

Franet National contribution to the Fundamental Rights Report 2024

Slovakia

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Culture

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1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Amendment to the Act on aid in material need

In June 2023, an amendment to the Material Needs Assistance Act was adopted.¹ The aim of this amendment is to partially mitigate the adverse effects of inflation on the most vulnerable groups of the population.² This amendment increases the amount of minimum pensions. The amount of the minimum pension will thus rise from the current EUR 334.30 to EUR 365.70, an increase of more than EUR 30.³ The aim of the measure is to increase the solidarity of the pension system with the lowest income groups of the population and to ensure that pensioners are not dependent on benefits pays out to those in material need.⁴

At the same time, a new regulation has been adopted according to which the amount of the increase in the pension benefit on the basis of valorisation is not considered as income for the purposes of material need benefit. This means that the total disposable

¹ Slovakia, [Law No. 275/2023 Coll. amending Law No. 417/2013 Coll. on assistance in material need and on amendments and supplements to certain acts, as amended, and amending and supplementing certain acts](#) (Zákon č. 275/2023 Z.z., ktorým sa mení a dopĺňa zákon č. 417/2013 Z. z. o pomoci v hmotnej núdzi a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony), 1 October 2023.

² Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2023), [‘Rošírením príspevku na bývanie a skoršou valorizáciou súm pomoci v hmotnej núdzi adresne pomôžeme najodkázanejším’](#) (By extending the housing allowance and earlier valorisation of the amounts of aid for material hardship, we will help the most needy in a targeted way), *press release*, 23 June 2023.

³ Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2023), [‘Minimálne dôchodky v tomto roku porastú o desiatky eur’](#) (Minimum pensions to rise by tens of euros this year), *press release*, 27 June 2023.

⁴ Slovakia, [Law No. 417/2013 Coll. on aid in material need as amended by the Law No. 275/2023](#) (zákon č. 417/2013 Z.z. o pomoci v hmotnej núdzi v znení zákona č. 275/2023), 15 July 2023.

income of the household receiving material need benefit has increased, thereby mitigating the negative effects of increased inflation on these groups of households.⁵

The above-mentioned amendment also increased and extended the housing benefit. Previously, housing benefit was paid either to an individual or to a household. The amendment extends the payment of the benefit up to 5 levels according to the number of household members (from 1 member to 5 or more members). In the case of, for example, a 4-member household, this means an increase in the allowance of EUR 115 per month.⁶

The amendment also includes a one-off extraordinary postponement of the valorisation of the amounts of benefit in material need to 1 October 2023. For example, the increased material need benefit, protection benefit, activation benefit, benefit for a dependent child or housing benefit will now be paid to beneficiaries as early as November 2023.⁷

The purpose of the front-loaded valorisation is to ensure that the increased costs of housing, utilities, food, basic equipment, and baby supplies due to the rising rate of inflation are covered.⁸

Subsidies for meals for children in social services

In June 2023, the Ministry of Labour, Social Affairs and Family of the Slovak Republic issued a regulation⁹ under which children who are unable to attend kindergarten or

⁵ Information provided by the Ministry of Labour, Social Affairs and Family of the Slovak Republic upon request via email on 26 September 2023.

⁶ Slovakia, [Law No. 417/2013 Coll. on aid in material need as amended by the Law No. 275/2023 \(zákon č. 417/2013 Z.z. o pomoci v hmotnej núdzi v znení zákona č. 275/2023\)](#), 15 July 2023.

⁷ Slovakia, [Law No. 417/2013 Coll. on aid in material need as amended by the Law No. 275/2023 \(zákon č. 417/2013 Z.z. o pomoci v hmotnej núdzi v znení zákona č. 275/2023\)](#), 15 July 2023.

⁸ Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2023), '[Rošírením príspevku na bývanie a skoršou valorizáciou súm pomoci v hmotnej núdzi adresne pomôžeme najodkázanejším](#)' (By extending the housing allowance and earlier valorisation of the amounts of aid for material hardship, we will help the most needy in a targeted way), *press release*, 23 June 2023.

