

# 2024 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

The Commission would like to invite stakeholders to provide contributions to the 2024 Rule of Law Report. This survey provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow stakeholders to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include **(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023<sup>[1]</sup> falling under the ‘type of information’ outlined in section II.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

## Type of information

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The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

## **A) Legislative developments**

- Newly adopted legislation
- Legislative drafts currently discussed in Parliament
- Legislative plans envisaged by the Government

## **B) Policy developments**

- Implementation of legislation
- Evaluations, impact assessment, surveys
- White papers/strategies/actions plans/consultation processes
- Follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- Important administrative measures
- Generalised practices

## **C) Developments related to the judiciary / independent authorities**

- Important case law by national courts
- Important decision/opinions from independent bodies/authorities
- State of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the questionnaire[2])

## **D) Any other relevant developments**

- Respondents are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the contributions for the previous Rule of Law Reports should not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## **About you**

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO

- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☒ Public authority or network of public authorities
- ☐ Other

\* Organisation name

*250 character(s) maximum*

Public Defender of Rights of Slovakia

Main Areas of Work

- ☐ Justice System
- ☐ Anti-corruption
- ☐ Media Pluralism
- ☒ Other

If "Other", please specify

Protection of Human Rights and Freedoms

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

*500 character(s) maximum*

<https://vop.gov.sk/>

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

\* Country of origin

Please add the country of origin of your organisation

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan

- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei Darussalam
- ☐ Bulgaria
- ☐ Burkina Faso
- ☐ Burundi
- ☐ Cabo Verde
- ☐ Cambodia
- ☐ Cameroon
- ☐ Canada
- ☐ Central African Republic
- ☐ Chad
- ☐ Chile
- ☐ China
- ☐ Colombia
- ☐ Comoros
- ☐ Congo
- ☐ Costa Rica
- ☐ Côte D'Ivoire
- ☐ Croatia
- ☐ Cuba
- ☐ Cyprus
- ☐ Czechia
- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
- ☐ Dominica
- ☐ Dominican Republic
- ☐ Ecuador
- ☐ Egypt
- ☐ El Salvador
- ☐ Equatorial Guinea
- ☐ Eritrea
- ☐ Estonia
- ☐ Eswatini
- ☐ Ethiopia

- ☐ Fiji
- ☐ Finland
- ☐ France
- ☐ Gabon
- ☐ Gambia
- ☐ Georgia
- ☐ Germany
- ☐ Ghana
- ☐ Greece
- ☐ Grenada
- ☐ Guatemala
- ☐ Guinea
- ☐ Guinea Bissau
- ☐ Guyana
- ☐ Haiti
- ☐ Honduras
- ☐ Hungary
- ☐ Iceland
- ☐ India
- ☐ Indonesia
- ☐ Iran
- ☐ Iraq
- ☐ Ireland
- ☐ Israel
- ☐ Italy
- ☐ Jamaica
- ☐ Japan
- ☐ Jordan
- ☐ Kazakhstan
- ☐ Kenya
- ☐ Kiribati
- ☐ Kuwait
- ☐ Kyrgyzstan
- ☐ Laos
- ☐ Latvia
- ☐ Lebanon
- ☐ Lesotho
- ☐ Liberia
- ☐ Libya
- ☐ Liechtenstein
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Madagascar
- ☐ Malawi
- ☐ Malaysia
- ☐ Maldives
- ☐ Mali

- ☐ Malta
- ☐ Marshall Islands
- ☐ Mauritania
- ☐ Mauritius
- ☐ Mexico
- ☐ Micronesia
- ☐ Monaco
- ☐ Mongolia
- ☐ Montenegro
- ☐ Morocco
- ☐ Mozambique
- ☐ Myanmar
- ☐ Namibia
- ☐ Nauru
- ☐ Nepal
- ☐ Netherlands
- ☐ New Zealand
- ☐ Nicaragua
- ☐ Niger
- ☐ Nigeria
- ☐ North Korea
- ☐ North Macedonia
- ☐ Norway
- ☐ Oman
- ☐ Pakistan
- ☐ Palau
- ☐ Panama
- ☐ Papua New Guinea
- ☐ Paraguay
- ☐ Peru
- ☐ Philippines
- ☐ Poland
- ☐ Portugal
- ☐ Qatar
- ☐ Republic of Moldova
- ☐ Romania
- ☐ Russian Federation
- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia

- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
- ☒ Slovakia
- ☐ Slovenia
- ☐ Solomon Islands
- ☐ Somalia
- ☐ South Africa
- ☐ South Korea
- ☐ South Sudan
- ☐ Spain
- ☐ Sri Lanka
- ☐ Sudan
- ☐ Suriname
- ☐ Sweden
- ☐ Switzerland
- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- ☐ Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- ☐ Zimbabwe

First name

Robert

Surname

Dobrovodský

Email Address of the organisation (this information will not be published)

[REDACTED]

**\* Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2024 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics 2024 RoL Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

[REDACTED]

## Questions for contribution

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The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). For each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as



developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States, please fill in the questionnaire separately for each Member State. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☒ Slovak Republic
- ☐ Slovenia
- ☐ Spain

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

*5000 character(s) maximum*

No significant progress has been achieved in implementing the Commission's recommendations included in the 2023 Report regarding the judiciary.

### A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*5000 character(s) maximum*

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

*5000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Allocation of cases in courts

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

No legal or other practical guarantees were introduced in order to enhance the independence of the Judicial Council's members. Additionally, after the early parliamentary elections, the Government revoked 3 members of the Judicial Council and replaced them with new nominees.

The former members of the Judicial Council have been revoked without any reason, specified in the Government's resolution [<https://rokovania.gov.sk/RVL/Material/28947/1>]. Ministry of Justice defended this approach as legal and explained that the member of the council can be revoked without any specific reason. The general reason the Ministry provided was "loss of confidence". The statutory framework does not require the government to provide any specific, or any reasons whatsoever in order to revoke a member of the Judicial Council.

Two, out of the three revoked members of the council indicated, that they would file a constitutional complaint against this approach. They deem the Government's approach to be arbitrary [<https://domov.sme.sk/c/23241099/ficova-vlada-uplatnila-pravnu-upravu-ktoru-poslanci-smeru-predtym-sami-oznacili-za-neustavnu.html>]

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

*5000 character(s) maximum*

Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

*5000 character(s) maximum*

Independence/autonomy of the prosecution service

*5000 character(s) maximum*

The newly created Government after the early elections in 2023 proposed major changes to the structure of the prosecution service. The proposal aims to disassemble the special prosecution service and relocate its prosecutors to the General Prosecution Service. This amendment is currently (jan. 2024) debated in the parliament in a fast-track procedure.

Proposal to change of the prosecution's service structure is brought to parliament together with major changes and amendments to the penal code and the code of criminal procedure. However, it is unclear yet, what will be the definitive adopted form of the amendment.

Independence of the Bar (chamber/association of lawyers) and of lawyers

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

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

*5000 character(s) maximum*

Resources of the judiciary (human/financial/material)

*(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)*

*5000 character(s) maximum*

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

*5000 character(s) maximum*

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases

*5000 character(s) maximum*

## C. Efficiency of the justice system

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)*

Length of proceedings

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## II. Anti-Corruption Framework

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Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

*5000 character(s) maximum*

No legal initiative on the regulation of lobbying has been proposed. The decision of the Supreme Court no. 3To/9/2020 from 2.3.2022 remains to be one of the few legal sources that define the basics of lobbying. Additionally, the process 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 mentioned in the 2023 Report has been halted.

