

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

Slovakia

2022

Contractor: Centre for the Research of Ethnicity and Culture

Authors: Jana Kadlečíková, Michaela Píšová

DISCLAIMER:

This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Update on developments regarding civic space in the EU'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Table of Contents

| | |
|---|----------|
| 1. Civic space developments in 2022 | 3 |
| 1.1. Amendments to the law regulating the access to information | 3 |
| 1.2. The initiative Our lives are at stake | 4 |
| 1.3. Concept of civil society development in Slovakia for 2022-2030..... | 5 |
| 2. Promising practice in 2022 | 7 |
| 2.1. Memorandum on cooperation with non-profit organisations in responding to the emergency situation in Ukraine | 7 |
| 3. Visa for human rights defenders | 8 |
| 3.1. Entry and stay for human rights defenders (HRDs) at risk | 8 |

1. Civic space developments in 2022

1.1. Amendments to the law regulating the access to information

| | |
|--------|---------------------------------------|
| Area | Freedom of expression and information |
| Topic | Access/right to information |
| Impact | Major |

In Slovakia, information can be requested from the public authorities based on the Act no. 211/2000 on free access to information¹. The law is an important tool for civil society organisations in communication with different public authorities.

There were two amendments adopted to the Act on free access to information in 2022. The first amendment was approved by the National Council of the Slovak Republic in June 2022². This amendment implements the Directive 2019/1024 on open data³. The amendment expands the range of public entities that are obliged to provide information upon request on public enterprises and also specifies the electronic and high-value added data that could be required from public authorities.

The second amendment adopted to the same act on 8 November 2022 aimed to improve the application of the law in practice⁴. The amendment specifies some terms in more detail and some of the procedural aspects of the application of the law. Among the public entities that should provide information when required, also health insurance

¹ Slovakia, [Act no. 211/2000 on free access to information as amended](#) (Zákon č. 211/2000 Z.z. o slobodnom prístupe k informáciám), 17 May 2022.

² Slovakia, National Council of the Slovak Republic (Národná rada SR) (2022), [Vládny návrh zákona, ktorým sa mení a dopĺňa zákon č. 211/2000 Z. z. o slobodnom prístupe k informáciám a o zmene a doplnení niektorých zákonov \(zákon o slobode informácií\) v znení neskorších predpisov](#), 21 June 2022.

³ [Directive \(EU\) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information \(recast\)](#).

⁴ Slovakia, National Council of the Slovak Republic (Národná rada SR) (2022), [Návrh skupiny poslancov Národnej rady Slovenskej republiky na vydanie zákona, ktorým sa mení a dopĺňa zákon č. 211/2000 Z. z. o slobodnom prístupe k informáciám a o zmene a doplnení niektorých zákonov \(zákon o slobode informácií\) v znení neskorších predpisov](#), 8 November 2022.

companies are included, as well as other entities which are under the control of public authorities obliged to provide information according to the Act on free access to information. The public authority should provide that data in a form that enables automatized processing. Based on the amendment, it will no longer be possible to request data and analysis that authorities and state-owned companies do not have and would have to create only on the basis of an information request. A person who has obtained, published or made available information in accordance with this law is entitled to further disseminate it. Compulsorily published contracts will be public for at least 10 years, up until now it was only five years.

In autumn 2022, the Ministry of Justice prepared a more extensive amendment to the Act on free access to information which was sent into interdepartmental commentary procedure in the beginning of October 2022⁵. The amendment was not approved by the government nor by the Parliament by the end of 2022.

1.2. The initiative Our lives are at stake

| | |
|--------|-------------------------|
| Area | Safe space & protection |
| Topic | Other |
| Impact | Major |

On 24 October 2022, LGBTI+ rights organisations unveiled the Our lives are at stake initiative, calling on the Government and Parliament to create a safe environment for LGBTI+ people, their families and children, while putting them on an equal footing with the rest of society. The call, which can also be supported by the public, includes a set of demands to improve the situation of LGBTI+ people in Slovakia. The Our lives are at stake initiative calls for steps to be taken to help create a more secure and safe environment for LGBTI+ people, their families and children, who feel threatened in our country following the tragic terrorist attack on 12 October, which killed two young LGBTI+ people. The organisers of the call believe that concrete action by the authorities can ensure that LGBTI+ people, their families and children feel that they are an equal part of

⁵ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2022), [Novela infozákona : ďalší krok k zvyšovaniu transparentnosti verejnej správy](#), 9 September 2022.

Slovak society. More than 50 Slovak organisations and civic associations have joined the initiative. It brought together LGBTI+ organisations, organisations dedicated to the protection of human rights and minorities, the legal state, culture and environmental protection.