⁹ Slovakia, Ministry of Economy of the Slovak Republic (*Ministerstvo hospodárstva SR*) (2023), '[Návrh nariadenia vlády Slovenskej republiky, ktorým sa mení a dopĺňa nariadenie vlády Slovenskej republiky č. 131/2022 Z. z. o niektorých opatreniach v oblasti dotácií v pôsobnosti Ministerstva práce, sociálnych vecí a rodiny Slovenskej republiky v čase mimoriadnej situácie, núdzového stavu alebo výnimočného stavu vyhláseného v súvislosti s hromadným prílevom cudzincov na územie Slovenskej republiky spôsobeným ozbrojeným konfliktom na území Ukrajiny v znení neskorších predpisov](#)' (Draft Slovak Government Regulation amending Slovak Government Regulation No 131/2022 Coll. on certain measures in the field of subsidies within the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic in times of emergency, state of emergency or state of exception declared in connection with a mass influx of foreigners to the territory of the Slovak

primary school will also be compensated for their food expenses. These are school-age children who are also dependent on social services in outpatient or residential facilities conditional on dependency. The one-off subsidy of €160 is intended to cover the cost of meals for a period of four calendar months, i.e. September to December 2023. The subsidy should be directed to approximately 515 children.

Exceptional increase in the financial contribution to social services facilities

From 1 July 2023, the Ministry of Labour, Social Affairs and Family of the Slovak Republic has increased the financial contribution for the provision of social services in selected social service facilities by 7% per month. This is in response to the energy crisis and the year-on-year increase in the inflation rate. The increase applies to facilities of both public and private social service providers.

Thus, the Ministry of Labour, through an extraordinary package of EUR 7.2 million, will support in the second half of 2023 more than 30 thousand places in facilities subject to dependency in both residential and outpatient form and more than 2 thousand places in crisis intervention facilities.¹⁰

Flat-rate subsidies for children's meals

From 1 May 2023, all pupils in their final year of nursery and throughout primary school will be entitled to free meals.¹¹ From 1 September 2023, the target group of children for the provision of the food subsidy has also been extended to all children attending the first upto the fourth grade of eight-year grammar schools and children in the first year of five-year secondary schools who entered after the eighth year of primary school.¹²

Republic caused by the armed conflict on the territory of Ukraine, as amended by later regulations), No. UV-14954/2023', UV-22155/2023, adopted on 26 April 2023 by [Government's Resolution No. 195/2023](#).

¹⁰ Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2023), '[Mimoriadne zvýšime finančný príspevok pre zariadenia sociálnych služieb o vyše 7 miliónov eur v tomto roku](#)' (We will exceptionally increase the financial contribution to social services facilities by over €7 million this year), *press release*, 12 June 2023.

¹¹ Slovakia, [Law No. 544/2010 Coll. on subsidies under the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic as amended by the Law No. 65/2023](#) (zákon č. 544/2010 Z.z. o dotáciách v pôsobnosti Ministerstva práce, sociálnych vecí a rodiny SR v znení zákona č. 65/2023 Z.z.), 1 May 2023; Information provided by the Ministry of Labour, Social Affairs and Family of the Slovak Republic upon request via email on 26 September 2023.

¹² Slovakia, [Law No. 544/2010 Coll. on subsidies under the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic](#) (zákon č. 544/2010 Z.z. o dotáciách v pôsobnosti Ministerstva práce, sociálnych vecí a rodiny SR v znení zákona č. 280/2023 Z.z.), 1 September 2023.

Increase in parental benefit

From August 2023, the parental benefit has been increased. A parent who previously received maternity benefit will thus receive EUR 60 per month more. This is an accelerated valorisation, which was originally supposed to take place in January 2024. The valorisation was accelerated by an amendment to the law on parental allowance.¹³

Energy price regulation and energy poverty reduction

In early December, the government **capped tariffs for gas and electricity supply** for selected vulnerable customers for 2024, at the level of 2023¹⁴ and so was **the maximum price for regulated heat supply** for selected end-users.¹⁵

The government has also **capped selected tariffs in the electricity and gas sectors** (e.g. tariffs for access to the distribution system, etc.). This regulation will ensure a zero percentage increase in the regulated component of electricity and gas end-user prices in 2024 compared to 2023 for all electricity end-user groups and all gas end-user groups.¹⁶

¹³ Slovakia, [Law No. 571/2009 Coll. on parental benefit as amended by the Law No. 210/2023](#) (zákon č. 571/2009 Z.z. o rodičovskom príspevku v znení zákona č. 210/2023 Z.z.), 1 August 2023.

