction of the Prosecutor General on way of informing the public through the press and other mass media. The sanction imposed for this behaviour was a written reprimand.

In 2022, 4 disciplinary proceedings were legally terminated. One case was terminated due to the termination of the prosecutor's term of office. In other cases, the following disciplinary measures (based on Act on Prosecutors) were imposed:

- reduction of the basic salary by 5% for 1 month;
- a written reprimand.

In both cases, the prosecutors were found guilty only partly.

The current disciplinary commissions established at the General Prosecutor's Office (including appeals) are acting in 4 disciplinary cases from the previous period, which have not yet been effectively concluded.

Currently, 7 prosecutors have been temporarily suspended from their duties as prosecutors based on criminal prosecutions from the previous period, while these proceedings have not yet been effectively terminated.

In 2022, one prosecutor was temporarily suspended from the performance of the function of a prosecutor on the basis of a criminal prosecution (the continuing offence of obstructing the execution of a council's decision according to §349 (2) of the Criminal Code in the form of a participation (assistance) according to §21 (1)(d) of the Criminal Code). The said resolution was subsequently annulled by a resolution of the prosecutor of the Regional Prosecutor's Office based on a complaint. For the completeness, it should be added that the said prosecutor has been temporarily suspended from the prosecutor's office for other reasons as well (disciplinary and criminal prosecution in another matter).

In one case, in 2022, a prosecutor was dismissed from the position of prosecutor based on an effective court conviction for the offence of endangerment under the influence of an addictive substance, and his employment contract was terminated.

#### 8. Remuneration/bonuses/rewards for judges and prosecutors, including changes (significant increase or decrease over the past year), transparency of the system and access to information

##### **Remuneration**

No legislative changes.

#### 9. Independence/autonomy of the prosecution service

No legislative changes.

#### 10. Independence of the Bar (chamber/association of lawyers) and of lawyers

No legislative changes

### 11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

All reforms (see other replies) aim at improving the quality and efficiency of the judiciary and lowering the corruption and therefore, they should also improve the image of the judiciary in the eyes of public. We are aware of the fact, that the reputation of the judiciary is lower than ever, also due to ongoing prosecution of individual judges and prosecutors. Nevertheless, the cleansing process is a necessary precondition to create trust in judiciary. We believe that reforms will ameliorate experience the general public encounters at courts and thus positively affect the public perception of the judiciary.

#### **B. Quality of justice**

### 12. Accessibility of courts (e.g. court/ legal aid fees, legal aid, language)

No legislative changes

### 13. Resources of the judiciary (human/financial/material)

There have been no substantive changes regarding justice system expenditures in 2022.

Expenditures (without expenditure on IT services):

- 2020 = EUR 250,301,883
  - 2021 = EUR 260,526,278
  - 2022 = EUR 268,418,026
- The salaries and social and health insurances of the judges and employees create a major part of these expenses. The average monthly salary of a judge was adjusted to EUR 3 633.
  - Expenditure on court proceedings (EUR 18,7 million), represent approximately half of the expenses on goods and services (including expenses on advocates, experts, notaries, bailiffs, interpreters, translators, witnesses and lay judges).
  - More substantive changes in the financing of the justice system are expected in relation to the reform of the court map. These changes are planned from 2023 and it will have positive budgetary impact - approximately EUR 33,02 million.

<b>Number of Judges (28/12/2022)</b>			
<b>Court</b>	<b>Total number of Judges</b>	<b>Men</b>	<b>Women</b>
Regional Courts and Specialised Criminal Court	418	168	250
District Courts	910	306	604
<b>Total</b>	<b>1328</b>	<b>474</b>	<b>854</b>

<b>Number of employees at Regional Courts, District Courts and Specialised Criminal Court (28/12/2022)</b>		
<b>Function</b>		<b>Number of employees</b>
Performance of judiciary	Assistants	1291
	Judicial Secretary	694
	Higher Court Official	1124
Other staff at general judicial department		513
Judicial treasury		57
Administration and management staff		815
<b>Total</b>		<b>4 494</b>

**Information provided by the General Prosecutors Office of the Slovak Republic:**

a) Human resources (personnel)

<b>Staff of the Prosecutor's Office of the Slovak Republic as of 31 December 2022</b>				
	<b>Prosecutors (men/women)</b>	<b>Prosecutors' Assistants (men/women)</b>	<b>Prosecutor Trainees (men/women)</b>	<b>Employees – all categories (men/women)</b>
<b>District Prosecutor's Office (number)</b>	319/355	0/0	14/22	59/387
<b>Regional Prosecutor's Office (8)</b>	116/97	0/0	0/0	58/175
<b>General Prosecutor's Office (Special Prosecutor's Office included)</b>	68/50 (30/4)	2/2 (2/2)	0/0 (0/0)	43/114 (4/17)
<b>Prosecutor's Office of the Slovak Republic in Total</b>	503/502	2/2	14/22	160/676

b) Budgetary indicators

The revised budget of the General Prosecutor's Office of the Slovak Republic was to the 30th September 2022 in the amount of 129,718,149 €. The use of annual limit of expenses for the 1st – 3rd quarter 2022 in the amount of 80,094,270 € and represents 61.7% of revised budget. The implementation of the incomes budget was for the period of 1st – 3rd quarter 2022 in the amount of 277,436 €, the income budgeted was filled to 55.5 %.

The drawdown of current expenses was for 1st to 3rd quarter 2022 in the amount of 78,600,965 €. The most significant part on its drawdown was the salaries, pays, staff incomes and OPB in the amount of 48,402,895 €. From the annual limit of capital outlays in the sum of 9,276,246 € in the 1st to 3rd quarter 2022 was spent 1,493,305 €.

Overview of expenditures drawdown:

	Year 2019	Year 2020	Year 2021	Year 2022 (to 30 <sup>th</sup> September 2022)	%
<b>Expenditures in total</b>	<b>112 713 147</b>	<b>114 053 793</b>	<b>117 234 224</b>	<b>80 094 270</b>	68,32
<b>A. Common expenditures</b>	<b>108 734 071</b>	<b>109 778 296</b>	<b>111 522 685</b>	<b>78 600 965</b>	70,48
of which :					
Salaries, pays, staff incomes and OPB	67 526 066	68 141 346	69 335 676	48 402 895	69,81
Insurance and contributions to the Insurance Companies	21 899 527	22 022 820	22 745 881	15 907 329	69,93
Goods and services	15 147 012	14 209 397	14 094 333	9 436 042	66,95
Common transfers	4 161 466	5 404 733	5 346 795	4 854 699	90,80
<b>B. Capital outlays</b>	<b>3 979 076</b>	<b>4 275 497</b>	<b>5 711 539</b>	<b>1 493 305</b>	26,15

The average salary of the prosecutor in the subordinated organizations – Regional Prosecution Offices represented the sum 4,234 €, in the General Prosecutor’s Office 5,495 €.

For the pays for the overtime were paid financial means in the total sum of 555,685 €, for the extra pay for the work on Saturday, Sunday and during holiday and at night the sum of 91,009 €, and for the on-call duty allowance of the prosecutors the sum of 1,448,414 €.

From the annual limit of capital outlays in the sum 9,276,246 € were draw in the 1st – 3rd quarter 2022 1,493,305 €. On the program 06R were draw the budgetary resources in the amount of 1,017,507 €, on the program 0EK was draw 475,798 €.

Draw of capital outlays according to the items of economic classification to 30 September 2022:

Item	Name of investment action	Drawing in €
<b>711</b>	Purchase of land and intangible assets	0
<b>712</b>	Purchase of premises, buildings or their parts	550 000
<b>713</b>	Purchase of machines, devices and equipment, technology and tools	175 750
<b>714</b>	Purchase of conveyance transport	149 347
<b>716</b>	Preparatory and project documentation	15 470

<b>717</b>	Realization of structures and their technical evaluation	283 864
<b>718</b>	Reconstruction and modernization	318 874
<b>Capital outlays in total</b>		<b>1 493 305</b>
of which:		
06R		1 017 507
OEK		475 798

The greatest challenge for the next years is the purchase of building for the General Prosecutor's Office which is necessary due to resolution of spatial conditions. The organization establishments of the General Prosecutor's Office are currently seated in two buildings that the General Prosecutor's Office has in its administration, on the Štúrova and Kvetná streets. Two organization establishments of the General Prosecutor's Office seat in rented spaces in the building of Ministry of Defense of the Slovak Republic where is the rental contract extended only until May 2023.

#### 14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

##### **Judicial Academy (training of judges and prosecutors)**

The education for judges, prosecutors and court staff is provided by the Judicial Academy of the Slovak Republic (hereafter "Judicial Academy") since 2003. In the last five years, the main methodology of trainings of justice professionals was modified and started to focus on the modernization and innovation of judicial education by introducing the so-called specialized trainings. This way of trainings extends the hitherto applied approaches to the education of the judicial community by dividing the target group into smaller groups according to the judicial agenda with precisely defined specific educational needs, i.e. specialization and applies interactive education in small groups with increased involvement of foreign and domestic professional lecturers.

In 2022, the Judicial Academy followed and applied the methodology of trainings in the field of **soft skills** and, also in **professional ethics**, due to low trust in the judicial system and the functioning of the prosecutor's office, which was prepared during 2020. Education in this area follows the training requirements set out in the EJTN Handbook on Judicial Training Methodology in Europe, and particularly reflects requirements based in the Government's Program Statement. Both types of training are based on regional principles, so that one topic is widely spread among target group from every single region. Based on high interest on topics mostly in the field of soft skills, the Academy organized series of trainings for the judges, court staff and prosecutors. In 2022, the Academy continued in intensifying regional trainings for judges and court staff and separately for the prosecutors and trainees in prosecutors' offices. The intensified training in professional ethics took place also in 2022. The methodology of this training follows the internal documents of Judicial Academy on organization and realization of educational processes.

Due to lasting negative pandemic situation caused by COVID-19, Judicial Academy provided education mainly in a distance form, using the ZOOM video conferencing application. Online teaching takes place

in virtual classrooms. This form of training did not affect the number of courses organized in last two years. The fact the online training is more available to the target group benefitted to higher number of participants. In 2022, the Academy trained about 6 700 participants in online courses. When pandemic situation allowed, the training events were also held in person on the premises of headquarters in Pezinok and on the premises of the Detached Workplace in Omšenie. The language training activities were organized in previously selected regional facility during the whole year following the plan of activities in the project funded by European Social Fund. Those trainings were organized in accordance with the Public Health Office decree regulating the organization of mass events and following the other current anti-pandemic measures.

In 2022, the Judicial Academy finished last of special intense courses of legal English which syllabus focused on different areas and preparation for international testing TOLES. In October and then again in November 2022 the total sum of 162 participants were tested and obtained TOLES certificate in two levels Higher and Advanced. According to EJTN, the Academy and also Slovakia itself achieved the highest number of judicial staff with international certification in legal English in Europe. The trainings and following TOLES testing were part of the national project funded by European Social Fund.

One specific type of the specialized training were individual and group internships abroad which was partly connected to the language trainings. In last two years, the Academy prepared and organized 26 one-month individual internships abroad for judges and prosecutors at the European Courts in Luxembourg, namely the Court of Justice of the European Union, the General Court of the Court of Justice of the European Union and the European Court of Human Rights in Strasbourg. In order to meet specific needs of prosecutors, six prosecutors were on internship at the European Public Prosecutor's Office. The Academy also selected 4 participants, three judges and one prosecutor, to 6-month internships at the Court of Justice of the European Union in Luxembourg and the European Court of Human Rights in Strasbourg. The 5-day foreign internships were organized for 20 participants in one group and took part mostly in European institutions, but two specialized internships were held in Germany and in Austria. In total, the Academy organized 9 group internships, in 2022 it was 6 groups of 120 participants. During the internship, the participants had the opportunity to get acquainted with the practical work of the European institutions, and the participation in hearings and meetings of the European institutions was also of great benefit, no matter how long internship lasted. All of those activities organized abroad were funded by European Social Fund.

Judicial Academy also extended the e-learning to initial trainings to follow the plan of trainings and mandatory education. Due to the prolonged negative pandemic situation, we provided the audio and video lectures for new trainees in prosecutors' offices and for all candidates who were preparing for the judicial exams. E-learning was positively appreciated by the target group and because of that, we would like to continue with e-learning in these types of education in the future.

Following the Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Ensuring justice in the EU - European judicial training strategy for the years 2021-2024, the Academy considered the necessity to modernize technical equipment for the needs of online education of the target group and bought the special system and technology for hybrid trainings, trainings combining present and

distant participation of target group, the system is now installed and prepared for the next academic year.

### **Slovak Bar Association (training of lawyers)**

The Slovak Bar Association provides training to its members on voluntary (qualified lawyers) and mandatory basis (trainee lawyers) – online, hybrid as well as in-person format. In 2022 the Bar organised more than 115 training events for around 5300 participants. Lawyers undertake further training provided by private companies depending on their area of expertise.

The Bar stresses the importance of deontology-oriented lectures, especially for young (trainee) lawyers: 299 trainee lawyers were trained in the application of ethical principles and HELP course Ethics for lawyers, judges and prosecutors was translated and made available to all members of the Bar Association.

Slovak Bar promotes training events with European/EU dimension with cross-border elements organised by its partners. Slovak Bar Association has been involved in several training projects with European dimension:

- **Cooperation with the Council of Europe – HELP / HELP in the EU / HELP in the EU II/ HELP in the EU III (Human Rights Education for Legal Practitioners) Programme:** on top of the already implemented courses (Domestic Violence and Violence against Women, Ethics for judges, prosecutors and lawyers, Procedural safeguards for suspects and accused and victims' rights, Data protection and privacy rights, Combatting trafficking in human beings). Three new courses were introduced: Human rights in sport, Asylum and Migration, Access to Justice for Women
- **Cooperation with the Academy of European Law (ERA)** in organising as well in promoting YOUNG LAWYERS CONTEST and YOUNG LAWYERS ACADEMY – EU law and networking oriented contest and intensive training in EU law coordinated by ERA and focusing on for trainee lawyers. The Bar hosted one of the YLC semi-finals in Bratislava.
- **Cooperation with the European Lawyers Foundation (ELF)** in implementing project on exchange of young lawyers within the EU (LAWYEREX)
- **Cooperation with the CCBE** on disseminating information on webinars on Whistleblowing, Sanctions against Russia, Surveillance and the impact of modern spyware tools on fundamental rights and on Ukraine and ICC: the role of European lawyers.

### 15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

Digital tools available for court proceedings and electronic tools of the prosecution service have been recently reported in 2023 Justice Scoreboard – Q. 3 – 7. The Reform of judicial map and digitalization of justice are the backbones of reforms under the Slovak Recovery and Resilience Facility in the Justice component. We place the emphasis on the development of two backbone IT solutions: the new Court Management System and the new Commercial Register. There are no changes since the last Report.

#### **Prosecution:**

The Prosecution Office currently cooperates intensively with the Ministry of Interior of the Slovak Republic on the integration between the information systems. The aim in the first stage is the electronic sending of part of documents between Prosecution Office and Police and later also of the whole investigation file. In the near future a pilot operation between the District Prosecution Office Pezinok and the District Police Headquarters in Pezinok will be launched. The integration with the management of the court files will not be executed yet.