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

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 and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable)

*5000 character(s) maximum*

Currently a structural change in the hierarchy of the prosecution service is discussed in the parliament. The government proposed to dissolve the special prosecution, empowered with the authority to investigate and prosecute the corruption cases in Slovakia. The amendment is being discussed in a fast-track procedure. Additionally, the Minister of Interior announced his plans to reorganize the National Criminal Agency [<https://www.aktuality.sk/clanok/eB5AUme/naka-v-sucasnej-podobe-skonci-avizuje-minister-sutaj-estok/> ; <https://tvnoviny.sk/domace/clanok/875081-na-obvodnych-oddeleniach-je-malo-policialtov-tvrdi-sutaj-estok-aj-preto-chce-reorganizovat-naka>]. Currently, the National Criminal Agency also includes the National Anti-corruption Unit. The unit performs tasks mainly in the field of detection and investigation of crimes of bribery, indirect corruption, electoral corruption and sports corruption, as well as related crimes of foreign public officials and other selected crimes. With the exception of cases of criminal acts of corruption committed by members of the Police Force, which are subject to the jurisdiction of the Inspection Service Office of the Control and Inspection Service Section of the Ministry of the Interior of the Slovak Republic. No specific plans regarding the announced reorganization of the National Criminal Agency have been published yet. Hence, it is unclear, what will be the future role and composition of the National Anti-corruption Unit.

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

## B. Prevention

Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

In its resolution [<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=535376> pp.70-71], adopted by the Parliament, the Government claims to:

- undertook to strengthen transparency and prepare anti-corruption legislation regulating the interaction of public officials with persons representing the interests of individuals and organizations; to seek agreement with other public authorities on the constitutionally and legally compliant introduction of uniform rules for submitting asset declarations of officials in the public sector with a special emphasis on the electronicization of asset declarations;  
comprehensively support the implementation of a comprehensive analysis of application problems with the implementation of the constitutional law on the protection of public interest and propose the adoption of the necessary changes to the legislation; by strengthening the transparency of the legislative process with regard to ensuring proper social dialogue, as well as by introducing transparent rules for the financing of non-governmental organizations.
- will adopt rules to ensure the ethics and integrity of the highest state officials in the area of its competence in the form of a code of conduct.
- will strengthen cooperation with the territorial self-government in introducing anti-corruption rules at the level of the territorial self-government.
- realizing the importance of professional capacities aimed at the prevention of corruption and integrity, will support the development of these capacities in personnel and material and technical terms, both at the departmental level and at the central coordination level by deepening the professional cooperation of anti-corruption coordinators.
- will support the communication of the topics of corruption prevention and integrity, thereby ensuring the building of a society-wide anti-corruption culture.
- will improve the management of corruption risks on a vertical and horizontal level and will create the conditions for the preparation of legislation regulating the management of corruption risks.
- will adopt a National Anti-corruption Strategy, which will be based on pillars such as improvement of the relevant legislation, capacity building, education and communication on the topics of integrity and prevention of corruption and management of corruption risks.

Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

*5000 character(s) maximum*

In Slovakia, the Constitutional Act on Conflict of Interests - act no. 357/2004 Coll., regulates conflict of interest. It regulates the incompatibility of the function of a public official, his duties and restrictions to prevent the conflict of private and public interests, his responsibility for non-fulfilment or breach of duty. The Constitutional Law defines the persons to whom the law applies. Generally, in addition to constitutional officials, it mainly applies to the directors of central and local bodies of state administration, territorial self-government, public corporations, state secretaries, judges.

The constitutional law imposes an obligation on a public official to state not only his assets, but also the financial situation of his spouse and minor children who live with him in the same household. The act defines which properties must be declared. A public official is obliged to submit a written notification in which he also declares whether he meets the conditions of incompatibility of the performance of the function with other appointed functions, jobs or activities, information on concurrent employment relationships, functions in local government bodies, and income for the previous calendar year. This declaration is published on website of the National Council of the Slovak Republic. Submitting asset declarations is only one of the duties imposed on public officials. At the same time, these officials must also submit a confirmation of the submitted tax return for the previous calendar year.

Additionally, the Constitutional Act orders public officials to refrain from asking for gifts, accepting gifts, inducing others to provide them or obtaining other benefits; the exception is the provision of gifts based on the law or during the usual performance of a public function.