¹⁴ Slovakia, Government of the Slovak Republic (Vláda Slovenskej republiky) (2023), '[Návrh nariadenia vlády Slovenskej republiky, ktorým sa ustanovuje maximálna cena za časť regulovanej dodávky plynu pre koncových odberateľov plynu v domácnosti, maximálna cena za časť regulovanej dodávky elektriny pre vybraných zraniteľných odberateľov elektriny a maximálna cena za časť regulovanej dodávky plynu pre vybraných zraniteľných odberateľov plynu a podmienky ich uplatnenia](#)' (Draft Regulation of the Government of the Slovak Republic establishing the maximum price for part of the regulated gas supply for household gas end-users, the maximum price for part of the regulated electricity supply for selected vulnerable electricity customers and the maximum price for part of the regulated gas supply for selected vulnerable gas customers and the conditions for their application), No. 48344/2023, adopted on 6 December 2023 by Government's Resolution No. 687/2023

¹⁵ Slovakia, Government of the Slovak republic (Vláda Slovenskej republiky) (2023), '[Návrh nariadenia vlády Slovenskej republiky, ktorým sa ustanovuje maximálna cena za regulovanú dodávku tepla pre vybraných koncových odberateľov tepla a podmienky jej uplatnenia](#)' (Draft Regulation of the Government of the Slovak Republic establishing the maximum price for regulated heat supply for selected end-users of heat and the conditions for its application), No. UV-48340/2023, adopted on 6 December 2023 by Government's Resolution No. 686/2023.

¹⁶ Slovakia, Government of the Slovak republic (Vláda Slovenskej republiky) (2023), '[Návrh nariadenia vlády Slovenskej republiky, ktorým sa ustanovujú výšky taríf pre koncových odberateľov elektriny a pre odberateľov plynu](#)' (Draft Regulation of the Government of the Slovak Republic establishing tariffs for electricity end-users and gas end-users), No. UV-48338/2023, adopted on 6 December 2023 by Government's Resolution No. 689/2023.

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Policies and measures in the field of social welfare

a) Inflation aid “packages” for different population groups

The Ministry of Labour, Social Affairs and Family has introduced measures to help different groups of the population overcome rising inflation and the energy crisis, which is also linked to rising energy and food prices. The Ministry calls these measures 'inflation packages'.

Comprehensive inflation support packages were adopted mainly in 2022. Vulnerable groups were particularly affected by the so-called "second inflation support package" of October 2022, which was approved by the government on the proposal of the Ministry of Labour, Social Affairs and Family¹⁷. The total inflation aid was in the amount of €15.6 million.

Inflation aid has targeted various vulnerable groups:

- **Low-income people with disabilities** - a one-off contribution of €100 to compensate for their severe disability
- **Orphans with substitute alimony** - €100 allowance for orphans who are not entitled to an orphan's pension
- **Households in material need** - €100 allowance for households not eligible for the first wave of inflation aid

¹⁷ Slovakia, Government of the Slovak republic (*Vláda Slovenskej republiky*) (2022), [`Nariadenie vlády Slovenskej republiky, ktorým sa mení a dopĺňa nariadenie vlády Slovenskej republiky č. 103/2020 Z. z. o niektorých opatreniach v oblasti dotácií v pôsobnosti Ministerstva práce, sociálnych vecí a rodiny Slovenskej republiky v čase mimoriadnej situácie`](#) (Regulation of the Government of the Slovak Republic amending and supplementing Regulation of the Government of the Slovak Republic No. 103/2020 Coll. on certain measures in the field of subsidies within the competence of the Ministry of Labour, Social Affairs and Family of the Slovak Republic in times of emergency), 26 October 2022.

- **Inflation aid for foster care leavers** - €100 allowance¹⁸.