The General Prosecutor's Office of the Slovak Republic prepares the ground documents for involving of the Prosecution Office of the Slovak Republic into the system of sending of the European Investigation Orders, Requests for legal assistance and electronic evidence through the system eCodex using the platform e-Edes that serves for digital exchange of electronic evidence. In this connection the representatives of the General Prosecutor's Office of the Slovak Republic joined the 2-days conference in Vienna where, within the non-formal discussions with the representatives of the European Commission, they talked about the possibility of creating and mostly of financing of the mentioned system in the environment of the Prosecution Office. Following, the on-line meeting took place with the representatives of the supplier of the Information System for the General Prosecutor's Office of the Slovak Republic where there was from the side of the European Commission presented a system how its individual parts work. In the beginning of the year 2023 there will be an on-line meeting on the possibilities of financing of creating given system from the European Commission.

#### *16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)*

There are no changes since the last report.

#### *17. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases*

As it was reported last year, the Ministry of Justice restarted the legislative process of reform of the judicial map in September and four separate legal acts were proposed. At the end of the legislative process two legislative acts were adopted:

- Act no. 150/2022 on change and addition of some Acts in connection with new seats and district of courts  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/150/>
- Act no. 151/2022 on establishment of administrative courts and on change and addition of some Acts.  
<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/151>

Act No. 150/2022 Coll. establishes:

- City Court in Košice
- Four city courts in Bratislava – four district courts in Bratislava are transformed to four city courts and new city courts have causal competence according to their main agenda. Each of the new city court will take over from the other three courts agenda in which it is specialized, e.g. City Court Bratislava I takes over from previous district courts all criminal cases.
- 36 district courts and 33 court circuit (including 4 city courts) – circuits of the district courts become bigger, but in the cities, where cancelled courts have seats, the detached workplace will operate. Presidents of the cancelled district courts become vice-presidents of the successor district courts and judges of cancelled courts will finish their cases.
- 8 regional courts remain, but having in mind the main purpose of the reform, that is specialization of the judges, causal competence in the family matters and business cases is established.

Administrative courts are established by Act No 151/2022 Coll. There will be three administrative courts in Bratislava, Banská Bystrica and Košice, which have position of the regional courts.

Adopted legislative acts and therefore judicial reform should have become effective from 1 January 2023. Their effectiveness was postponed by Act No. 398/2022 Coll. and adopted reform should become effective from 1 June 2023. The main purpose and aim of the reform remains unchanged.

### ***C. Efficiency of the justice system***

#### **18. Length of proceedings**

According to the methodology applicable in the Slovak Republic, the length of court proceedings is still calculated differently than the lengths of proceedings published by EU organizations. In EU and other international reports (CEPEJ, World Bank, OECD), countries are compared with each other using the Disposition Time (DT) indicator, which cannot be considered as the length of proceedings by our methodology (although for international comparisons we use also the disposition time).

In Slovakia, average lengths of proceedings published for selected agendas (civil, criminal, family and business) are calculated as the average of the time period from the case being lodged with the court till existence of a final court decision in the case (including appeals at all instances). It is assumed in months. It is an indicator with a rather informative purpose for the citizens.

**It does not directly indicate the effectiveness of the court**, since there may be more actors in the process and more instances of courts involved in the total length of proceedings for which the length is calculated.

- **Criminal cases:** the published average lengths of proceedings for criminal cases in 2021 was 6,45 months, disposition time in criminal cases first instance courts was 141,3 days and the clearance rate in criminal cases first instance courts was 98,90%.

- **Civil cases:** the published average lengths of proceedings for civil cases in 2021 was 19,28 months. Disposition time in civil cases first instance courts was 178,2 days and the clearance rate in civil cases first instance courts 105,08%.
- **Family cases:** the published average lengths of proceedings for family cases in 2021 was 7,75 months. Disposition time in family cases first instance courts was 136,9 days and the clearance rate in family cases first instance courts 103,63%.
- **Business cases:** the published average lengths of proceedings for business cases in 2021 was 26,87 months. Disposition time in business cases first instance courts was 379,3 days and the clearance rate in business cases first instance courts 103,47%.
- **Administrative cases:** the average lengths of proceedings for administrative cases is not being published. Disposition time in administrative cases first instance courts was 678,9 days and the clearance rate in administrative cases first instance courts 80,05%.

### **Other reforms**

## **II. ANTI-CORRUPTION FRAMEWORK**

### 19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding anti-corruption framework (if applicable)

There is one concrete recommendation in the 2022 Report within the competences of the Government Office of the Slovak Republic ("the Government Office") - Introduce proposals to regulate lobbying and to strengthen the legislation on conflicts of interest and asset declarations.

Please see below information on lobbying, conflict of interest and asset declarations (questions No. 24 and No. 25 herein).

See answer to the question 1.

#### **A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)**

### 20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable).

**Information provided by the Government Office of the Slovak Republic**

- I. The Corruption Prevention Department (“the CPD”) of the Government Office evaluated, updated and published its sectoral anti-corruption program (the Anti-Corruption Program of the Government Office of the Slovak Republic) effective from 1 August 2022. In the document, the CPD stipulates a set of objectives and measures, including *Measure No. 9 - Institutionalization of the Board of Anti-Corruption Coordinators* (“the Board”).

Pursuant to the point 8.2 of the Anti-Corruption Policy of the Slovak Republic for 2019-2023 adopted by the Resolution of the Government of the Slovak Republic No. 585/2018 of 12 December 2018) (“the AC Policy”) an expert working group consisting of individual sectoral anti-corruption coordinators, who are established at each ministry and other central authority, was created. The Board was created as an informal platform, meeting on *ad hoc* basis as needed, without a formalized structure, activities, rights and obligations of its members, as well as without determining the frequency of its meetings. The aim of the institutionalization of the Board is to create an official platform for sectoral anti-corruption coordinators. The main tasks of the Board will be, in particular:

- (a) to participate in the preparation and updating of the governmental conceptual and strategic documents relating to the corruption prevention;
- b) to issue recommendations for adoption of anti-corruption measures, in particular to the ministries, other central authorities and other state administration authorities with national competence;
- (c) to issue, if needed, opinions in the field of corruption prevention;
- (d) to analyze the state of legislation in the field of corruption prevention and, in the light of the findings, to submit proposals for amending and/or supplementing of the relevant legislation

In addition to the above-mentioned tasks, the Board will also serve to work coordination, exchange of experience and sharing the latest knowledge in the area of corruption prevention among its members. The CPD will play a central role in the Board by convening its meetings, managing its activities, setting the agenda and providing ad hoc support in implementation of the anti-corruption measures and tools, such as, e.g., the IT tool for the Corruption Risks Management.

The CPD is currently working on the Statute of the Board which shall be established as an advisory body of the Head of the Government Office.

- II. Furthermore, the CPD set a Measure No. 6 in the update of its sectoral anti-corruption program - *To Introduce a systemic IT tool to receive, assess and effectively streamline complaints on corruption and corrupt behavior*. The so-called *Corruption Complaints IT tool* is also included as one of the outputs of the ongoing project between the Government Office and the OECD “Improving Integrity of Public Administration in the Slovak Republic”. The IT tool shall replace the current system of receiving corruption complaints via the standard channels established at the Government Office (Anti-Corruption telephone hotline, e-mails and complaints received by letters or/and in person). The new system shall provide also for securing the anonymity of the person using the IT tool.

The CPD is currently organizing meetings with representatives of relevant cooperating authorities (representatives of the General Prosecutors Office of the Slovak Republic and the representatives of the National Crime Agency) in order to clarify the (i) technical design of the IT tool; (ii) procedural functioning of corruption complaints sent through the IT tool; and (iii)

content of questions in the IT tool. Once these issues have been clarified, the CPD should be able to move forward the procurement process of the IT tool.

III. The Government Office, under its mandate set out in Article 24(6) of the Act No 575/2001 Coll. on the Organization of the Activities of the Government and Central Government Organisations, as amended, is responsible for ensuring and coordinating the protection of the EU's financial interests in the Slovak Republic. Within this competence, the Government Office, via its Section of Control, National Office for OLAF (department) carries out, in particular, the following tasks:

- cooperation with the European Anti-Fraud Office (OLAF) and acting as the Anti-Fraud Coordination Service (AFCOS);
- reporting of irregularities to OLAF via IMS system;
- performance of controls in accordance with Act No. 10/1996 Coll. on Control in State Administration;
- handling of allegations of possible fraud/ irregularities reported by the public;
- organizing of training activities in the area of the protection of the EU's financial interests (PIF);
- coordination of the legislative, administrative and operational activities in the PIF area through the close cooperation with the relevant national authorities and institutions within the so called AFCOS network (which includes providers of EU support, law enforcement bodies, control/audit authorities and other relevant partners);
- developing of PIF related policies, in particular through the National Strategy for the Protection of the European Union's Financial Interests in the Slovak Republic and monitoring of the implementation of the relevant measures.

As regards the cooperation with OLAF, in accordance with Article 7(3a) of Regulation (EU, Euratom) No. 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No. 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No. 1074/1999 (as amended by Regulation (EU, Euratom) No. 2020/2223), the relevant competent authorities of the Member States shall upon request provide OLAF with bank account information. In this respect, the Member States are required to notify to the Commission the relevant competent authorities for this purpose. In order to implement this new obligation in the Slovak Republic, amendment of legislation was necessary. Therefore, relevant provisions were included in the Act No. 123/2022 Coll. on Central Register of Bank Accounts (including the amendment of Act No. 483/2003 Coll. on Banks) to create a sufficient legal basis and competence for the Financial Administration Criminal Office to provide bank account information to OLAF. This legislation entered into force on 1 May 2022 and subsequently, the Financial Administration Criminal Office was notified as the relevant competent authority in July 2022.

### **Information provided by Special Prosecutor's Office**

The activity of the police can be evaluated positively, while the methods and results of prosecuting corruption in such cases are very effective and at a high level. NAKA, however, as it was in previous years, when documenting criminal activity like this, faces significant problems related to the technical

provision of information and technical means, especially the low-quality recording technology when making video and audio recordings.

Compared to previous years, it can be considered a big positive aspect that in 2021 and 2022, the police successfully processed several extensive corruption criminal matters, while their detection also took place on the basis of the analytical activity of the police itself. However, the number of large-scale corruption cases uncovered and processed in this way is still relatively small, and to a large extent these revelations were based on the analytical skills of a few specific investigators, but not on the basis of a functioning system of analysts and operatives, which are significantly lacking in the anti-corruption component of NAKA.

#### Human resources issue development

The Corruption Department of the Special Prosecutor's Office is still struggling with a personnel problem, as in previous years and also in 2022 only 6 prosecutors were active in the Corruption Department (two prosecutors started working in the department from May 2022 or November 2022) and the department head who performed prosecutorial supervision and activity in the first and second instance courts in all corruption criminal matters throughout the Slovak Republic. On the basis of Resolution No. 81 of the Government of the Slovak Republic dated 10 February 2021, the number of assigned prosecutor positions in the Corruption Department of the Special Prosecutor's Office was increased from 4 to 9 prosecutors, but this number has not yet been reached. Prosecutors are thus extremely burdened with a large number of supervised criminal matters. In 2021, 5 assistant prosecutors were hired at the Special Prosecutor's Office, which contributed to a certain reduction in the workload of prosecutors. The Corruption Department urgently needs to fill the remaining assigned number of vacancies, which is not an easy task in the current situation.

As regards cooperation with EPPO, a major draft amendment to the Criminal Code reflects also on problems indicated by the European prosecutor for the Slovak Republic - the crime rate for Damage to the Financial Interests of the European Union according to Section 261 of the Criminal Code, which is disproportionately low compared to Subsidy Fraud according to Section 225 of the Criminal Code. In December 2022, the public consultation procedure on the draft amendment to the Criminal Code was closed and currently, Ministry of Justice is examining received comments during the procedure. Evaluation of the comments will be done in the second half of January 2023.

#### **Information provided by the Ministry of Interior of the Slovak Republic**

National Crime Agency of the Presidium of the Police Force (hereinafter the NACA) is continually fulfilling tasks, mainly in the area of its priority activities regarding detecting and investigating the offences focusing on the category of illicit activity of the most serious criminal relevance, within the range of offences aimed against life, well-being, freedom, corruption offences, offences against property, offences adversely affecting the financial interests of the European Union, offences of terrorism and extremism, etc.

To increase the efficiency of activities in order to detect and investigate illicit activity of the most serious criminal relevance, including corruption offences, hierarchical changes were conducted within the NACA effective since 1 February 2022. Owing to the increased requirements concerning the identification of assets acquired by the means of criminal offences, we established financial

investigation departments within the executive sections of the NACA, particularly, sections- Bratislava, West, Centre, and East.

Gained experience from the practice in the given areas of police activities indicate only proactive and coordinated financial investigation adhering to the principle of follow the money enables to bring effectiveness into the identification process, seize proceeds from crime and hinder their infiltration into legal economy. In this respect, it was inevitable to simultaneously conduct financial investigation of unlawful incomes of the offenders within their criminal proceedings.

Since the method of committing corruption offences are evolving, the offenders are adjusting to new trends according to dynamics of social development which presumes elevated requirements for the quality of analytical outcomes in detecting and investigating the most serious forms of corruption, offences adversely affecting the state budget and European Union budget, the hierarchical changes conducted on 1 February 2022 within the NACA included supplementation of analytical departments into the regional sections in question preserving the central analytical method aimed at securing the operative and topically focused analyses, and drawing up conceptual outcome products supporting the performance of professional activities in the area of detection and investigation of criminal offences.

In order to increase professional level and educational potential of the newly- established financial investigation and analytical departments, in the course of 2023, a whole set of trainings will take place funded from the Recovery and Resilience Plan which will be supporting performance of professional activities from the perspective of cash flows, personal situation and property of suspicious subjects, corruption relations in public procurements, subsidies acquisition from the budgets of the Slovak Republic and the European Union in public contracts of high value and other criminal offences where public finances are handled in a wasteful manner.

Following the enhancement of cooperation with the national bodies, the NACA coordinates and methodologically directs activities of the National Expert Group of Fight against Corruption (hereinafter the Expert Group) established by the Interministerial Expert Coordination Authority for Fight against Crime. The priority objective of establishing the Expert Group was to secure efficient enforcement of national and ministerial anticorruption policy, and fight with corruption offences while involving a wide range of subjects and strengthening their accountability and engagement for eradication of corruption offences.

Members of the Expert Group are nominated representatives of the ministries, other central bodies of the state administration, General Prosecutor's Office of the Slovak Republic, and of the Association of Cities and Villages of Slovakia. In order to fulfil the objectives of Rule of Law Initiative, the Expert Group was complemented by members of business associations and chambers of commerce. We also invite representatives of Transparency International, a non-governmental organization, to attend meetings of the Expert Group as observers.

In 2022, a new member was accepted to the Expert Group, Industrial Innovation Cluster, currently uniting 9 companies and its supplementation is significant given the wide range of addressees in

relation to key objectives of the Expert Group to enforce integrity principles, ethical values and anticorruption policy in the business area.