If available to you, for the three preceding questions, you are also invited to provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

*5000 character(s) maximum*

The Whistleblower Protection Office continued its work through the year 2023. The most prominent case regarding the office revolved around the new Minister of Interior.

The Whistleblower Protection Office issued a statement claiming, that the Ministry of Interior was obliged to seek consent of the Office before temporarily putting the police officers out of service. [<https://www.oznamovatelia.sk/stanovisko-uradu-na-ochranu-oznamovatelov-k-medializovanym-kauzam/>]

Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement
- List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen /residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

*5000 character(s) maximum*

Any other relevant measures to prevent corruption in public and private sector



5000 character(s) maximum

## C. Repressive measures

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

5000 character(s) maximum

Currently an amendment to a Penal code is being discussed in the National Assembly. Amongst others, its aim is to decrease the penal sanctions for corruption related cases. If the amendment will be passed as proposed, the applicable sanctions of the following criminal acts will be decreased:

- Receiving a bribe
- Bribery
- Indirect corruption
- Corruption in connection with elections
- Corruption in sport
- Receiving or offering inappropriate advantage

Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible) including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

### III. Media pluralism and media freedom

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Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

*5000 character(s) maximum*

#### A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

Measures adopted to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

*5000 character(s) maximum*

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

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

*5000 character(s) maximum*

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- 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 their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

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

5000 character(s) maximum

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

5000 character(s) maximum

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

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Other - please specify

5000 character(s) maximum

## IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

*5000 character(s) maximum*

No significant changes implementing the 2023 Rule of law report have been implemented during the pertinent period.

### A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1] /public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

*[1] This includes also the consultation of social partners*

*5000 character(s) maximum*

No major changes, nor improvements have been adopted during 2023, following the Rule of Law report. The most important measure that helps to include stakeholders, and enhance the deliberative character of the legislative process is the so called "interdepartmental comment procedure" (ICP) (orig. medzirezortné pripomienkové konanie).

This procedure, in theory, allows anyone to add comments and observations to the legislative drafts. The ICP is generally followed by negotiations between the petitioners and the relevant ministry. In March 2023, the government changed the rules governing the ICP. Since then, the general public but all other relevant stakeholders are only allowed to participate in ICP only via an internet portal - slovlex.sk. Before, the use of portal was only voluntary and the participants could send the comments directly to the ministry. This change has been criticized by several NGOs, claiming that it might negatively affect the right of public to participate on the legislative process [<https://viaiuris.sk/aktuality/vlada-e-hegera-potichu-zmenila-pravidla-pripomienkovania-zakonov/>]

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)

*5000 character(s) maximum*

Rules to activate the fast-track procedure remained unchanged even after the Constitutional court ruling, mentioned in the 2023 report which ruled a statute unconstitutional due to imperfections in legislative process. The trend of liberal use of the fast-track procedure remained unchanged as well. As of today (jan 2024) the newly elected parliament used the procedure 11 times since the elections (since November 2023) [<https://www.nrsr.sk/web/Default.aspx?sid=zakony/prehľad/slk>].

Given the fact, the parliament has been only newly established, only legislation in the fast track procedure has been adopted yet. The sole exception to this would be the law on annual budget. However, the discussion on the annual budget has been prematurely halted by the speaker of the parliament [<https://sita.sk/ropravu-k-statnemu-rozpocetu-poslanci-uzavreli-pellegrini-podal-proceduralny-navrh/>].

Other major changes to the criminal codes and the structural changes to the hierarchy of the prosecution service are also pursued in the fast-track procedure.

## Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

*5000 character(s) maximum*

The extraordinary situation regime is currently activated in Slovakia due to the war in Ukraine provoked by Russia. The extraordinary situation has been active since 26.02.2022 and is applied on the whole territory of Slovakia.

Locally, extraordinary situation has been declared in the capital city - Bratislava due to the influx of irregular migrants to Slovakia during summer and autumn months.

According to the act on civil protection (act. no 42/1994 coll.), the extraordinary situation is declared by either Government, regional administrative offices or towns, according to the scale of the situation. The exceptional situation must be cancelled immediately after the reasons for its existence ceased to exist.