Subsequently, in **May 2023**, the so-called "**third inflation aid package**" was adopted, which was intended for households in a difficult financial situation that did not receive an inflation benefit under the previous 2 inflation aid packages in 2022. It is a €100 allowance for people with temporary residence in the Slovak Republic living in a household whose average monthly income over the last six months was no more than 1.81 times the minimum subsistence level. The condition is that no member of this household has received any assistance in the form of a subsidy or increased benefit or 13. pension in 2022. The subsidy is granted per household to one member of the household, even if more than one member of the household meets the conditions. This subsidy was targeted at approximately 50,000 households¹⁹.

In **July 2023**, inflation aid was provided to another of the vulnerable groups, namely **foster parents** (around 6,000 parents) and around 2,000 children of parents receiving child benefit supplements. Again, this is a one-off contribution of EUR 100²⁰

b) Food and hygiene packages for families in material need

In March 2023, the Ministry of Labour also provided food and hygiene packages with a total amount of 5.3 million euros. Beneficiaries of food and hygiene packages are primarily individuals and families with dependent children who receive assistance in material need. The food packages were given to recipients in material need who were paid a material need. An eligible individual was entitled to one food package. A family with one or two dependent children was entitled to two food packages, a family with 3 or more dependent children was entitled to three food packages²¹.

¹⁸ Slovakia, Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*) (2022), `[Úrady práce začnú vyplácať 2. balík inflačnej pomoci](#)` (Labour offices start paying 2nd inflation aid package), press release, 4 November 2022.

¹⁹ Slovakia, Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*) (2023), `[Tretí balík inflačnej pomoci je pripravený pre 50 000 domácností](#)` (Third inflation aid package ready for 50 000 households), press release, 11 May 2023.

²⁰ Slovakia, Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*) (2023) `[Pokračujeme v podpore najodkázanejších. Jednorazová inflačná pomoc aj pre náhradných rodičov](#)` (We continue to support the most needy. One-off inflationary aid also for foster parents), press release, 12 July 2023.

²¹ Slovakia, Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*) (2023) `[Rezort práce rozdá rodinám v ťažkej životnej situácii potravinové a hygienické balíčky za viac než 5 miliónov eur](#)` (Labour Ministry to distribute food and hygiene packages worth more than EUR 5 million to families in difficult living situations), press release, 23 March 2023.

Policies related to energy price regulation and energy poverty reduction

a) Strategy for the protection customers meeting conditions of energetic poverty²²

This strategy was adopted in December 2022 and takes into account the provisions of Articles 5 and 29 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 that establishes common rules for the generation, transmission, distribution, energy storage and supply of electricity, together with consumer protection provisions amending Directive 2012/27/EU. Another legislation taken into account regarding energy poverty is Regulation (EU) 2018/1999 of the European Parliament and of the Council on the governance of the Energy Union and climate action.

The Strategy for the Protection of Households at Risk of Energy Poverty is a set of recommendations for systemic action at least in the medium term.

There is a link between energy and income poverty. In the conditions of the Slovak Republic, the availability of the necessary amount of energy and water is mainly a question of the financial situation of households and not of the physical lack of energy and water. More than 99 % of households are connected to electricity, more than 65 % consume gas, and both media are also used for heating.

Therefore, the income of individuals plays a key role in setting the definition criteria as well as in the eradication of energy poverty. Once a certain income threshold is reached, both income and energy poverty decrease.

Proposals for measures within the competence of the Regulatory Office for Network Industries

1. Promoting the use of pre-paid (credit) electricity collection systems - Following the results of the pilot project, the DSO will consider and set the conditions for the introduction of an obligation for suppliers to offer pre-paid electricity collection throughout Slovakia to households that are at risk of energy poverty. This would allow households that fall within the definition of energy poverty to prepay for their electricity supply in advance and better manage their consumption in relation to their disposable income.
2. Legislative mandate for the creation of EIC identifiers for energy and water consumers - The aim is to create a uniform support tool across all network sectors through which households at risk of energy poverty can be identified in a targeted and correct manner.