Involving the Industrial Innovation Cluster focusing on innovation, digitalization and technological progress, into the database of the Expert Group corresponds with the conclusions of evaluation of the Slovak Republic by the OECD which presumes effective implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions into legislation and application practice of public and private sectors.

The Expert Group under the auspices of the NACA aimed at prevention and fight against corruption unites parties of the both sectors striving to endorse cooperation and mutual understanding necessary to enforce priorities of the national anticorruption policy, create sector initiatives of anticorruption program implementation, secure corruption risk management and enhance integrity within the private and public sectors.

In 2022, the NACA organized an expert workshop for the Expert Group members focused at application of legal aspects of whistleblowers' protection with emphasis on enhancing the trust in the institute in question. In the course of the workshop, employees of the Whistleblower Protection Office (hereinafter the Office), presented the competence and powers of the Office in providing legal counselling, whistleblowers' protection, participation in criminal proceedings and proceedings before a court, as well as providing the pertinent methods and trainings.

In this context, some achievements of the Office have been presented, as during a short period of its existence, it has considerably contributed to protection of whistleblowers, reporting of particular criminal complaints and thus ensuring prosecution of criminally relevant actions in terms of corruption, furthermore corruption prevention and setting up integrity culture in the society.

Another key area in the interest of the support of activity of the NACA is to intensify cooperation with European organizations, like OLAF, Eurojust, EPPO in order to maximize effort and synergy of interests in law enforcement and judicial cooperation. Given the aforementioned and in order to intensify targeted cooperation in detecting and investigating criminal offences related to embezzlement of European funds within the scope of authority of the NACA, a training course for 12 investigators of the given criminal offence from the departments of the NACA on the level of the EPPO will be held in February 2023.

The Government of the Slovak Republic in its Manifesto for 2020 - 2024 undertook to review the status and activities of the Bureau of the Inspection Service (hereinafter the BIS) and, based on the results of the analysis, to ensure greater independence and efficiency in this area through legislative measures. To this end, a working group was set up to review the status of the BIS.

As part of the assessment process, the working group concluded that it was necessary to make organisational changes to the functioning of the Inspection Service which appeared to be the most beneficial, effective and at the same time the most appropriate for improving the functioning of the BIS, which was done by means of an organisational change with effect from 01.01.2022.

The organisational change in question set a new direction for the BIS, based in particular on strengthening the following three areas:

1. crime prevention (“prevention before repression”, with the aim of preventing the commission of crime through the BIS's prevention activities and thus deterring potential offenders from committing crime themselves),
2. protection (paying attention to and providing protection to persons who choose to point out and report unfair practices within the system of functioning of the Police, Prison and Judicial Guard and Financial Administration),
3. analytical work (carrying out analyses of completed criminal proceedings and inspections conducted by the BIS with a view to taking effective measures to prevent the possibility of committing illegal activities).

Within the newly created Protection and Prevention Unit of the BIS, the tasks of the Protection, Prevention and Anti-Corruption Unit of the Protection and Prevention Unit have been strengthened, consisting in its main focus on documenting criminal activities of members of the Police, Prison and Judicial Guard and Financial Administration.

## 21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

### **Information provided by the Government Office of the Slovak Republic**

The CPD set a Measure No. 8 – *Institutionalization of the position of anti-corruption coordinator* into the update of its sectoral anti-corruption program. Based on the task B.1. of the AC Policy, all ministries and other central authorities created a position of anti-corruption coordinator. However, there are significant differences in where the position of the anti-corruption coordinator is established within the organizational structure of a particular ministry or other central authority, as well as there is lack of consistency in the amount of resources allocated for these positions. Moreover, there are no special minimum requirements stipulated for the qualification of candidates for the position of the anti-corruption coordinator. In order to unify the positions of the anti-corruption coordinators as much as possible, the CPD set a goal to issue a guidance governing the abovementioned requirements, which would be provided to the relevant ministries and other central authorities.

### **Information provided by Ministry of Interior of the Slovak Republic**

The new Code of Conduct was issued as Regulation of the Ministry of the Interior of the Slovak Republic no. 41/2022 as a set of moral principles, values, requirements and standards of integrity by which a police officer is guided in the performance of official activities. According to Article 4 par. 1 of the Code of Conduct "Policeman acts while performing official duties and always makes decisions objectively, impartially, without prejudice and bias, does not discriminate, even with regard to national, ethnic, religious, racial, ethnic, class, gender, sexual, age, social, political and economic differences".

The independence of police officers is also declared in Article 4, paragraph 1 of the Code of Conduct: "Policeman does not participate in political activities while performing official activities, does not connect his person with any political party or political movement, nor does he perform activities for the benefit or disadvantage of any political party or political movement".

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

**Information provided by the Government Office of the Slovak Republic**

Relevant latest information on tasks belonging to the Government Office as a leading authority, arising from the National Anti-Corruption Program adopted by the Resolution of the Government of the Slovak Republic No. 426/2019 of 4 September 2019 (“the National AC Program”) - B.7. (Integrity Principles), B.8. (draft law on lobbying) and B.9. (asset declarations) are mentioned in answers to questions No. 23 and No. 24 below.

Task B.12. - *In cooperation with the entities of the “Rule of Law” initiative as well as with the academic institutions, to identify shortcomings in respecting the rule of law, propose and adopt concrete remedies and incorporate them into those entities’ anti-corruption programs* – is being fulfilled and continues on an ongoing basis, as representative from the “Rule of Law” initiative regularly participate in working groups (e. g. on Integrity Principles, asset declarations) or activities of the CPD (e. g. Integrity Forum 2022), etc.

**Information provided by the Ministry of Justice of the Slovak Republic**

The updated Anti-Corruption Program of the Ministry of Justice of the Slovak Republic (hereafter as “ACP”) has been adopted and came into force on 30 June 2022. It is based on the previous Anti-Corruption Program, the adopted Anti-Corruption Policy of the Slovak Republic, and the information from resulting the survey on corruption risks taken at the Ministry of Justice. The knowledge and suggestions of the employees of the Ministry of Justice as well as good practice of other organizations, including relevant foreign experiences, are reflected in it. The task of the Anti-Corruption Program is to create a fully-fledged working environment with a culture of anti-corruption behaviour and at the same time to increase the effectiveness and efficiency of preventing corruption.

The aim of ACP is to improve the prevention and the fight against corruption - on the basis of identification of corruption risks and causes, to avoid the emergence of new conditions, opportunities, and situations for corrupt behaviour in the department.

The priorities of ACP are as follows:

Priority 1: Strengthen the position of the Ministry of Justice of the Slovak Republic as a trustworthy institution that promotes and protects the public interest through its activities by reducing the space and opportunities for corruption.

Priority 2: Raise employees' awareness and strengthen their integrity.

Priority 3: Increase the efficiency of anti-corruption management at the Ministry of Justice of the Slovak Republic.

Priority 4: Create and strengthen an anti-corruption environment.

Based on the employees' survey on corruption risks the following risks have been preliminarily identified:

a) Lack of knowledge of the system for management anti-corruption activities,

- b) Non-transparency of the organization's procedures in the field of corruption prevention,
- c) Insufficient knowledge of the procedure for handling notifications of whistleblowers,
- d) Insufficient knowledge of the possibility of protection against retaliatory measures,
- e) The organization does not have an established system for managing anti-corruption activities,
- f) Inadequate enforcement of personal responsibility for damage caused by corrupt behaviour,
- g) Lack of employee confidence in the whistleblower protection system,
- h) Lack of effective mechanisms to prevent undue internal and external pressures on decision-making.

To eliminate the most frequently identified corruption risks, the ACP contains the following measures:

- identify positions that are exposed to an increased risk of corruption,
- increase employees' awareness of integrity principles, measures to prevent corruption and conflict of interest
- increase the level of transparency within the organization
- arise employees' awareness of whistleblower protection and procedures for reporting suspicions of corruption and corrupt behaviour
- establish effective mechanisms to prevent undue internal and external pressures on decision-making
- adjust the rules for the procurement of goods, services, and construction works
- establish and apply clear criteria for the anonymization of the content of published contracts
- regularly evaluate and, if necessary, amend the internal regulation on the rules for receiving and providing gifts, hospitality, and other benefits by employees of the ministry
- maintain the system of anti-corruption education and evaluate the effectiveness of educational activities
- draw up and apply an internal regulation on methods to resolve conflicts of interest

The evaluation of the updated APC will be carried out no later than 30 April 2023.

The Slovak version of the Anti-Corruption Program is available at:

<https://www.justice.gov.sk/dokumenty/2022/09/Protikorupcny-program-MS-SR-2022-final.pdf>

### **Information provided by Ministry of Interior of the Slovak Republic**

Conceptual objective of the preventive anticorruption policy is to enforce and protect public interest, diminish space and opportunities for corruption, improve quality of legislative and legal ambience, support and endorse transparency, improve entrepreneurial conditions, elevate integrity culture and enhance legal awareness in the area of prevention and fight against corruption offences.

In the process of enforcement of anticorruption policy, corruption elimination and integrity enhancement in relation to contemporary social challenges, it is inevitable to develop domestic anticorruption policy in accordance with international anticorruption standards and adopted integrity principles. A quintessential role in eliminating the possible occurrence of corruption is represented by national and ministerial anticorruption programs assigned mainly to institutions of the public sector with the aim to strengthen integrity of the civil service, secure transparency and restore the trust in governmental institutions. The task of creators of anticorruption programs is to urge the increase of legal awareness and engagement of society in preventive activities and in fight against corruption offences.

The essential prerequisite of the Ministerial Anticorruption Program and the related Action Anticorruption Plan of the Police Force is an active corruption risk management, effective enforcement of anticorruption measures and the set-up of control mechanisms prioritizing the risk areas. The NACA is primarily responsible for prosecution of corruption offences, and is actively engaged in the process of identification and management of corruption risks within the Police Force on which it depends how the Anticorruption Program of the Ministry of Interior of the Slovak Republic for 2019-2023, according to task B.4 of Government Resolution no. 585/2018, is annually, by 30 June, evaluated and updated based on what new measures to decrease corruption risks are implemented.

**23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.**

**Information provided by the Government Office of the Slovak Republic**

- I. The National AC Program tasked the Head of the Government Office in point B.7. to prepare a draft of integrity principles in public administration, reflecting the OECD Recommendations on Public Integrity, and to ensure their application in practice. These Integrity Principles are declaratory nature. By approving them, the Government of the Slovak Republic (hereinafter referred to as "the Government") declares its commitment to the values presented by the Integrity Principles and declares its will to be guided by these principles in its activities. The Integrity Principles are the fundamental principles guiding the decision-making and actions of public officials so that their behavior reinforces public confidence in the rule of law and the quality of public services. The Integrity Principles also set a minimum ethical standard for other ethical arrangements in which the rules of ethics and integrity can be further tailored to the needs of particular public officials. The Integrity Principles contain a description of concrete principles and values which form them, the range of persons to whom they apply, the framework for their application, the instruments for their implementation, as well as definitions of the basic concepts relating to the principles. Seven Integrity Principles shall apply primarily to persons in top executive functions and to positions of political advisors. Once the Integrity Principles are adopted, there is a need to ensure that they are applied in practice. Some of the measures are included in the draft measures at the end of the actual material on the Integrity Principles. In formulating the draft measures, the submitter has drawn on the recommendations of the Group of States against Corruption (GRECO), which were formulated in the Compliance Report on the implementation of the recommendations under the 5th evaluation round of the Slovak Republic. A manner like this should provide for assessing some of the GRECO recommendations as fulfilled or partially fulfilled. The Slovak Republic is obliged to send a report on the implementation of the GRECO recommendations by 31 March 2023. Draft material of the Integrity Principles was published on Slov-lex on 24. November 2022 (LP/2022/804) and the evaluation of the inter-departmental comment procedure has been completed. The expected date for the submission of the material to the Government is the first meeting of the Government in 2023.

- II. Integrity Forum 2023 will be held in Bratislava in March 2023. The forum is jointly organized by the Government Office and the OECD's Public Sector Integrity Division, Public Governance Directorate, under the auspices of the project „Improving Integrity of Public Administration in the Slovak Republic” as its mid-term conference. The integrity Forum 2023 will reflect the current development of efforts in relation to the establishing of the unified Integrity Principles in the Slovak Republic as well as discussion on behavioral aspects of integrity-related behaviors. Representatives from the OECD and experts in behavioral insights are going to play a key role in the upcoming event.
- III. Anti-Corruption Policy of the Slovak Republic  
The new Anti-Corruption Policy of the Slovak Republic is in the process of preparation. The key step of the preparation is involvement of the newly-institutionalized Board of the Anti-Corruption Coordinators and reflecting particular sectoral needs into this strategic document. The new policy is supposed to be adopted this year for the period of 5 years (2024-2028).
- IV. The Civil Service Council (“the Council”), a collective body responsible for oversight of the principles of civil service and the Code of Ethics of Civil servant, carries out ethics trainings for civil servants.  
In 2021, 5 ethics trainings for individual public institutions were carried out and in 2022, 4 ethics trainings were carried out by the Council's ethics team, which comprises of one member of the Council responsible for ethics and one employee of the Office of the Council. The Council organized a separate training session for ethical advisors and ethical points of contacts present on individual public organizations employing civil servants.<sup>1</sup>

### **Information provided by Ministry of Interior of the Slovak Republic**

In 2022, the NACA actively participated in development of anticorruption initiatives and attended work meeting held by the coordinator of anticorruption policy of the Ministry of Interior of the Slovak Republic. In this context, the NACA, in cooperation with the OECD Public Governance Directorate, drew up a project titled „Protikorupčné vzdelávanie Policajného zboru – školenie lektorov“. (Anticorruption

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<sup>1</sup> Main challenges vis-a-vis ethics and integrity trainings are low capacity, as only 2 experts serve to train around 35 000 civil servants in Slovakia. There is no specific funding even for ethics e-learning program, which coupled with other integrity measures, such as onsite ethics trainings, managerial ethical leadership training and network of ethical advisors could pinpoint integrity system in Slovak civil service. The Council uses several strategies to mitigate its limited capacity and non-existent funding for ethics/integrity trainings. First of all, the Council targets managers with its ethics trainings, as managers are role models for behavior and according to the Council's research are key go to persons, when civil servants encounter an ethical dilemma. Secondly, the Council prefers to train organizations where top management actively supports ethical behavior and it is willing to take a part in the trainings to show the importance of ethics to their colleagues. Thirdly, the Council developed interactive ethics program that includes case studies, mapping of personal values and discussions as opposed to purely academic lecture. Lastly, the Council always consults with its client organizations before trainings and tailors its ethical trainings according to the needs of individual organizations and their employees.

Ethics and integrity training remains a low priority from the point of funding. Integrity training program for civil servants that was included in Slovak Recovery and Resilience Plan was among first budget cuts. Moreover, the Council as the gestor of ethics of civil servants was not included in the design of the program and had been able to influence it only in later stages. From the point of institutional and financial coverage, the Council has no special financial funding allocated for ethics trainings or programs and its operational funding is allocated from the funding of the Government Office.

education of the Police Force – Training of Lecturers). The aim of the project is, via training the lecturers from among the Police Force members, to build a network of coordinators, employees dealing with integrity and anticorruption policy within the Police Force, provide consultancy and guidance in integrity standards application, enforcement of ethical norms and anticorruption awareness among Police Force members.