No other special regime (war, state of war, exceptional state or state of emergency) under the constitutional act no 227/2002 Coll. has been activated during 2023.

## Regime for constitutional review of laws

*5000 character(s) maximum*

The constitutional review in Slovakia is carried out by the Constitutional court in special proceedings. Under the constitution, the right to initiate the proceedings belongs to

- at least 1/5 of the MPs
- President of Slovakia
- Government
- Courts
- Prosecutor General
- President of the Judicial Council in specific cases concerning judiciary
- Public Defender of Rights in specific cases concerning possible violation of fundamental rights and freedoms

The Constitutional court continued to apply its restrictive doctrine towards the general courts as to the scope of their active stand before the court in the constitutional review proceedings.

Since the constitutional judge Jana Lašáková resigned from her office on 30.09.2023, her position has been vacant. No election to fill in the vacancy has been published yet (11.01.2023). The speaker of the parliament proposed, that he might initiate the election process mid january [<https://www.teraz.sk/slovensko/nrsr-p-pellegrini-vyhlasil-volbu-sudc/765922-clanok.html>]. Initiation and publication of the constitutional court judges election process is an exclusive power solely vested in the speaker of the parliament.

## B. Independent authorities

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

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

*5000 character(s) maximum*

After the election of the new ombudsman at the end of 2022, the Public Defender of Right and his office has been again fully functional throughout the whole year.

After an amendment of the Act on Public Defender establishing the National Preventive Mechanism came into force, the department carrying out this function has been set up. This department currently consist of 4 people and one position is still vacant. Due to the shortage of funds, it remains unclear, whether the office will be able to fill in all the vacancies.

Regarding the other departments handling individual cases, the office didn't possess sufficient financial resources to fill in all the vacant positions. The power of the Public Defender to set out his own structure of the office still remains dependent on the available funds. Hence execution of this power to its full extent still remains more theoretical than practical.

Currently (jan 2024), the office of the Public Defender of Right has 49 employees. Out of those, 20 employees are working at the administrative part of the office, the rest of employees carry out the handling of individual cases or the mandate of the NPM.

Regarding the financial resources of the office, the budget of the office has been cut in comparison to the initial proposal of the budget prepared by the previous government. To my best knowledge, the budgets of the other ombudsman-like institutions (i.e. Commissioner of Children and Commissioner for People with Disabilities) has not been subject to such restrictions.

The budget of the Public Defender's office has been a subject for the debate even before the Parliamentary council for human rights and ethnical minorities. The Public Defender presented his objections during this session. The state secretary of the Ministry of Finance proclaimed, that the Ministry will be open to further negotiations with the office throughout the year if necessary.

The budget for the Office for 2023 has been 2 173 875 €

The governments proposal for 2024 assignend 2 313 438 € for the office. However, the proposal has been reduced and the final budged for 2024 has been reduced by 85 837 €. The official reason provided to the office has been consolidation of public finances. Even though, in absolute numbers the annual budget for 2024 is higher for the Office of the Public Defender, than the 2023 budget, it doesn't fully reflect the constitution of a new department carrying out the tasks of NPM, nor does it reflect the statutory increase of wages.

The decrease of received cases, caused mainly by the repeated failed election of the Public Defender of Rights in 2022 has stopped in 2023 and the number of received cases has increased again. Compared to year 2022, when the position of the Ombudsman was vacant for majority of the year, when the office received 873, in 2023, we saw an increase of received complaints. In total, the office received 1343 cases. In addition, the office received 430 requests for advice, which are processed in more informal way. The Public Defender of Rights identified a violation of fundamental rights and freedoms in 67 cases.

Regarding the effectivity of the Public Defender's investigations, an important amendment of the Act on Medical Care (act no. 576/2004 Coll.) has been adopted. This amendment granted the Public Defender a right to access medical records of the complainant, if these information are essential for the case. Hence, his finding can be more objective and funded.