²² Slovakia, The Regulatory Office for Network Industries (*Úrad na reguláciu sieťových odvetví*) (2022) `[Koncepcia na ochranu odberateľov spĺňajúcich podmienky energetickej chudoby](#)` (Concept for the protection of energy-poor customers), 23 December 2022.

3. Legislative modification of the mandate of the Regulatory Office for Network Industries to strengthen the protection of consumers and households at risk of energy poverty²³

b) Proposal for a change in the Recovery and resilience plan with regards to energy poverty²⁴

In April 2023, the Government approved the draft proposal material for changes to the Recovery and Resilience Plan in response to the adoption of Regulation (EU) 2023/435 of the European Parliament and of the Council amending Regulation (EU) 2021/241 as regards the REPowerEU chapter in the Recovery and Resilience Plans and amending Regulations (EU) 1303/2013, (EU) 2021/1060 and (EU) 2021/1755 and Directive 2003/87/EC. First of all, the plan is modified due to the addition of a new REPowerEU chapter to respond to the Russian aggression in Ukraine and related challenges. The main objective of the reforms and investments in the REPowerEU chapter is therefore to contribute to the diversification of energy sources and the move away from Russian fossil fuels. In addition to the above objectives, the REPowerEU chapter also covers measures that will help to combat **energy poverty**, promote zero-emission transport and accelerate the retraining of the workforce in green and related digital skills.

The addition of a new REPowerEU chapter to an already existing resilience plan follows from Articles 21a, 21b(2) as well as 21c(2) of Regulation (EU) 2023/435. Article 21a allows Member States to use additional non-repayable financial support to contribute to the achievement of the REPowerEU objectives. One of the measures under this component is the measure "**Investment 4: Support for the reconstruction of households at risk of energy poverty**".

c) Measures to reduce the impact of high energy prices on households

The Government of the Slovak Republic has adopted a number of measures to eliminate the impact of high energy prices. Households are assured a final electricity price in 2023 at the 2022 level, a final gas price increased by 15% compared to 2022 and a heat price increased by a maximum of EUR 20/MWh, to a maximum of EUR 199/MWh.²⁵

Regulated prices of electricity and gas at the level of prices for households also have selected vulnerable customers, for example, apartment buildings with rental apartments owned by a municipality or a higher territorial unit, which are intended for social housing or for the operation of an apartment building with rental apartments

²³ Slovakia, The Regulatory Office for Network Industries (*Úrad na reguláciu sieťových odvetví*) (2022), '[Konceptia na ochranu odberateľov spĺňajúcich podmienky energetickej chudoby](#)' (Concept for the protection of energy-poor customers), 23 December 2022.

²⁴ Slovakia, Government office of the Slovak republic (*Úrad vlády Slovenskej republiky*) (2023), '[Návrh zmeny Plánu obnovy a odolnosti Slovenskej republiky](#)' (Draft amendment to the Recovery and Resilience Plan of the Slovak Republic), 25 April 2023.

²⁵ Information provided by the Ministry of Economy of the Slovak republic upon request via email on 22 September 2023.

within the framework of state-supported rental housing, as well as for social services facilities, social protection of children and social welfare facilities²⁶.

Small customers, which are electricity customers with consumption up to 30 MWh/year and gas customers with consumption up to 100 MWh/year, are assured electricity supply prices of maximum EUR 199/MWh and gas supply prices of maximum EUR 99/MWh. All other electricity and gas customers may apply for compensation for the increased costs of purchasing electricity and gas above the set level of the electricity supply price up to a maximum of EUR 199/MWh and the gas supply price up to a maximum of EUR 99/MWh²⁷.

d) Approval of the general economic interest to ensure the security, regularity, quality and price of electricity supply to households in the Slovak Republic

In March 2023, the Government of the Slovak Republic approved the general economic interest²⁸ to ensure the security, regularity, quality and price of electricity supply to households in the Slovak Republic on the basis of Section 24 of Act No. 251/2012 Coll. on Energy and on Amendments and Additions to Certain Acts and in accordance with Chapter II, Article 9(2) of Directive 2019/944 of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU.