Following the mutual project of the NACA with the OECD Public Governance Directorate, on 21-22 September 2022 a training course took place in Bratislava titled „Posilnenie integrity príslušníkov Policajného zboru“ (Strengthening the Integrity of the Police Force Members) focused on securing a professional growth, enhancing integrity culture and elevating educational level of Police Force members in the context of international legal framework on integrity in civil service. Altogether 53 representatives of Police Force Units participated in the course.

The new Code of Conduct was issued as Regulation of the Ministry of Interior no. 41/2022 on the Code of Conduct of a Police Force Member effective as of 1 March 2022. It is published on the webpage of the Ministry: [https://www.minv.sk/?PZ\\_SR-eticky-kodex](https://www.minv.sk/?PZ_SR-eticky-kodex)

Crime Prevention Department of the Office of the Minister of Interior of the Slovak Republic (hereinafter CPD) cooperated with:

- Government Office of the Slovak Republic:
- within the National Anticorruption Program,
- on OECD project titled „Zlepšenie integrity verejnej správy v SR“ (Integrity Enhancement of Civil Service of the Slovak Republic)
- on GRETA Recommendations - module of corruption risk administration in fight against trafficking in human beings;
- Whistleblower Protection Office on educating the employees of the Ministry of Interior of the Slovak Republic and informing the general public by the means of Information Offices for Victims of Criminal Offences, and on drawing up the material titled „Desať princípov v boji proti korupcii“ (Ten Principles in Fight against Corruption), <https://www.minv.sk/?protikorupcne-desatoro>, [www.prevenciakriminality.sk](http://www.prevenciakriminality.sk));
- OECD, in particular „Public Integrity Indicators 2020“, part „3.13. Participation – Financing of political parties and election campaigns“;
- Council for Civil Service Whistleblower Protection Office, and anticorruption coordinators of all central bodies of the state administration of the Slovak Republic on the issue of conflict of interests and its solutions on the level of particular state administration bodies.

CPD also secures evaluation of tasks in order to fulfill GRECO recommendations in the Fifth Evaluation Report on the Slovak Republic.

CPD also provided:

- Implementation of „Vzdelávací protikorupčný balíček“ (Training Anticorruption Package) into the drawn up Plan of Conversion Course of a State Administration Employee into „I. Vstupné adaptačné vzdelávanie“ (I. Introductory conversion course) within the optional topics of the training ([https://www.minv.sk/?protikorupcny\\_koordinator\\_zakladne\\_informacie](https://www.minv.sk/?protikorupcny_koordinator_zakladne_informacie));
- Issuing Regulation of the Ministry of Interior of the Slovak Republic no. 44 on Code of Conduct of a Police Force Member of 24 February 2022 (effective since 1 March 2022).

24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

**Information provided by the Government Office of the Slovak Republic**

- I. The form of tasks to streamline the system of asset declarations are under preparation. Two recommendations are under consideration, namely: (i) the adoption of a separate law on asset declarations, which would unify all legal norms relating to asset declarations (i.e. uniform regulation in relation to civil servants, employees performing offices of public interest, police officers, prosecutors, judges, etc.); and (ii) the amendment of Constitutional Act No. 357/2004 Coll. on Public Interest Protection in the Performance of Office of Public Officials. The main idea is computerization of asset declarations.
- II. The issue of lobbying falls within the competence of the Office of the Deputy Prime Minister of the Slovak Republic. No further information on current development on the draft Act on Lobbying is available at the moment.

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

There is no new legislation since the last Rule of Law Report. The rules are implemented by the Act No. 55/2017 Coll. on Civil Service and by the Decree of the Government of the Slovak Republic No. 400/2019 Coll. on Code of Conduct of Civil Servants.

The specific rules apply to public officials in compliance with the Constitutional Act No. 357/2004 Coll. on Public Interest Protection in the Performance of Offices of Public Officials as amended.

**B: Prevention**

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

**Information provided by the Government Office of the Slovak Republic**

The Government Office prepares a draft law amending the Act No. 54/2019 Coll. on the Protection of Persons Reporting Anti-Social Activities (“the Whistleblowers Protection Act”). The draft law transposes the Directive (EU) No. 2019/1937 on the protection of persons who report breaches of Union law. The law is currently in the legislative procedure. The amendment to the Whistleblowers Protection Act consists of its own material, explanatory memorandums and accompanying documents. At the same time, several contradictory procedures were held with the Antimonopoly Office of the Slovak Republic as well as with the Whistleblowers Protection Office on the comments raised on the amendment to the Whistleblowers Protection Act. A number of comments were incorporated in the material, which led to a fundamental change of the material and for this reason the material was resubmitted to the inter-departmental comment procedure. On 9 November 2022, the amendment to

the Whistleblowers Protection Act was approved at the meeting of the Government, sent to the National Council of the Slovak Republic and included in the parliamentary press under No. 1299. The amendment is currently before the second reading in the National Assembly. The hearing in the Constitutional Law Committee is scheduled for 30 January 2022.

Further methodology, model documents and the implementation of whistleblowers protection are the responsibility of the Whistleblowers Protection Office.

#### **Information provided by the Ministry of Justice**

Ministry of Justice has adopted its own measures as regards reporting of criminal activity and other antisocial behaviour of the employees of justice sector and protection of whistleblowers in the Order No. 23/2021 of the Ministry of Justice of the Slovak Republic. The order regulates process of submission of notice, its evidence and dealing with the notice.

#### **Information provided by Special Prosecutor's Office**

Cooperation with the Office for the Protection of Whistle-blowers of Anti-Social Activity is at a very good level. On a fairly regular basis, there is an exchange of information regarding the operation and competence of the Office and the resolution of legal issues and problems that arise in connection with the cooperation of the Office and individual prosecutors of the Corruption Department of the Special Prosecutor's Office in specific criminal matters, where the Office provides protection to the whistleblower of anti-social activity or is also a whistleblower of such activity. The biggest obstacle to the detection of corruption continues to be the low level of activity in the area of reporting the occurrence of corruption.

In this context, from 7 to 9 November 2022, a working meeting of the Corruption Department of the Special Prosecutor's Office was held, which was also attended by NAKA investigators, and it also included a seminar led by representatives of the Office for the Protection of Whistle-blowers of Anti-Social Activity, also focused on the analysis and resolution of mutual procedures when uncovering criminal offences of corruption in connection with the activities of the Office.

#### **Information provided by Ministry of Interior of the Slovak Republic**

In cooperation with the Crime Prevention Department of the Office of the Minister of Interior of the Slovak Republic, the BIS actively participated in professional course on the issues „Oznamovanie korupcie“ ("Reporting Corruption"), „Ochrana oznamovateľov protispoločenskej činnosti“ ("Protection of Whistleblowers") and "Anti-Corruption Activities in the Exercise of State Service". The training courses, intended for the training of members of the Police Force and employees of the Ministry of Interior of the Slovak Republic (hereinafter referred to as the Ministry), were held online. The content of the course was an explanation of the specifics of corruption offences, crime prevention, the procedure for reporting illicit activities and the rights of whistleblowers of such offences. These courses are also attended by the Authority's contact person in charge of evaluating and monitoring the implementation of the tasks resulting from the anticorruption program. As part of the development of preventive anticorruption policy, the BIS regularly evaluates the regulations resulting from Provision of the Minister of Interior of the Slovak Republic No. 144/2019 on the Anti-Corruption Programme, as amended, and which are based on the Anticorruption Program of the Government Office of the Slovak Republic.

The conditions for providing protection to persons in an employment relationship in connection with reporting crime or other illicit activity are regulated by Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendments and Supplementations to Certain Acts (hereinafter referred to as the "Whistleblower Protection Act"). The internal system for handling notifications of illicit activity is regulated by Regulation of the Ministry of Interior of the Slovak Republic No. 99/2019 on Internal System of Handling the Whistleblowing Procedures, where the responsible person for the examination of notifications of illicit activity is the office designated for the Ministry. The responsible person, who performs tasks pursuant to the Whistleblower Protection Act, publishes the methods of submitting notifications, the contact details of the responsible person and information on the internal system for handling notifications on the following link: <https://infoweb.minv.sk/>

The responsible person shall examine each communication, including an anonymous communication. Notifications received shall be recorded in a special register to which only designated staff of the responsible person shall have access and who shall be obliged to maintain confidentiality while examining the notifications, while heeding the personal data protection.

- 15 November 2022 - press report issued on the publication of the booklet titled „Zodpovednosť za neoznámenie a neprekazenie trestného činu“ (Responsibility for not Reporting and not Preventing a Criminal Offence) for all the employees of the Ministry ([https://www.minv.sk/?protikorupcny\\_koordinator\\_zakladne\\_informacie](https://www.minv.sk/?protikorupcny_koordinator_zakladne_informacie));

- 29 November 2022 - National Council adopted the amendment of Act no. 583/2005 Coll. on Crime Prevention and Other Illicit Activities as Amended (hereinafter the Act) enshrining Information Offices for Victims of Criminal Offences in the Act in order to improve protection, support, and assistance to victims of criminal offences and other illicit activities. Employees of the Information Offices provide the aforementioned victims with professional assistance

*27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other).*

#### **Information provided by the Government Office of the Slovak Republic**

- I. The CPD is an administrator of a software tool for Corruption Risks Management - a specific electronic questionnaire that provides an overview of the corruption risks at all levels of ministries and other central authorities. Based on this questionnaire, the database of the corruption risks is created implementing an evidence-based approach. The CPD is an administrator of the electronic tool, however, at the individual levels, there are anti-corruption coordinators responsible for management of their own sectoral questionnaires and for creation of corruption risks databases. Ministries and other central authorities might thus identify specific risks associated with their institutions and develop appropriate custom-made internal anti-corruption measures often reflected in their sectoral anti-corruption programs.

These sectoral anti-corruption programs are evaluated annually and published on the websites of respective institutions not only for their employees, but also accessible to general public. The General Survey for 2022 was excessively updated and simplified by the CPD in accordance with the OECD recommendations in order to be more user-friendly for its users and was launched by the CPD for all participating authorities on 2 May 2022 and data collection was closed on 30 June 2022.

The following risks were detected as the most significant at the Government Office in the General Survey for 2022:

- Failure to impose liability for an erroneous decision or maladministration as a result of a corrupt act;
- Insufficient enforcement of personal liability for damage caused by corrupt conduct or anti-social activity;
- Non-compliance with the legal time limits for issuing a decision and existence of scope for enforcement of bribe;
- No causes are detected in relation to the non-compliance with the legal time limits for issuing a decision and scope for enforcement of bribe is developed.

It has to be pointed out, that not all central authorities were involved in the reviews.

The results of the sectoral questionnaires are not publicly accessible. However, there is a new website named Integrity Data being prepared at the moment. It will contain more detailed information on the IT tool Corruption Risk Management. Moreover, risk identification from the IT tool and proposed measures should form an essential part of the sectoral anti-corruption program of the ministries and central authorities, so the general public might have a basic knowledge of corruption risks at the sectoral levels.

- II. In addition to the Corruption Risks Management tool introduced by the CPD, the CPD organized two meetings of working group in 2022 on another module of the risks management tool related to the corruption risks in the area of trafficking in human beings (hereinafter referred as the "THB"), in cooperation with the Ministry of Interior of Slovakia.

On 30 June 2021, the Government of Slovakia adopted the Resolution No. 380 on Draft Measures to Ensure Compliance with the Recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). The above-mentioned Resolution imposes, under the task C.2. stated therein, the obligation to implement the GRETA recommendations addressed to Slovakia in the third round of evaluation. GRETA considers that the Slovak authorities should include, as a matter of priority, measures against corruption in a THB context in the overall policies against corruption, as well as further develop the existing software by including a module related to THB.

The Government Office has organized two meetings of the working group so far in March and May 2022 in order to: (i) create a new module for detection, identification and analysis of corruption risks in the area of THB; and (ii) evaluate and implement the corruption risk management in the fight against THB.

The working group consists of anti-corruption coordinators together with members of the Expert Group for TBH area led and presided over by the Ministry of Interior of Slovakia.

**Information provided by Special Prosecutor's Office**

Adding to the areas of corruption:

- intersection between business and politics (bribes from entrepreneurs to public officials for the provision of subsidies, non-refundable financial contributions, lucrative contracts, etc.)

### **Information provided by Ministry of Interior of the Slovak Republic**

It follows from the practice in the area of detection and investigation of criminal offenses of corruption that the criminal activity dominated and persisted in the field of healthcare, education, state administration, the police, as well as in the area of approval and drawing of non-returnable financial contributions from funds of the European Union. Corrupt activities were identified in connection with the awarding and implementation of contracts with a focus on business companies with state equity participation, as well as in the awarding and implementation of contracts with the participation of private companies, as well as in the drawing of non-refundable financial contributions. A special phenomenon, especially in the field of healthcare, is the stereotypical offering of a bribe without asking patients.

The actions of the perpetrators and the methods of committing the criminal activity of corruption are constantly evolving, the perpetrators of this criminal activity, mainly on the basis of knowledge from publicized cases, commit this criminal activity more cautiously, in a latent way, where a bribe is provided, or taken under various pretexts, disguised expressions or through confidential persons, which makes it difficult for the national crime agency to detect and investigate this criminal activity. The use of covert listening devices by the Police Force is also weakened by the modern ways of communication of criminals through some encrypted communication applications.

In general, it can be concluded that the methods of committing corruption crimes are being modified, the perpetrators are adapting them to new trends in accordance with the development of new information and communication technologies, means of payment, and this collectively in the context of the dynamics of the development of society.

### **28. Any other relevant measures to prevent corruption in public and private sector**

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#### **C. Repressive measures**

### **29. Criminalisation, including the level of sanctions available by law, of corruption and related offences including foreign bribery.**

Please find below the preliminary data based on the statistics of the GPO covering period from January to November. The complete dataset of condemned persons and Statistical yearbook of the Ministry of Justice will be available only after March 2023.

2022

Section/Criminal Code	Number of condemned persons – information from General Prosecutors Office (1.1.2022 – 30.	Number of condemned persons – information from Analytical centre (preliminary data)
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	11. 2022)	
§ 328	2	
§ 329	63	32 (natural persons)
§ 333	73	2 (legal persons) + 53 (natural persons)
§ 336	13	3 (legal persons) + 12 (natural persons)
§ 336b	2	3
<b>Total</b>	<b>153</b>	<b>105</b>

#### **Act No. 300/2005 Coll. - Criminal Code (as amended)**

In December 2022, the public consultation procedure on a major draft amendment to the Criminal Code was closed and currently Ministry of Justice examines received comments during the procedure. It is expected that the bill will be submitted to the **Government's Legislative Council in the second half of the January 2023**. The entry into force is expected **from 1 January 2024**.

The amendment to the Criminal Code contains several fundamental changes to which the government committed itself in the Manifesto of the Government of the Slovak Republic for the years 2021 - 2024, part Criminal Policy and Prisons, and which respond to problems identified in practice.

With regard to corruption offenses, it is proposed to **modify the formulation of selected corruption offenses (§ 330 accepting a bribe, § 334 – bribery)** so that they are applicable in practice to all corruption cases and there are no outrageous and undesirable evasions of justice only because of some problematic notions or features that the current wording contains.