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

*5000 character(s) maximum*

The office of the Public Defender of Rights registers the following recommendations, that haven't been implemented sufficiently yet:

- Use of camera recordings in police actions

Even after 10 years since the first recommendation of the Public Defender of Rights, the Police Force has not provided body cameras for police officers that would record the course of official interventions

- Reserved spaces at police stations

In addition to police detention cells, persons are also placed in reserved areas. Although these reserved spaces are regulated by law, there is no regulation that would establish the basic requirements for their material equipment.

- Legal guarantees during security searches of persons

In the case of the police corps, the procedure for conducting a security search is not regulated by law.

International standards require these inspections to be carried out by a person of the same sex and using a two-step form.

- The right to an independent review of police procedures

Criminal acts of police officers are investigated by the Inspection Service Office. However, its legal settings, hierarchical and personnel dependence on the Police Force and the Ministry of the Interior raise doubts about the independence of its investigation as required by the European Court of Human Rights.

- The right of same-sex couples to have their relationship recognized

The Slovak Republic still does not have legislatively regulated and recognized unions of same-sex couples in any way. This procedure is contrary to the latest jurisprudence of the ECHR.

- Advocating for the adoption of an amendment to the Act on the Execution of Imprisonment

The previous government prepared an extensive amendment to the law on the execution of prison sentences. However, this has not yet been adopted. It contains a large number of changes that could contribute to the humanization of the prisons.

- Escort rooms of the court

There are rooms in the courthouses where persons waiting to be brought before a judge are placed.

However, the law does not regulate these rooms in any way.

- Solving the situation of convicted mothers with children

The Slovak Republic has still not built a special prison facility for mothers with children. Likewise, there is a lack of special legislation on the imposition of alternative punishments on mothers in such cases.

- Exclusion from judicial review of decisions on disciplinary punishments of prisoners

Disciplinary punishments for accused and convicted persons are excluded from judicial review

- Clarifying the legislative process of issuing generally binding legal regulations by the Office of Public Health

Public health authorities can adopt generally binding legal regulations that apply to the entire territory, but the law does not regulate the legislative process of adopting these regulations in detail. Elements of transparency and participation are absent.

- Modification of the conditions for entitlement to a disability pension

Persons have the opportunity to obtain the right to a disability pension only before the onset of disability. If the Invalidity occurred before the person worked a sufficient number of years to obtain a disability pension, the person practically has no possibility of acquiring a disability pension in the future. A person cannot overcome this problem .

- Provision of social services

Slovakia does not have sufficient capacities to cover the demand for social services in social facilities. The problem is even more prominent with clients with specific needs. Likewise, the law does not sufficiently regulate the adaptation process of clients to the environment of the social services facility.

- Lack of medical examiners

In some cases, Social Insurance takes an excessively long time to award social security benefits. The reason is the insufficient number of medical examiners. Their number has to be increased.

- Compensation mechanism for unlawful sterilizations

Since 2003, public defenders pointed to the need to create and introduce a mechanism to compensate women who were sterilized in violation of the law.

- Change in identification data of transgender persons

there is a need to issue clear guidance to registry offices to waive the requirement to demonstrate a requirement to demonstrate a transgender person's loss of reproductive capacity as a result of surgery.

- Migrant detention centre in Sečovce

The Public Defender of Rights, acting within his authority as the NPM, carried out a throughout visit in the migrant detention centre in Sečovce. The main finding concerned the general regime, under which the migrants are held in the facility. According to the international standards, the regime should reflect the administrative nature of the detention and shall not resemble prison facilities. However, the regime in this detention centre seems even stricter in some aspects as the prisons in Slovakia. Hence, the ombudsman recommended changes to the regime.

## C. Accessibility and judicial review of administrative decisions

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

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

*5000 character(s) maximum*

Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

*5000 character(s) maximum*

## D. The enabling framework for civil society

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)

*5000 character(s) maximum*



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

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

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.)

*5000 character(s) maximum*

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

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, education initiatives etc.)

*5000 character(s) maximum*

Other - please specify

*5000 character(s) maximum*

## Contact

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