The initiators propose the following measures to political leaders:

- 1, the adoption of a law on life partnership, including the possibility of adoption of a child of one partner by the other partner;
- 2, ensuring dignified medical transition for transgender people without forced sterilizations and other unwanted medical procedures;
- 3, defining against hate speech by politicians and establishing disciplinary responsibility for such statements in parliament;
- 4, concrete steps to make law enforcement authorities more effective in prosecuting and preventing hate crimes;
- 5, systematic support for the creation of safe spaces and support services (schools and educational institutions, a community centre in Bratislava and support services across the country).⁶

The full text of the call with specific measures is published at www.idenamozivot.sk.⁷

1.3. Concept of civil society development in Slovakia for 2022-2030

| | |
|--------|---|
| Area | Participation and cooperation with authorities |
| Topic | Civil dialogue (dialogue/cooperation between authorities and civil society organisations), Public participation (citizen participation) |
| Impact | Major |

On 7 September 2022, the Government of the Slovak Republic approved a national strategy for civil society development called the Concept for the Development of Civil

⁶ Inakost.sk (2022), '[Výzva ide nám o život](#)'.

⁷ Idenamozivot.sk (2022), '[Ide nám o život. Výzva vláde a parlamentu](#)'.

Society in Slovakia for years 2022-2030⁸ with an action plan of tasks for the next 4 years. The main areas in the Concept are the participation of citizens in the development of public policies (active citizenship), strengthening cooperation between the public and civil sectors (deepening dialogue), strengthening the systemic resilience of civil society (sector resilience) and systematic data collection about civil society. The concept paper was developed by the Office of the Government Plenipotentiary for Civil Society Development, based on the analyses and recommendations of the national project Better Public Policies through Better Knowledge of Civil Society, funded by the Operational Programme Effective Public Administration. The project collected data to map the socio-economic contribution of NGOs in Slovakia. Its conclusions are reflected in the Concept and the first action plan. In developing both the Concept and the action plan, the Office of the Plenipotentiary cooperated with the Chamber of Non-Governmental and Non-Profit Organisations.⁹

⁸ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2022), '[Konceptcia rozvoja občianskej spoločnosti na Slovensku na roky 2022 – 2030 a Akčný plán Konceptcie rozvoja občianskej spoločnosti na Slovensku na roky 2022 – 2026](#)', 30 August 2022.

⁹ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2022), '[Vláda schválila koncepciu rozvoja občianskej spoločnosti do roku 2030](#)', 7 September 2022.

2. Promising practice in 2022

2.1. Memorandum on cooperation with non-profit organisations in responding to the emergency situation in Ukraine

On 8 November 2022, during a conference organised by the Government Plenipotentiary for the Development of Civil Society, the Minister of the Interior signed a Memorandum of Understanding with 11 non-profit organisations on cooperation in addressing the emergency situation related to the arrival of a large number of people from Ukraine to the territory of the Slovak Republic caused by the escalation of the armed conflict in Ukraine. The main motive for the creation of the Memorandum was the experience from the beginning of 2022, when after Russia militarily attacked Ukraine, some weaknesses became apparent for which Slovakia was not prepared. According to the Minister of the Interior, despite the fact that perhaps never since the establishment of independent Slovakia have laws been modified and adopted in such a record time, it was the NGOs, as well as local governments, that showed great flexibility in providing assistance. The Memorandum clearly defines the individual competences of both the Ministry of the Interior and the NGOs. These involve, in particular, the coordination and provision of humanitarian aid, the recruitment, training and coordination of volunteers, material and technical assistance from the Ministry, and the sharing of information on individual activities and plans, which are also linked to the Contingency plan adopted by the Government. The signatories of the memorandum involve following NGOs: ADRA, the Slovak Samaritans Association, People in Peril, Evangelical Diakonia ECAV in Slovakia, IPčko, Maltese Aid Slovakia, Mareena, Slovak Humanitarian Council, Slovak Catholic Charity and Slovak Scouting.¹⁰

¹⁰ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2022), '[Minister vnútra podpísal memorandum o spolupráci s neziskovými organizáciami pri riešení mimoriadnej situácie v súvislosti so situáciou na Ukrajine](#)', 8 November 2022.

3. Visa for human rights defenders

3.1. Entry and stay for human rights defenders (HRDs) at risk

| | |
|--|----|
| Dedicated visa scheme for HRDs at risk available in your country | No |
| Other type of visa or alternative legal entitlement or derogation clause applied to HRDs | No |

According to the information provided by the Ministry of Interior of the Slovak Republic, the Slovak legislation does not define the term human rights defenders at risk. Human rights defenders at risk can apply for the international protection according to the Act on Asylum¹¹. Their application for international protection, be it asylum or subsidiary protection, is considered by the Migration office of the Ministry of Interior of the Slovak Republic. If a person is granted asylum, he/she is also granted permanent stay in the territory of Slovak Republic. If a person is granted subsidiary protection, he/she automatically gets temporary stay in Slovakia¹².

As for the visa schemes, the Act on the stay of foreigners¹³ defines the conditions for granting visas. The mentioned Act does not define any specific visa scheme for human rights defenders at risk and also does not mention this specific term or any similar term in any way.

¹¹ Slovakia, [Act no. 480/2002 Coll on asylum as amended](#) (Zákon č. 480/2002 Z.z o azyle a o zmene a doplnení niektorých zákonov), 20 June 2002.

¹² Information provided by the Ministry of Interior of the Slovak Republic upon request on 30 December 2022 via e-mail communication.

¹³ Slovakia, [Act no. 404/2011 Coll on the stay of foreigners as amended](#) (Zákon č. 404/2011 Z.z. o pobyte cudzincov v znení neskorších predpisov), 21 October 2011.