The proposal also **amends the wording of the criminal offence of electoral corruption in § 336a**, as practice has shown that the current formulation does not cover very frequent and serious cases when someone takes a bribe in a higher amount for arranging for a larger number of people to vote for a particular candidate. It is therefore proposed that § 336a para.1 be supplemented by point e), thus also penalizing cases when someone demands or accepts a bribe in order to ensure that not him/her but other persons vote in a certain way. At the same time, **it is proposed to severe penalties for electoral corruption taking into consideration its social impact**.

The draft amendment also introduces **new criminal offenses, including § 340a - "breach of protection of a whistle-blower"**.

See more at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2022/511>

#### **Act No. 301/2005 Coll. - Code of Criminal Proceedings (as amended)**

In September 2022 Ministry of Justice submitted together with the amendment to the Criminal Code to the public consultation procedure major draft amendment to the Code of Criminal Proceedings. The public consultation procedure was closed in the beginning of the December 2022 and currently Ministry of Justice examines received comments.

The amendment to the Criminal Code contains several fundamental changes to which the government committed itself in the Manifesto of the Government of the Slovak Republic for the years 2021 - 2024,

part Criminal Policy and Prisons, and which respond to problems identified in practice

A major amendment concerns **de-formalization of the pre-trial proceedings**, which should help law enforcement bodies to more efficiently and more quickly act during criminal proceedings. Among other introduced changes, more emphasis is placed on restorative aspect of the criminal proceedings via introducing mediation in criminal proceedings among other proposed approaches. As regards corruption, proposal also better specifies extra remedies, e.g. § 363 (for more information see answer to the question 1)

See more at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2022/513>

*30. Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.*

#### **Information provided by Special Prosecutor's Office**

1/ In June 2021, an indictment was filed against a member of the city council in Prešov and the director of the Šariš Gallery, who was accused of demanding a bribe from an investor in 2018 for approving the city's financial contribution to the construction of an ice hockey hall. Subsequently, the validity of the indictment was confirmed on 22 March 2022, when the Specialized Criminal Court issued a first-instance conviction in which the defendant was found guilty of the crime of accepting a bribe under Section 329 of the Criminal Code and was sentenced to 5 years of imprisonment. The case is not yet finally effective and the second-instance Supreme Court of the Slovak Republic will decide on appeals.

2/ In May 2021, an indictment was filed against the director of the Slovak Intelligence Service (SIS) department P.G., who was found guilty of having requested and accepted a bribe (€200,000 to €350,000), together with a former member of the Police Force, from a businessman for arranging the cancellation of blocked real estate as part of tax proceedings at the Crime Office of Financial Administration. Based on the indictment filed, on 21 October 2021, the first-instance Specialized Criminal Court found the defendants guilty of a particularly serious crime of accepting a bribe under Section 329 of the Criminal Code. Subsequently, on 23 March 2022, the guilt of the defendants was also confirmed by the second-instance Supreme Court of Appeal of the Slovak Republic, together with the imposition of non-conditional prison sentences, although the act committed by them was legally reclassified as an offence of indirect corruption according to Section 336 of the Criminal Code.

3/ In November 2022, an indictment was filed against judge JUDr. J. U., Vice President of the Supreme Court of the Slovak Republic, and JUDr. O.D., judge of the District Court Bratislava I, for accepting bribes in connection with influencing decisions in favour of one of the parties to the dispute with another judge, to whom they also provided part of the accepted bribe and, in the case of the defendant O.D., also in connection with her own decision-making activity.

4/ The prosecutor again charged the person Ing. P. K., for the offence of bribery according to Section 333 Subsection 1, Subsection 2 letters b) of the Criminal Code for the fact that, as Minister of Finance of the Slovak Republic, he demanded from the President of the Financial Administration of the Slovak Republic Ing. F.I., within the scope of his competences, to find out the status and ensure the possible acceleration and successful completion of appeal tax proceedings conducted by the Bratislava Tax Office regarding specific tax entities, and for this he promised him a bribe. Subsequently, after the

appeal proceedings were concluded in 2017, he handed over a bribe in the amount of €48,000 in an unsealed envelope to Ing. F.I. in his office at the Ministry of Finance of the Slovak Republic.

5/ In August 2021, an indictment was filed at the Specialized Criminal Court in a criminal matter known in the media under the name "Cattleman", namely for corrupt criminal activity and for money laundering. A total of 13 persons are indicted in the aforementioned criminal case, of which 8 are natural persons and 5 are legal persons. The subject of the matter lies in the fact that for the approval of applications for a non-refundable financial contribution (hereinafter referred to as "NFP"), financial resources were requested from the applicants in a determined percentage amount (ranging from 14% to 25%) of the total amount of the requested/approved NFP. These funds were subsequently to be handed over in cash (among others) to the head representative of the Agricultural Payment Agency (hereinafter referred to as "PPA"), after their "cleansing" in the legalization mechanism created between legal entities linked in personnel and property. Another part of the legalization procedure concerns one of the former representatives of PPA, who transferred the thus received "cleaned" cash funds to the disposal of other co-defendants (the second legalization mechanism), while subsequently receiving these funds in the form of (purpose-destined) loans (for business). The mentioned criminal case is still at the stage of court proceedings.

6/ The Specialized Criminal Court in Pezinok on 22 June 2022, after the main hearing, found persons S.E. and J.F. guilty of committing the crime of indirect corruption, which they committed by demanding a sum of money from the injured party in a specific criminal case in the amount of EUR 60,000. Subsequently, S.E. took a cash bribe of EUR 32,500 from him for the fact that, through her influence, they would provide the decision of the District Court Košice II in favour of the injured party. Both defendants were sentenced to 3 years of imprisonment with conditional suspension and imposition of probation supervision.

7/ On 23 June 2022, the prosecutor filed an indictment against two accused former officials of the Financial Directorate of the Slovak Republic, for the crime of accepting a bribe according to Section 329 Subsection 1 of the Criminal Code. The subject of the indictment is the suspicion of accepting bribes, which were supposed to be related to contractual relations and the management of IT products at the Financial Administration. In the meantime, both defendants were found guilty factually and legally by the judgment of the Specialized Criminal Court Pezinok according to the indictment. The case is not yet final and the second-instance Supreme Court of the Slovak Republic will decide on appeals.

8/ On 22 June 2022, the Specialized Criminal Court approved the plea agreement between the prosecutor of the Special Prosecutor's Office and the accused Ing. L.W., the former president of the Financial Administration of the Slovak Republic, in which she was found guilty of the crime of accepting a bribe, for which she was sentenced to 2 years of imprisonment with a conditional suspension for a probationary period of 5 years. She was also fined EUR 50,000 and banned from holding a public function for 5 years. The judgment is final.

9/ On 27 May 2022, the Specialized Criminal Court approved the plea agreement, according to which JUDr. Z. K., a well-known bankruptcy lawyer, was found guilty of two corruption offences, for which he was fined a total of EUR 70,000. The decision is final.

10/ On 24 May 2022, the Supreme Court of the Slovak Republic effectively decided on the guilt and punishment of former Special Prosecutor JUDr. D.K. for accepting a bribe and leaking information from the investigation, sentencing him to imprisonment in the amount of 8 years and imposing a fine of EUR 100,000. The judgment is final.

11/ On 18 May 2022, the former mayor of Kalinkovo Š. B. was found guilty of corruption by the decision of the Specialized Criminal Court, for which the court sentenced him to unconditional imprisonment

of 5 years. At the same time, he may not work in public administration for the next five years. The decision is not effective yet, the second-instance Supreme Court of the Slovak Republic will decide on appeals.

12/ At the beginning of the May 2022, a seizing action was carried out by NAKA for a suspicion of criminal corruption activity, in which two suspects were arrested. After carrying out the necessary actions, these two persons were charged with the crime of receiving a bribe, and after their interrogation, the accused were released from detention. The subject of the indictment is a corruption crime related to activities in the business register section of the District Court Trenčín. This criminal case follows from a case of economic (tax) crime, where in November 2021, NAKA investigators charged a total of 19 people. Both cases are under the supervision of the prosecutor of the Special Prosecutor's Office of the Slovak Republic. Both cases remain under investigation.

13/ On 26 April 2022, the Supreme Court of the Slovak Republic accepted the appeal of the prosecutor of the Special Prosecutor's Office of the General Prosecutor's Office of the Slovak Republic and convicted the former General Director of the Department of Supervision of the Securities Market, Insurance and Pension Savings of the National Bank of the Slovak Republic, Ing. I. B., to a prison sentence of 5 years. According to the indictment, bribes in the amount of EUR 11,000 were requested for the fact that the most severe sanctions will not be imposed on the company Rapid Life regarding the NBS supervision of the company.

14/ On 14 April 2022, an indictment was filed at the Specialized Criminal Court against the accused J.K. for the continuing crime of bribery according to Section 329 Subsection 1, Subsection 2 letters a), letter b), Subsection 3 of the Criminal Code. Factually, it is the provision of bribes in the period from the end of 2016 to October 2019 in the total amount of €490,000 to ensure a smooth production of illegal cigarettes, i.e. to avoid inspections by the Criminal Office of the Financial Administration. Bribes were provided through the intermediary F.B., who had a 15 percent share of the said amount.

15/ On 17 March 2022, the judge of the Specialized Criminal Court announced a verdict, recognizing the defendant Lt. Col. Ing. M.K. (former official of NAKA) guilty of a particularly serious crime of accepting a bribe under Section 329 of the Criminal Code and others, for which he was sentenced to 11 years of imprisonment and the penalty of confiscation of property. At the same time, it can be stated that the defendant already had a relatively large amount of real estate seized during the investigation. The subject of the indictment was corrupt criminal activity consisting in conducting an investigation in favour of the suspects or accused persons. The judgment is not final.

### **Information provided by Ministry of Interior of the Slovak Republic**

In the course of 2022, we continued with the investigations of criminal matters which were performed in the previous period and received excessive media attention. Various investigations concerning the persons from the former leadership of the Police Force, prosecutors, courts, central bodies of state administration, Financial Administration of the Slovak Republic, as well as solvent persons from the entrepreneurial ambience were lawfully terminated. The social situation in both 2021 and 2020 likewise was marked by detecting and investigating the massive corruption of high-ranked state officials defending significant positions in the state, as well as corruption of persons from the preferred entrepreneurial ambience with an influence on decision-making units of the state administration and political structures.

We may conclude the continuous results of detecting and investigating the corruption offences per 2022 in comparison to the previous 2 years indicate, it was similarly successful which is supported by

the following statistical indicators of the NACA. (At that time, year 2022 had not yet been statistically terminated, the indicated data represent the period of January - November 2022).

<b>Corruption Offences</b>	<b>2020</b>	<b>2021</b>	<b>2022 (up till 30 November)</b>
Number of Procedures pursuant to Section 199 of the Criminal Procedure Code (initiation of criminal prosecution)	158	114	101
Number of accused natural persons	205	221	156
Number of accused legal persons	8	3	5
Amount of requested bribes in criminal offences of accepting a bribe	2 062 580 €	3 259 515 €	1 191 376 €
Amount of provided bribes in criminal offences of accepting a bribe	4 718 020 €	3 894 042 €	2 131 536 €
Amount of offered bribes in criminal offences of bribery	1 124 320 €	775 092 €	2 460 696 €
Amount of given bribes in criminal offences of bribery	4 497 345 €	4 975 550 €	646 770 €

Corruption offences are in the environment of qualified forms of offences inevitably connected with serious economic criminal offences and offences against property. In the area of exclusive scope of authority of the NACA in relation to detecting and investigating offences adversely affecting the financial interests of the European Union we present the following statistics:

<b>Criminal offences adversely affecting financial interests of the European Union</b>	<b>2020</b>	<b>2021</b>	<b>2022 (up till 30 November)</b>
Number of Procedures pursuant to Section 206 of the Criminal Procedure Code (pressing charges)	43	42	36
Number of accused natural persons pursuant to Section 206 of the Criminal Procedure Code	60	65	72
Number of accused legal persons pursuant to Section 206 of the Criminal Procedure Code	4	6	25
Amount of adverse impact on the EU resources	9 596 684 €	7 348 856 €	17 688 932 €

<b>Overall number of the accused within the scope of authority of NACA</b>	<b>2020</b>	<b>2021</b>	<b>2022 (up till 30 November)</b>
Natural Persons	883	820	716
Legal Persons	35	29	48

*31. Potential obstacles to investigation and prosecution as well as to the effectiveness of sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, pardoning)*

**Information provided by Special Prosecutor's Office**

Improving the awareness of the NAKA anti-corruption unit about unusual financial transactions could contribute to a higher effectiveness of corruption detection, so that operatives can react to them immediately when they happen and look for intersections with analysts. Furthermore, ensuring the centralization of access to IT systems would help significantly, e.g. to bank statements (to stated persons), which is currently inefficient. Better cooperation with the Financial Intelligence Unit would help in this direction. It would also be appropriate to ensure the centralization of some accesses to the information systems of state administrations.

We consider it a significant problem that in some cases in 2021 the Inspection Service Office made purposeful accusations against NAKA investigators who investigate the most serious cases of corruption, while the aim of these accusations was probably to intimidate them and other investigators from investigating the corruption of some high-ranking persons. This criminal matter has not yet been concluded, it continues and there is an obvious lack of interest in transferring it to an independent and impartial court for a decision. On the contrary, the system should create such an environment where investigators and operatives do not have to fear retaliation from state authorities for carrying out their work conscientiously and regardless of the status of the suspects.

When it comes to reporting corruption from other state bodies, in particular from other police units, Slovak Intelligence Service, the National Security Office, the Supreme Control Office, or the Financial Intelligence Unit, it is also necessary to state that from these units only a small number of relevant proposals and information comes to the National Anti-Corruption Unit that would lead to the detection of corruption criminal matters. Closer cooperation with these authorities could lead to much greater efficiency in detecting and documenting corruption. One of the key roles in this direction should be played by the Slovak Intelligence Service and the Financial Intelligence Unit of the Police Force Presidium. Such cooperation across state authorities can lead to a substantial increase in the detection of corruption criminal matters.

**Information provided by Ministry of Interior of the Slovak Republic**

Proper clarification and investigation of corruption offences requires efficient performance of operative and search activities in close cooperation with investigators of the Police Force and willingness of the persons in question to cooperate with the Police Force. In cases of investigating the corruption offences, given the clandestine nature of this offence, still the primary tool to gain adequate

evidence on corruption is an appropriately applied combination of institutes of criminal procedures, and willingness of the concerned subjects, mostly whistleblowers, to cooperate with the Police Force.

A long-lasting problematic issue is a reduced interest of persons aware of corruption to cooperate which is a consequence of their negative experience with a subsequent development of criminal proceedings due to repetition of interrogations in various procedural positions, verbal and other attacks against their integrity by the accused and their attorneys in the course of performing the procedural acts not excluding providing information via massive means of communication.

Relevant and timely information is quintessential for everyday efforts in the area of prosecution of corruption offences. Regarding the above, the most powerful tools in order to enhance effectiveness of criminal proceedings are securing a reliable exchange of information and cooperation in terms of criminal proceedings. Enhancing the tools in question for fight against criminal offences requires set-up of efficient and secure means of communication so the transmitting the information is conducted in a targeted, timely, and safe manner.