The purpose of the approved material is to avoid the negative impact of high electricity price increases on the most vulnerable electricity consumers, namely household customers²⁹. Second phase was approved in August 2023 regulating obligations in the general economic interest on electricity producers in facilities for the production of electricity from nuclear fuel.³⁰

²⁶ Information provided by the Ministry of Economy of the Slovak republic upon request via email on 22 September 2023.

²⁷ Information provided by the Ministry of Economy of the Slovak republic upon request via email on 22 September 2023.

²⁸ Slovakia, Government of the Slovak republic (*Vláda SR*) (2023) `[Návrh na schválenie všeobecného hospodárskeho záujmu na zabezpečenie bezpečnosti, pravidelnosti, kvality a ceny dodávok elektriny pre domácnosti v Slovenskej republike v roku 2024 – fáza I.](#)` (Proposal for approval of the general economic interest to ensure the security, regularity, quality and price of electricity supply to households in the Slovak Republic in 2024 - Phase I.), 27 March 2023.

²⁹ Slovakia, Ministry of Economy of the Slovak republic (*Ministerstvo hospodárstva Slovenskej republiky*) (2023) `[Návrh na schválenie všeobecného hospodárskeho záujmu na zabezpečenie bezpečnosti, pravidelnosti, kvality a ceny dodávok elektriny pre domácnosti v Slovenskej republike v roku 2024 – fáza I.](#)` (Proposal for approval of the general economic interest to ensure the security, regularity, quality and price of electricity supply to households in the Slovak Republic in 2024 - Phase I.)

³⁰ Slovakia, Ministry of Economy of the Slovak republic (*Ministerstvo hospodárstva Slovenskej republiky*) (2023) `[Návrh na schválenie všeobecného hospodárskeho záujmu na zabezpečenie bezpečnosti, pravidelnosti, kvality a ceny dodávok elektriny pre domácnosti v Slovenskej republike v roku 2024 – fáza II](#)` (Proposal for approval of the general economic interest to ensure the security, regularity,

In early December, the government approved **the III. Phase of the general economic interest** to ensure the security, regularity and quality of the price and supply of electricity to households in 2024. The purpose of the material is to avoid the negative impact of high electricity price increases on the most vulnerable electricity consumers.

In this way, the government capped the fixed monthly tariff for electricity supply for 2024 at the level of 2023. The fixed monthly tariff in 2023 was set at EUR 1.50 per consumption point. According to the Office for the Regulation of Network Industries, this rate was to increase to EUR 1.68 per consumption point in 2024.³¹

d) Program manifesto of the new government

The new government that was formed after the September 2023 elections adopted its Programme Manifesto in November 2023, which also addresses the issue of energy poverty in the energy policy section. The overriding objective of the energy policy is to ensure a sustainable, stable, predictable and accessible supply of all types of energy for households, the economy and the public sector. The Government is committed to:

- e) -Use a comprehensive and efficient system of price compensation for electricity, gas and heat for households and other vulnerable consumers.
- f) -Proceed to a clear legislative regulation of vulnerable energy consumers in order to provide specific and targeted assistance to the most vulnerable groups of the population and enterprises.
- g) -Use all available and effective instruments to reduce the charges that enter into the final prices of electricity, natural gas and heat³².

Table 1 – Promising practice

Promising practice	
Title (original language)	
Title (EN)	

quality and price of electricity supply to households in the Slovak Republic in 2024 - Phase II), 30 August 2023.

³¹ Slovakia, Government of the Slovak republic (*Vláda Slovenskej republiky*) (2023), '[Návrh na schválenie všeobecného hospodárskeho záujmu na zabezpečenie bezpečnosti, pravidelnosti, kvality a ceny dodávok elektriny pre domácnosti v Slovenskej republike v roku 2024 – fáza III.](#)' (Proposal for approval of the general economic interest to ensure the security, regularity, quality and price of electricity supply to households in the Slovak Republic in 2024 - Phase III.), No. UV-48341/2023, adopted on 6 December 2023 by Government's Resolution No. 690/2023.

³² Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2023) '[Programové vyhlásenie vlády](#)' (Government Programme Statement), November 2023.