Another important tool of enhancement of fight against serious corruption offences is to employ new information and communication technologies. Implementation of innovation tools within the NACA requires improving the conditions for evaluation in terms of support of criminal proceedings.

Generally speaking, we may conclude the way of committing the corruption offences are modifying, the offenders are adjusting to the new trends according to the development of new information and communication technologies, payment methods cumulatively adapting to the dynamics of how the society develops.

### *32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders*

**Information provided by Supreme Administrative Court** as regards disciplinary proceedings related to corruption and bribery.

In 2022, there was disciplinary proceedings with a judge accused of the crime of accepting a bribe. The Minister of Justice filed a disciplinary motion to order a temporary suspension of the function of the judge for the time until the respective court decides on her guilt. In the meantime, the performance of the function of the judge was interrupted due to her retirement, and thus the reason for the Supreme Administrative Court to decide on the minister's proposal disappeared.

In 2022 there was a disciplinary proceeding with a judge accused of the crime of corruption. The Minister of Justice filed a disciplinary motion to order a temporary suspension of the function of the judge for the time until the respective court decides on his guilt. In the meantime, the Supreme Administrative Court found out that the performance of the function of the judge had been interrupted on request due to personal reasons, and thus the reason for the Supreme Administrative Court of Slovakia to decide on the minister's proposal disappeared.

In 2022 there was a disciplinary proceeding with a judge who handed over her mobile phone to the National Crime Agency for the purposes of an investigation related to the crime of accepting a bribe.

The disciplinary motion was filed by the chairwoman of The Judicial Council of the Slovak Republic, in connection with the fact that the judge should have deleted conversations and messages from this phone potentially incriminating her for the crime of accepting a bribe. In this way, she should have committed a serious disciplinary offense in the form of a violation of the obligation to fulfil the prerequisites of judicial competence for the entire duration of the judge's position. The disciplinary accused was ultimately acquitted, as it was not proven that she manipulated the contents of the mobile phone before handing it over.

The Ministry of Justice would also like to inform European Commission about criminal investigation led by Office of the General Prosecutors Office of the Switzerland against Slovak citizen for corruption offences. The Slovak Republic provided Swiss counterpart with legal aid during the criminal proceedings which led to conviction and confiscation of convicted assets, also in Slovakia.

#### **Information provided by Ministry of Interior of the Slovak Republic**

In 2022, we repeatedly registered a low interest, comparably to the previous years, of citizens to cooperate with the Police Force. They often inclined to the cooperation after they had already been being prosecuted or more precisely, the charges had already been pressed against them. They refused to cooperate due to fear of a possible revenge by the offender in case the matter did not end in their favor, or also due to the concern the person suspect of criminal offence would not be convicted.

### **III. MEDIA PLURALISM**

#### **33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)**

The 2022 Rule of Law Report (recommendations) enshrines two recommendations regarding media freedom and pluralism, namely 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 and 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.

Measures taken to improve the physical safety and working environment of journalists are described in more detail under the questions 40, 41 and 43. Specific measures taken to enhance independence of public service media are mentioned under the question 38 (part- Specific safeguards for the independence of PSM).

See also answer to the question no. 1.

#### **A. Media authorities and bodies**

#### **34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies**

On June 22, 2022, an Act No. 264/2022 Coll. on Media Services and on the amendment of certain Acts (the Media Services Act) was adopted, which entered into force on August 1, 2022.

On the basis of this Act, the Council for Broadcasting and Retransmission was transformed into a new regulatory body - the Council for Media Services.

Independence of the Regulator shall be ensured by the fact that it has financial independence by managing its own budget. The Regulator submits its draft budget to the Ministry of Finance and the budget is approved by the National Council of the Slovak Republic.

The Regulator shall perform its activities independently and transparently in accordance with the objectives of the Media Services Act, in particular media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the proper functioning of the internal market and the promotion of fair competition.

The Regulator's independence shall also be ensured by the method of election of the Regulator's Council, which is its statutory body.

In order to ensure the maximum transparency of the decision-making process of the Council, its proceedings and votes shall be public, except for voting in the election of its chairman and vice-chairman.

The new media legislation established the Commission for the Protection of Minors as a special body of co-regulation for the protection of minors. The activity of the Commission for the Protection of Minors is administratively and organizationally ensured by the Regulator and paid for from its budget.

### *35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies*

The Regulator's Council has nine members who are elected and dismissed by the National Council of the Slovak Republic. The National Council of the Slovak Republic elects the Council members after a public hearing of the candidates; this public hearing shall be broadcasted live on the website of the National Council of the Slovak Republic.

Proposals for candidates for Council members shall be submitted by professional institutions and civil associations operating in the field of media, culture, science, education or sports, registered churches and religious societies, and civil associations of citizens with disabilities.

The law defines which functions and activities are incompatible with the function of a member of the Council of the Regulator.

The Council elects its chairman and the deputy chairman from among its members.

The National Council shall dismiss a member of the Council if he or she performs the function or activity specified by law incompatible with the function of the Council's member or acts contrary to the statute of the Regulator.

The National Council can dismiss a Council member if he or she does not perform his or her function for more than six months. In this case, the law gives the National Council the opportunity to individually assess the reasons for long-term non-performance of the function.

The Commission for the Protection of Minors has nine members who are appointed by the entities listed in the Media Services Act. One member is nominated by: the Regulator; the Ministry of Culture of the Slovak Republic; the Slovak Trade Inspection; the professional organization of distributors of audiovisual works; the professional organization of television broadcasters; the professional organization of cinema operators; the public service broadcaster Radio and Television Slovakia; the

Ministry of Education, Science, Research and Sport of the Slovak Republic nominates the expert in the field of child psychology or education and the Ministry of Labour, Social Affairs and Family of the Slovak Republic nominates expert in the field of social protection of children.

A Commission member can be dismissed by the entity that nominated him or her.

### 36. Existence and functions of media councils or other self-regulatory bodies

The Commission for Protection of Minors was established as a special body of co-regulation for the protection of minors in the application of a single labelling system and other accepted labelling systems. The Commission oversees compliance with legal regulations in the area of protection of minors from inappropriate media content and imposes sanctions for their violation. The Commission also methodically guides the procedures of rating age appropriateness.

The Media Services Act supports self-regulatory mechanisms in the field of providing content services. A self-regulatory body is an initiative or a self-regulatory body operating on the territory of the Slovak Republic enforcing a self-regulatory mechanism applied on the basis of a code of conduct or a similar self-regulatory system of rules of conduct in the field of content service provision. A code is also considered to be a self-regulatory system of rules that regulates behaviour in the field of providing content services beyond the scope of obligations under this Act, if it regulates a person, area, activity or content service within the scope of the Media Services Act, in particular inappropriate media commercial communication for alcoholic beverages or which accompanies programmes intended for children or is mentioned in them, and refers to foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular fats, trans-fatty acids, salt or sodium and sugars, the excessive intake of which in the overall diet is not recommended.

The code of conduct shall be registered by the Regulator if the code meets the defined criteria, such as the accession of content service providers who make up a significant part of the market in which they operate in compliance with the objectives of the laws, the rules of conduct, the mechanism for enforcing the rules of conduct and the imposition of such sanctions as are adequate and in an adequate way to ensure compliance with these rules. Defining the mechanism of regular, transparent and independent control is also an essential part of the code. Registration of the code is carried out on the basis of a request.

The self-regulatory body shall submit to the Regulator an annual report on its activities, which contains the requirements defined by law.

The law also establishes a list of data that the self-regulatory body shall publish on its website.

As the Media Services Act is only effective from 1 August 2022, no code of conduct has yet been registered by the Regulator.

Self-regulation in the field of publishing advertising is also regulated by the newly adopted Act No. 265/2022 Coll. on publications (the Act on Publications).

Self-regulatory bodies that have been operating for a long time are the Print-Digital Council of the Slovak Republic (self-regulatory body of journalists) and the Advertising Standards Council (independent advertising self-regulatory organisation).

### **B. Safeguards against government or political interference and transparency and concentration of media ownership**

### 37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

The current Slovak legislation does not contain any regulation on state advertisement. Even public procurement does not apply properly.

### 38. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communication

#### *- Safeguards to ensure editorial independence of media (private and public)*

The Constitution of the Slovak Republic guarantees everyone freedom of speech, the right to information, the right to express their opinions in words, print, image or otherwise, as well as freely search, receive and disseminate ideas and information irrespective of the state's borders. Censorship is forbidden. The issuing publications and running news web portals are not subject to the authorization procedure.

There were no changes regarding the editorial independence of the public service media compare to the 2022 Rule of Law Report.

Pursuant to Sec. 16 of the Media Services Act the content service provider (broadcaster, provider of video-on-demand service, provider of retransmission, multiplex provider, video-sharing platform provider and other person established by law) provides the content service freely and independently. Its content can only be interfered with on the basis of the law and within its limits. Prohibition of receiving a content service that is provided publicly is possible only on the basis of the law and within its limits.

Pursuant to the new Act on Publications the publisher is editorially responsible for the content of print periodicals or electronic periodicals. The web operator is responsible for the editorial content of the news web portal. The Act on publications also sets that neither the publisher of the publication nor the press agency is responsible for the truth of the information published in advertising or in any other form of promotion, nor for misleading advertising or comparative advertising; this does not apply to advertising by which the publisher promotes his person, in particular the title or trade name, trademark, reputation, goods or activities.

#### *- Specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for the operational independence (e.g. related to reporting obligations and the allocation of sources) and safeguards for plurality of information and opinions*

Compared to the 2022 Rule of Law Report there were no legislative changes in relation to the status of the public service broadcaster. Pursuant to the Act No. 532/2010 Coll. on Radio and Television Slovakia and on the amendment of certain acts, public service broadcaster is a public-legal, national, independent, information-providing, cultural and educational institution, which provides services to the public in the area of radio broadcasting and television broadcasting. It carries out its activities in its own name, for its own account and on its own responsibility, and cannot transfer its rights and duties as a broadcaster of radio and television program services by contract or other legal act to another legal entity or natural person.

Thanks to the adoption of the Media Services Act, the election of the director general of the public service broadcaster was partially modified. Pursuant to new legislation, the director general is elected

by the National Council of the Slovak Republic through a public (not secret) vote. Moreover, a special Commission for PSM director general voting is also present at the public hearing of registered candidates. This Commission is established by the relevant committee of the National Council of the Slovak Republic as its expert and advisory body and approves its statute. The statute regulates the details of the composition, tasks and the negotiations of the Commission.

In this regards, culture sector is currently preparing a Strategy of Policies in Culture 2030, which emphasis also on the new selection process of the director general of RTVS, as well as other internal authorities. The new mechanism should be based on the principles of transparency, independence (apolitical process) and quality. Transparency is intended to ensure public control of candidates for the director general and members of the board of directors of RTVS, their projects and decisions during their activities performance.

*- Information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance*

The Media Services Act in its 17th part regulates the area of conditions and methods of granting permissions by national regulator to provide content services, which include authorizations, registrations and licensing. New legislation replaces the previously inconsistent regulation in the field of granting authorizations for providing of selected content services.

The form of authorization acquires permission to broadcast program services and also to provide on-demand audio-visual media services. Registration is required in case of running retransmission and providing video-sharing platforms. The licensing regime is used only in cases of allocation frequencies to radio program services broadcasters for analogue terrestrial broadcasting who have been granted authorization to broadcast.

The authorization can be granted to a natural person (conditions: permanent residence or long-term residence in the Slovak Republic, full capacity for legal acts, clean record, registration in the public sector partners register), to a public service broadcaster, to a legal entity (conditions: registered office in the Slovak Republic, clean record, business company registered in the register of companies, registration in the public sector partners register) and to another person who meets certain jurisdictional criteria pursuant to the Media Services Act. The authorization can be granted also to the community media.

The authorization is granted for an indefinite period of time, the time limited authorization is granted only upon request.

The Act on Media Services allows broadcaster to apply for a change of authorization and, in certain circumstances, there exists a possibility of assignment and transfer of granted authorization. This Act also exhaustively lists the reasons for which the regulator is obliged to revoke the authorization and the reasons when the regulator may revoke the authorization. The authorisation expires a) by the expiration of the time for which the broadcast of the program service was authorized, b) by the demise of the legal entity that holds the broadcasting authorization, unless the Act provides otherwise, c) by the death of a natural person who holds a broadcasting authorization, or the day on which the conditions for the transfer of a broadcasting authorization were not met, d) if the broadcaster, who is a legal entity, has not fulfilled the obligation pursuant to the Act, e) by the validity of the decision to revoke the authorization, f) by the validity of the decision on the imposition of a sanction by which the broadcaster's authorization was revoked for a serious breach of obligations under this Act and finally if the Act provides for it.

Authorization for providing on-demand audio-visual media services is granted to the same persons as in the case of authorization for broadcasting. When authorizing the providing of VOD, the provisions on the authorization of broadcasting shall apply *mutatis mutandis*.

A natural person (conditions: permanent residence or long-term residence in the Slovak Republic, full capacity for legal acts, clean record) and also the legal person (conditions: registered office in the Slovak Republic, clean record, business company registered in the register of companies) can be registered as a retransmission operator.

Retransmission registration can be changed based on a notification or on the regulator's own initiative if it is necessary to comply with obligations from international treaties to which the Slovak Republic is bound. The Media Services Act exhaustively lists the reasons for which the regulator is obliged to revoke the registration and also the reason when the regulator may revoke the registration. The registration expires solely in cases provided by law.

Registration to video-sharing platforms providing can be granted to a natural person who has a full capacity for legal acts and clean record and to a legal person with clean record. When registering a platform, the regulator proceeds *mutatis mutandis* to when registering a retransmission.

The regulator is also entitled to grant the so-called a license to a person who holds a broadcasting authorization, if he has no tax arrears, no customs arrears, no social insurance arrears and the health insurance arrears has no arrears with the regulator. Multiple frequencies can be assigned with one license. There is no legal claim to a licence. The licence shall be granted for a period of eight years or shorter if necessary. Moreover, a so-called short-term licence can be granted to a broadcaster in a delimited territory in order to provide a public information service during a time-limited event. The regulator may only issue a short-term licence for a period not exceeding 30 days in one calendar year. Information regarding journalists' safety further provided in the answer to the question nr. 41.

### *39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter*

The goal of the new media legislation is to ensure regulatory guarantees of plurality of information, as well as to create prerequisites for transparency of financing and efficient functioning of property and personnel relations.

Pursuant to Sec. 100 of the Act on Media Services the broadcaster shall not broadcast a radio program service by terrestrial broadcasting and simultaneously broadcast a television program service. This provision does not apply to a public service broadcaster that simultaneously provides television and radio programme services.

It also applies that the broadcaster, except for an advertising programme service broadcaster, shall not be a terrestrial multiplex provider on the territory of Slovak Republic.

In connection with the newly introduced obligation for entities covered by this law, namely registration in the Register of public sector partners, the prohibition of a person being the beneficial owner with more than one content service provider is regulated, if the joint market share of these providers in the entire advertising market of the Slovak Republic exceeds 60%.

Assessment of the impact of the content service provider and the media group on the plurality of information falls within the competence of the national regulatory body. The Regulator determines the mutual correlation of the impact of these entities on the plurality of information, the advertising

market and the possible risk of disrupting the plurality of information in connection with the application of this impact, while the regulator will mainly examine the decisive impact (more than 60%), relevant impact (more than 30%) and low impact (up to 30%). Impact assessment is entrusted to the authority of the Regulator, who will not grant consent or reject a request for consent to the provision of content services, if this would lead to a decisive impact on the interference of plurality of information. The mechanism for assessing the impact on the plurality of information and the evaluation of risks will be regulated by a generally binding legal regulation issued by the Regulator. The provision regulating the impact on the violation of the plurality of information (Sec.101) entered into force on January 1, 2023.

The AMS specifically regulates the transparency of financing, while a new obligation is imposed for the content service provider, which is to publish on its website a list of persons who participated in crowdfunding or provided a gift or other payment without adequate compensation in the amount of more than EUR 2 000 per year. Anonymized donation is prohibited by law in the case of a gift or other payment, the value of which exceeds EUR 2 000.

Personal and media ownership transparency is governed by the Sec. 103 to 106 of the Media Services Act.

The regulator assesses the property connection and personnel connection of the content service provider in order to examine whether the property and personnel relations meet the following conditions:

- a) the transparency of ownership relationships or the transparency or trustworthiness of the financial resources intended to finance the provision of the content service is ensured,
- b) there is no obvious risk that the content service could be misused directly or in connection with a foreign power to threaten the constitutional establishment, national security or the democratic system of fundamental rights and freedoms guaranteed by the Constitution of the Slovak Republic, to discriminate or incite intolerance or violence,
- c) there is no obvious risk that the plurality of information and media content could be disrupted,
- d) the existence of direct or indirect financing by a terrorist organization or a person or state that is on the sanctions list of the United Nations or the European Union.

Moreover, new regulation expands obligation of registration to the Register of Public Sector Partners to all media regardless they do business in with the state or not. Making available information about the ultimate owners of a media via public register should bring more transparency in media ownership. The broadcaster or other person is obliged, upon request, to submit to the regulator for assessment the documents necessary to prove the fulfillment of the conditions and restrictions according to this regulation. If it is proven that the content service provider, with the exception of the multiplex provider, does not meet the conditions established by this Sec., the regulator will set a reasonable deadline for correction, or even determine the method of correction. If no correction is made within the specified period, the regulator will revoke the relevant authorization or ensure correction in another way.

The multiplex provider or another person is obliged, upon request, to submit to the Office for the Regulation of Electronic Communications and Postal Services for assessment the documents necessary to prove the fulfillment of the conditions and restrictions according to this regulation. If it is proven that the multiplex provider does not meet the conditions and restrictions established by this Sec., the Office will set a reasonable deadline for correction. If no correction is made within the specified period, the authority will revoke the multiplex provider's terrestrial operating permit.

### **C. Framework for journalists' protection, transparency and access to documents**

#### **40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications**

The new media legislation in Slovakia sets completely new rules regulating the protection of source. This fundamental right is enshrined in the Sec. 17 of Media Services Act and similarly in the Sec. 6 of the Act on Publications.

The content service provider and other persons who participated in obtaining or processing information from a source whose identity is to remain confidential, for the purpose of publishing it within the content service, (hereinafter referred to as the "person maintaining confidentiality") are obliged to maintain confidentiality about sources of information obtained in the course of their activities and about the content of this information in such a way that the identity of the person who provided the information cannot be ascertained; documents, printed materials and other data carriers, in particular video recordings, audio recordings, audio-visual recordings and data carriers in any form, on the basis of which the identity of the person who provided the information could be determined, are obliged to treat them in such a way that the identity cannot be revealed source of information. Only the natural person who provided the information can release the person maintaining confidentiality from this obligation by granting consent.

The obligation to protect the source also applies to the employee of the content service provider and to another person, as long as he/she became familiar with the source of the information or with information that could lead to revealing the identity of the source of this information.

A person maintaining confidentiality has the right to deny the court, other public authority, public administration body, territorial self-government body or any other person to provide information or to present or release things that may reveal the origin or content of information from a source of information. For the purposes of source protection locational data of persons maintaining confidentiality or similar data on their movement or residence, data on electronic communication or its content, and remote storage or shared storage of data of persons maintaining confidentiality also enjoy special protection.

The protection of source does not apply to a content service whose authorization or registration has been revoked due to financing by terrorist organization, placing on the sanctions list of the United Nations or the European Union or due to content blocking for cyber security purposes. Another exception to the protection of the source is preventing the commission of a crime, in case, when the public interest in preventing criminal activity clearly outweighs the interest in protecting the source. The prevailing interest needs to be examined individually in each case.

A constitutional Act on freedom of the media which would entail measures in the area of protection and empowerment of journalists is currently under development. The proposal has not been submitted to the legislative process yet. The passing of such a constitutional act would require a qualified majority of the parliament, which is still to be obtained.

Moreover, the improvement of safety and protection of journalists is an integral part of the Strategy of Policies in Culture 2030 which is currently being prepared.

#### **41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists safety and to investigate attacks on journalists**

Within the new Strategy for the prevention of crime and other anti-social activities in the Slovak Republic until 2028 there will be two points directly addressing this issue.

First will be a proposal for the methodology of the police procedure for the purpose of protecting journalists at risky mass events. This should be submitted to the Government Council of the Slovak Republic for crime prevention. It is a joint task with the responsibility of the Ministry of Interior of the Slovak Republic and the Ministry of Culture of the Slovak Republic.

Second one is to propose a functional mechanism for monitoring attacks on journalists and crimes of which journalists are the victims, and to submit a proposal for the mechanism to the Government Council of the Slovak Republic for the prevention of crime.

These specific policy actions are paired with other ongoing activities of the Ministry of Culture of the Slovak Republic, such as creating platform for dialogue with journalists by organizing informal meetings. In this respect The Ministry of Culture organized workshops led by Peter ter Velde from PersVeilig and Wim Hoonhout from Dutch police. These consisted of three separate meeting: with public servants (with emphasis on the police), the journalist, the publishers and broadcasters and third one with public service media provider. These workshops and meetings helped to kick start first survey on threats to journalist (including SLAPP). This survey is being done in cooperation with the Kuciak center for investigative journalism.

#### 42. Access to information and public documents (including procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities).

In 2022, two amendments of the Act No. 211/2000 Coll. were adopted:

Act No. 251/2022 Coll. on amendment of the Act No. 211/2000 Coll. on free access to information (<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/251>) by which Directive 2019/1024 was transposed.

Act No. 428/2022 Coll. on amendment of the Act No. 211/2000 Coll. on free access to information (<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/428>), The main changes are:

- Definitions of some terms, such as obliged person, information, information which obliged person has available are changed and more specified
- Cost-free access to information for repeated use is introduced together with the provision regulating repeated use of information
- Also there are changes as regards process of disclosure information upon request due to the widening the definition of the obliged persons.

Regarding the new media legislation, pursuant to the Sec. 17 para 8 of the Media Services Act the public authorities, their budgetary and state-funded institutions and legal entities established by law shall have the duty to provide the content service provider with information on their activities on an equal basis for the purpose of truthful, timely and comprehensive information to the public without prejudice to requirements established by other specific legislation. The right to information also applies to the periodical publisher, the news web portal provider and a press agency pursuant to the Sec. 7 of the Act on Publications.

### 43. Lawsuits (including SLAPPs – strategic litigation against public participation) and convictions against journalists (incl. defamation cases) and safeguards against abusive lawsuits

There have been no changes in the Civil law proceedings rules regarding SLAPP. Currently Slovakia is actively participating both on the EU and Council of Europe SLAPP initiatives regarding SLAPP. Initial survey regarding SLAPP is being done within the survey on threats to journalist as stated in question nr. 41.

#### **Other developments related to the journalists and media**

##### **Information provided by General Prosecutors Office**

**District Prosecution Office Bratislava I** in the year 2022 registers following criminal prosecutions in connection with journalists and media:

- After initiation of criminal prosecution:

For the offence of Dangerous Threats pursuant the Section 360 Subsection 1 of the Criminal Code, roughly on that factual basis, that the unknown perpetrator sent into the editor's office of the newspaper an e-mail in which he threatened the **aggrieved journalists** with death. The meritorious decision has not been issued yet, or in the meantime.

- After bringing of the accusation:

For the offence of Embezzlement pursuant the Section 213 Subsection 1, Subsection 2 Letter a) of the Criminal Code on that factual basis, that the **accused journalist** illegally has taken himself (embezzled) the money in the amount of 4.000 EUR, that belonged to the civil association in which he had been acting as the Executive Manager and Statutory Authority. The meritorious decision has not been issued yet, or in the meantime.

**District Prosecution Office Bratislava II** in the year 2022 registers following criminal prosecutions in connection with journalists and media:

- after bringing of the accusation:

For the offence of Illegal use of Personal Data pursuant the Section 374 Subsection 1 Letter a), Subsection 2 Letter b) of the Criminal Code, on that factual basis that the accused in the year 2022 from unidentified place on the social net Telegram, which the users profile have 46,700 followers and it is a non-blocked profile which is accessed to whoever, published a part of the decision of the District Court Kežmarok that contains non-anonymized personal data of the **aggrieved journalist**, to which she did not give a consent to be published, about which he got to know in connection with the constitutional right applied by the aggrieved party for judicial protection within the civil litigation proceedings. The meritorious decision has not been issued yet, or in the meantime.

**Regional Prosecution Office Bratislava** in the year 2022 registers following criminal prosecutions in connection with journalists and media:

- before bringing of the accusation:

For the offence of dangerous Stalking pursuant the Section 360a Subsection 1 of the Criminal Code on factual basis, that the yet not identified person at minimum since 15th September 2021 until 8th October 2021 stalked aggrieved journalist with wife, whereby in the apartment inhabited by them, an inactivation of the camera system occurred and they were stalked by the yet unidentified male person

in the shopping center, whereby this person sat across them in the café and observed them for a longer period, they also noted a damage on their motor vehicle where they ascertained, that in the rear right wheel of this vehicle a screw is stick. The meritorious decision has not been issued yet, or in the meantime.

- after bringing of the accusation:

For the continuative crime of Tax and Insurance Evasion pursuant the Section 277 Subsection 1, Subsection 3 of the Criminal Code effective until 30<sup>th</sup> September 2012, in conjunction with continuative crime of Tax Fraud pursuant the Section 277a Subsection 1, Subsection 2 Letter b) of the Criminal Code on that factual basis that as a manager of the trading company he illegally claimed a refund of value added tax in total amount of 110,373.60 € (claim on the basis of fictive consignments), the company belongs to **accused journalist**.

The meritorious decision has not been issued in the matter yet, respectively in the meantime, since 19<sup>th</sup> October 2020 there is submitted an indictment in the matter. However, the criminal matter is not directly related to the work of the journalist.

- after bringing of the accusation:

For the offence of dangerous Stalking pursuant the Section 360a Subsection 1 Letter b), Subsection 2 Letter b), Letter d) of the Criminal Code with reference to the Section 138 Letter j) of the Criminal Code and Section 122 Subsection 2 Letter b) of the criminal Code, whereby the basis of the act in the matter in question is stalking and harassment of famous celebrities by the accused, who very likely mostly through social nets (or other open sources) had been discovering the day schedule of persons from the field of culture (moderators, actors, singers and in one case is **the aggrieved a female journalist**) and following he intentionally appeared on the same places as these persons (repeatedly without their consent he stalked them or annoyed them via electronic communication devices), by what he evocated in some of them a fear of their life and health (respectively of life and health of their family members). The act occurred in the year 2022. The meritorious decision has not been issued yet, or in the meantime.

- after bringing of the accusation:

For the continuative crime of Violation of the Confidentiality of Spoken Conversation and other Personal Expressions pursuant the Section 377 Subsection 1, Subsection 2 Letter a) of the Criminal Code which had been committed by all five accused persons as a members of organized group; the accusation has been brought in the year 2021 for the act, where the accused persons after mutual agreement and division of roles at the time of the turn of 2016/2017 monitored several aggrieved journalists via various technical devices including devices recording sound and picture, monitored their moves and overall their privacy, sources of their information, contacts and relations they maintain close for the purpose to get information, that could the monitored persons – mostly persons from the field of journalism, to discredit in public, whereby the recordings and materials from monitoring of the journalists recorded on various recording medias were handed over on the basis of the order to the specific person. The meritorious decision has not been issued yet, or in the meantime.

In the territorial area of the Regional Prosecution Office Trnava in the year 2022 did not occur an initiation of criminal prosecution, nor bringing of the accusation in connection with criminal activity of the journalist or committed to his loss.

However, **the District Prosecution Office Trnava** registers for the year 2022 in connection with journalists and media following criminal matters, in which a valid resolution had been issued in 2022:

- Regional Court in Trnava rejected on 25 January 2022 appeal of the district prosecutor submitted against the judgement of the District Court Trnava, acquitting the defendant on the

basis of the indictment of 27 March 2020 for the offence of dangerous threats pursuant the Section 360 Subsection 1, Subsection 2 Letter a) of the Criminal Code with reference to the Section 138 Letter a) of the Criminal Code, on that factual basis that in the shoe store Dolné Orešany the indicted person vulgarly swear to the **aggrieved female journalist** from the TV Markíza and others, who were recording a reportage for the television, he was shooting them by gas weapon, after that the aggrieved parties got into motor vehicle where the indicted person followed them in the car during their drive-away from the crime scene and by a hand gun he was pointing onto the vehicle where the aggrieved were sitting.

- In the matter conducted in the **Regional Prosecution Office in Trnava** the investigator of the Police Force on 7 April 2022 pursuant the Section 228 Subsection 1 of the Code of Criminal Procedure interrupted the criminal prosecution in the matter of the crime of Blackmail pursuant the Section 189 Subsection 1, Subsection 2 Letter d) of the Criminal Code in the form of Accomplice pursuant the Section 21 Subsection 1 Letter c) of the Criminal Code for the crime committed in the year 2016, consisting in providing of the sum of 200 € to the direct perpetrator of the act by unknown person for setting in fire of the motor vehicle of the **aggrieved investigative journalist** in the town Sereď, what the direct perpetrator did and set in fire the motor vehicle owned of the aggrieved investigative journalist working for the medium [www.seredonline.sk](http://www.seredonline.sk). The resolution of the investigator of the Police Force on interruption of criminal prosecution became valid after rejection of the complaint of the aggrieved party by the prosecutor of the Regional Prosecution Office Trnava.

The District Prosecution Office Banská Bystrica in the year 2022 registers one criminal matter in connection with journalists and media, in which the interim decision was made in 2022:

- In the 2020 criminal prosecution has been initiated by the investigator of the Police force for the crime of Slander pursuant the Section 373 Subsection 1, Subsection 2 Letter c) of the Criminal Code and in the year 2021 brought an indictment against the journalist, who was supposed to publish in the year 2019 on the internet site and on the social net Facebook false and defamatory statements about the advocate and Lawyer's office from Banská Bystrica. The statements were about acting of the advocate, that was supposed to be fraudulent and the Euro-funds were supposed to be tunnelled. The resolution on bringing of the indictment came into validity after that the prosecutor of the District Prosecution Office in Banská Bystrica rejected in the January 2022 a complaint of the indicted person against the resolution on bringing of the indictment. The General Prosecutor of the Slovak Republic in July 2022 by the procedure pursuant the Section 363 of the Code of Criminal Procedure revoked the resolution on dismissal of the complaint and the resolution on bringing of the indictment. The case is in the procedural status after the initiation of criminal prosecution. The preliminary proceedings in the given criminal matter has not been completed yet.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

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

No changes as regards the involvement of public and the system of public consultations when adopting legislative acts. The possibility to organize public hearing to the draft bill submitted by the Government in order to enable the involvement of public, was retained in addition to the standard possibility to comment draft bills during the consultation process and the publication of information on the anticipated bill on the website of the competent ministry. The Legislative Rules of the Government were amended only as regards identification of goldplating, i.e. the overall statement of the justification of goldplating and its justification forms part of the table of concordance as of 1 January 2023. Link to the amended wording of Legislative Rules of the Government:

[lpv\\_sr-14122022.pdf \(gov.sk\)](https://www.gov.sk/lpv_sr-14122022.pdf)

As regards the use of impact assessments, the preliminary consultations are held on the basis Uniform Methodology for Particular Impact Assessment (<https://www.mhsr.sk/uploads/files/we49FwHx.pdf>) regularly in the preparatory phase between the submitting ministry and the business sector. In the year 2022 there were 111 consultations held in order to identify impacts on business environment. There is the increased focus on the impacts on the business environment with the aim to reduce burden and costs (1in1out, or 1in2out principle, respectively, is followed. This principle is evidenced by the Ministry of Economy at its virtual account, where increased/decreased costs for business sector are calculated: [virtual account](#)).

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

There were no legislative changes. In 2022, there were 20 bills adopted using fast-track procedure from totally adopted 175 bills.

The Constitutional Court in its decision of 13 December 2022 (PL. ÚS 13/2022-337 ) on the motion of the President to declare part of the bill involving the financial support to families as unconstitutional, concluded, *inter alia*, that pre-conditions for using the fast-track procedure were not met, which resulted in excluding the Governmental Council for Budget Responsibility, as well as municipalities, from the legislative procedure.

**Information provided by Ministry of Interior of the Slovak Republic**

Regarding question 45. and 46.:

The Faculty of Social and Economic Sciences of Comenius University in Bratislava drew up and published in January 2022 an analysis of legislative processes titled „Kvalita regulačného procesu počas pandémie Covid-19“ ("Quality of the regulatory process during the Covid-19 pandemic")

([https://www.researchgate.net/publication/360235418\\_Kvalita\\_regulacneho\\_procesu\\_pocas\\_pandemie\\_Covid-19](https://www.researchgate.net/publication/360235418_Kvalita_regulacneho_procesu_pocas_pandemie_Covid-19))

The analysis concerns the quality of the legislative process and the justification for the use of the accelerated legislative procedure during the Covid-19 pandemic, i.e. in the period from 1 January 2020 to 30 June 2021.

The Office Plenipotentiary of the Government of the SR for Civil Society Development is currently implementing the national project titled „Podpora partnerstva a dialógu v oblasti participatívnej tvorby verejných politík 2“ ("Support for Partnership and Dialogue in Participatory Public Policy Making 2"). One of the sub-activities of the national project concerns the analysis of legislative processes. The results will be available in the end of 2023.

#### 47. Regime for constitutional review of laws

No legislative changes.

#### 48. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

##### - judicial review (including constitutional review) of emergency regimes and measures in the context of the COVID-19 pandemic

As of 14 March 2022 the restrictions in organising public events as well as other restrictions imposed on the basis of COVID pandemic were lifted.

The Constitutional Court has been deciding cases related to COVID pandemic during the year 2022 that related to the right to trial within a reasonable time, in which it constantly held that the argumentation of courts justifying lengthy proceedings by anti-COVID measures, cannot be accepted as the reason why a court did not decide a case within reasonable time, that was not reasonable even during COVID period.

The Constitutional Court, on 16 February 2022 sitting in plenary, decided on the dismissal of a motion lodged by 30 members of Slovak Parliament asking to review the constitutionality of a duty to show COVID-pass when entering into restaurants, shops or other public spaces (case: PL. ÚS 14/2021-107) . The Constitutional Court, *inter alia*, decided that the alleged limitations of non-vaccinated persons is justified by the protection of rights and freedoms, and health, of others, and thus does not represent discrimination. The Constitutional Court stressed, that freedom of individual is connected with his/her responsibility *vis-à-vis* others and their rights and freedoms. By this decision it upheld its previous jurisprudence related to anti-COVID measures related to legitimacy of pursued aim as well as proportionality.

#### **B. Independent authorities**

#### 49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

The Ministry of Justice submitted a legislative proposal on establishing of the **National Preventive Mechanism (NPM)** for the purposes of ratification of OP-CAT in summer of 2021 for public consultation. In this proposal, the Ombudsperson should have and be solely responsible for the role of national preventive mechanism. The Ministry received several comments, which were partially resolved through dialogue. During this public consultation procedure, a request was made by the Commissioner for Persons with Disabilities as well as the Commissioner for Children to split the competence of NPM between these two institutions and the Ombudsperson.

After deliberations and political agreement, the Ministry of Justice introduced a new legislative proposal on establishing of NPM to the public consultation procedure in 2022. Under this proposal the role of the national preventive mechanism **shall be divided between 3 institutions – the Ombudsperson, the Commissioner for Children and the Commissioner for Persons with Disabilities.** All 3 institutions shall have access to all places where persons are or may be deprived of their liberty, including private institutions. The competence should be based on personal competence – i.e. the Commissioner for Children shall conduct visits to places where children may be deprived of their liberty while the Commissioner for Persons with Disabilities to places where persons with disabilities may be deprived of their liberty. An information obligation on presence of persons not falling within the respective competence is established for all 3 institutions. The Ombudsperson shall be the coordinator and publish annual reports for the whole Slovak Republic.

The mentioned institutions already have a competence to visit places where people deprived of liberty may be present along with the competence to conduct interviews without presence of third parties, ask for information and explanations from public authorities, make suggestions for measures to be taken by authorities to remedy situation, initiative to request change in legislation that violates fundamental rights and freedoms.

The government approved the proposal on 11.1.2023. The approval by the National Council of the Slovak Republic is expected in the coming months.

The legislative proposal also includes budgetary changes necessary for creation of national preventive mechanism, see table 1.

**Table 1. Budgetary requirements for creation of NPM**

Institution	Budgetary requirements for year			No. Of additional employees
	2023	2024	2025	
Ombudsperson's Office	246 000	230 000	230 000	6
Office of the Commissioner for persons with disabilities	241 000	210 000	210 000	6
Office of the Commissioner for Children	108 000	105 000	105 000	3
<b>Total</b>	<b>595 000</b>	<b>545 000</b>	<b>545 000</b>	15

As of 1<sup>st</sup> January 2023 a legislative amendment on the term of the Ombudsperson enters into force. Under the amendment, the **Ombudspersons mandate will be prolonged until a new Ombudsperson takes the office.** This amendment was adopted to address the situation that happened in April 2022 when the term of the Ombudswoman, Mária Patakyová, had ended but a new Ombudsman had not

been elected by the National Council of the Slovak Republic until November 2022. The new Ombudsman took the office on 1<sup>st</sup> of December 2022.

**The Slovak National Centre for Human Rights** as a national human rights institution and an equality body, obtained B-status in the latest accreditation by GANHRI in 2022.

On 26th June 2019 the National Council of the Slovak Republic did not approve in the final stage of the legislative procedure the amendment to the Act establishing the Slovak National Centre for Human Rights. The legislative plan and the programme statement of the government for the period of 2021 – 2024 does not include a complex reform of the Slovak National Centre for Human Rights, however an amendment is underway in respect of the EU Pilot – strengthening the position of the Centre by explicitly stating that all reviews are independent.

Even without any legislative changes, there has been positive developments in strengthening of the independence of the Slovak National Centre for Human Rights. The current executive director, Silvia Porubánová, was appointed after a public hearing in September 2020 even though there was no requirement to conduct a public hearing. Subsequently, Rules of Procedure of the Board of Directors of the Centre were changed and since 1<sup>st</sup> of May 2022 explicitly state that presentations of candidates for the role of the executive director are public and if the capacity of the room for public audience is reached, the presentations should be streamed online. Also the budget and personnel of the Slovak National Centre for Human Rights has been continuously increased, see table 2.

Given the current status of the *proposal for a directive on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU* any substantive changes in legislation on the Slovak National Centre for Human rights will be connected to the implementation of the directive.

**Table 2. Budget and allocation of employees for the Slovak National Centre for Human Rights**

Year	Budget in EUR	Average no. of employees
2022	870 287 + 74 000	25
2021	849 874	23
2020	797 822	21
2019	787 215	18
2018	565 356	16

**The Supreme Audit Office of the Slovak Republic (SAO SR)** is a state office established under the Constitution (art. 60 – 63) as a body responsible for the audits of management of the funds and property of state, regional administration unit, and European Communities and any other foreign funds provided for financing projects on the basis of international treaties. President and vice-presidents of the SAO SR are elected by the Slovak National Council. In accordance to the Act no. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic, the SAO SR is an independent body bound only by the law. The SAO SR submits annually its report on the audits to the Slovak National Council. In the past year, there have not been any legislative changes in respect of the status or competences of the SAO SR.

The SAO SR conducts audit activities based on yearly plan for the given year. The yearly plan for the given year is based on the tri-annual plan, where strategic goals and audit objectives are set for that period. Besides that, SAO SR is obliged to perform an audit if asked by the National Council of the

Slovak Republic (Parliament). The base for making the activities plan is information and knowledge gained in the past audits, proposals from the state administration, self-government organs, and citizens. The SAO SR President approves the audit plan.

**50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.**

The Ombudsperson and the Slovak National Centre for Human Rights do not keep statistics on follow-up of their recommendation.

The Ombudsperson in its competence and capacities addresses to the public authorities' recommendations for measures to rectify the identified shortcomings. In the past the Ombudsperson tried to create follow-up statistics, however decided not to gather these statistics for several reasons, e.g. follow-up on recommendations regarding length of individual judicial proceedings is not quantifiable, some recommendations are long-term recommendations therefore cannot be followed on a yearly basis or in some cases different measures than the proposed ones by the Ombudspersons were adopted to rectify the shortcomings. The Ombudsperson therefore adopted a different approach and creates a list of areas that require changes and whenever possible, enters the legislative procedures.

The Slovak National Centre for Human Rights decided to start gathering information on follow-up of recommendations starting from the next year, therefore statistics the past 2 years are not available.

**Table 3. Statistics of the Commissioner for the Children on status of recommendations**

Status	Not implemented	Implemented	Total
2020	60	5	65
2021	131	25	156
2022	18	5	23

**Table 4. Statistics of the Commissioner for Persons with Disabilities in respect of recommendations addressed to government for years 2016 – 2021 (with implementation also in 2022)**

The statistics for 2021 and 2022 on the status of implementation are not complete, the evaluation is still ongoing. The recommendations are of different character; some include suggestions for changes of legislation while some are more general recommendations. Several recommendations are repeated every year.

Status of measures	Number of measures
Implemented	13
Partially implemented	20
Continuously implemented	12
Not implemented	50
Without relevance	1

**Table 5. Statistics of the Commissioner for Persons with Disabilities in respect of individual complaints**

Year	Total no. of complaints	Finished	Violation	Recommendations
2021	631	650	103	33 (24 implemented, 5 continuously implemented, 4 not implemented)
2020	685	800	75	46*
2019	660	630	64	23*
2018	518	511	121	98* (together with 2017)

\* status of implementation not available

**Table 6. Statistics of the Supreme Audit Office of the Slovak Republic**

For years 2020 – 2022 the SAO SR identified 3278 cases, addresses 1004 recommendations and following the recommendations, the reviewed entities adopted 2291 measures, status of implementation of these measures is following:

Status of measures	Number of measures
Implemented	815
Partially implemented	129
Continuously implemented	505
Not evaluated	775
Not implemented	67
<b>Total</b>	<b>2291</b>

**C. Accessibility and judicial review of administrative decisions**

**51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)**

As regards publication of the court judgments in administrative matters, please see answer to the recent Justice Scoreboard Q. 9.

**52. Judicial review of administrative decisions:**

**- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures and any applicable specific rules or derogations from the general regime of judicial review).**

**Act No. 151/2022 Coll. on administrative courts**

Instead of regional courts as primary administrative courts of first instance, three new administrative

courts are established which should start their activity from 1 June 2023.

No other legislative changes.

*53. Follow up by the public administration and state institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation.*

No legislative changes.

### ***Others - please specify***

The on-site country visit of the UNCAN Implementation Review Mechanism (Review cycle 2) took place on October 2022. The country review report will be adopted on the plenary meeting in May 2023.

#### **Information provided by Ministry of Interior of the Slovak Republic**

***54. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)***

***55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.***

***56. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)***

***57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)***

Regarding questions 54. - 57.:

In 2022, the Government of the Slovak Republic approved the Concept of Civil Society Development in Slovakia for 2022-2030 together with the Action Plan (Government Resolution No. 549/2022, available at:

<https://rokovania.gov.sk/RVL/Resolution/20339/1>) and the Action Plan of the Open Government Initiative in the Slovak Republic for 2022-2024 (Government Resolution No. 457/2022, available at: <https://rokovania.gov.sk/RVL/Resolution/20247/1>)

Both materials were developed in a participatory manner with broad participation of civil society actors under the auspices of the Office Plenipotentiary of the Government of the SR for Civil Society Development. Both materials define measures and tasks aimed at improving the status of NGOs and other civil society actors and increasing the level of participation, transparency and accountability.

#### ***E. Initiatives to foster a rule of law culture***

##### ***58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)***

The Office Plenipotentiary of the Government of the SR for the Development of Civil Society of the Slovak Republic organized the conference titled „Na spolupráci záleží“ ("Cooperation Matters") (<https://bit.ly/3Xmny3J>) on 7-8 November 2022, which was attended by high representatives of public authorities (the President, the Prime Minister, the Minister of Interior, the Deputy Prime Minister of the Slovak Republic) and representatives of non-governmental non-profit organizations and other civil society entities. The topics of the conference included, inter alia, participation in public policy-making, funding of NGOs, and volunteering.

#### ***Other – please specify***

The Office Plenipotentiary of the Government of the SR for Civil Society Development is currently implementing the Technical Assistance Project titled „Efektívne zapojenie občianskej spoločnosti do implementácie a monitorovania EŠIF zavádzaním participatívnych postupov 2“ ("Effective Involvement of Civil Society in the Implementation and Monitoring of the ESIF through the Introduction of Participatory Practices 2") ([https://www.minv.sk/?ros\\_ptp\\_partnerstvo](https://www.minv.sk/?ros_ptp_partnerstvo)) and the National Project titled „Podpora partnerstva a dialógu v oblasti participatívnej tvorby verejných politík 2“ ("Promotion of Partnership and Dialogue in the Field of Participatory Public Policy Making 2") ([https://www.minv.sk/?ros\\_participacia\\_2](https://www.minv.sk/?ros_participacia_2)).