Promising practice	
Organisation (original language)	
Organisation (EN)	
Government / Civil society	
Funding body	
Reference (incl. URL, where available)	
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	
Type of initiative	
Main target group	
Indicate level of implementation: Local/Regional/National	
Brief description (max. 1000 chars)	
Highlight any element of the actions that is transferable (max. 500 chars)	

Promising practice	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	
Explain, if applicable, how the practice provides for review and assessment	

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
<p>Legal and administrative constraints, harassment, intimidation, and reprisals against civil society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p>	
<p>Lack of media freedom a/o media pluralism; disinformation (incl. online)</p>	<p>Attacks on journalists</p> <p>According to a survey by the Ján Kuciak Investigative Centre, more than two-thirds of Slovak journalists have experienced an attack or threat in last year. The survey said such attacks were on the rise, most often verbal, and in person and online. This is also a problem for freedom of speech, as in 16 per cent of cases these attacks also triggered self-censorship. More than a third of journalists also said they considered their employer's measures to protect journalists to be insufficient. 97% of research participants would like to see a system in place to help journalists facing threats, attacks and lawsuits; they would particularly welcome legal advice (80,17%), security training (49,14%) and psychological support (52,16%). More than 400 hundred journalists participated in the survey conducted between November 2022 and January 2023 (the number of journalists approached is not available)³³. The data was collected through an online questionnaire. More than 80 percent of participants work in national media, 16 percent in regional</p>

³³ The Investigative Centre of Ján Kuciak (*Investigatívne Centrum Jána Kuciaka*) (2023), [Výskum: cítia sa slovenskí novinári bezpečne? \(Research: do Slovak journalists feel safe?\)](#), 20 February 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>and local media and 3 percent in international newsrooms. In terms of length of journalistic experience, the most numerous group was journalists who have been in journalism for more than 10 years (55%), journalists with 2-10 years of experience accounted for 35% of those involved in the research, and 10% were journalists with up to 2 years of experience.</p> <p>According to representatives of international journalists' organisations, following a two-day mission to Slovakia to observe the fifth anniversary of the murders of Ján Kuciak and Martina Kušnírová, the Government did not do enough to protect the safety of their colleagues following the journalist's death.³⁴</p> <p>The Ján Kuciak Investigative Centre has also launched a new platform https://bezpecna.zurnalistika.sk/, which aims to monitor attacks against journalists and help those who are targeted.³⁵</p> <p>Attacks on journalists in the election campaign</p> <p>The election campaign before the Parliamentary election in September 2023 included aggression and attacks on journalists. An analysis by the Ján Kuciak Investigative Centre shows that media workers were attacked by several parties and politicians in the election campaign³⁶. For two pre-election months, their communications were monitored on the most widely used Slovak social network Facebook. They found that the chairman and other members of the SMER - SSD party, which won the election, were the biggest disseminators of attacks on journalists and the media. Furthermore, the Republika, OĽANO-Za ľudí-KÚ, SNS, SHO and Hlas parties also attacked journalists.</p>

³⁴ Euractiv.sk (2023), '[Slovensko nerobí dosť pre to, aby sa vražda novinára nezopakovala](#)' (Slovakia is not doing enough to prevent the murder of a journalist from happening again), 21 February 2023.

³⁵ Slovakia, Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry SR*)(2023), '[Ministerstvo kultúry dnes informovalo vládu SR o tom, ako prebieha implementácia opatrení pre ochranu novinárov](#)' (Today, the Ministry of Culture informed the Government of the Slovak Republic about the implementation of measures for the protection of journalists), 23 September 2023

³⁶ The Investigative Centre of Ján Kuciak (*Investigatívne Centrum Jána Kuciaka*) (2023), '[Pred voľbami na novinárov a médiá útočil Róbert Fico a strana SMER, platili si aj reklamu \(Róbert Fico and the SMER party attacked journalists and media before the elections, they also paid for advertising\)](#)', 5 October 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>The most frequent posts referred to the media and journalists in general (59.68% of the posts in the sample), with the name of a specific journalist mentioned in 23.97% of the cases. In almost two-thirds (64.3%) of the posts examined, i.e. in 362 statuses, politicians attacked the media or journalists. About a third of the posts were neutral (31.61%) and 23 statuses, or about 4 percent, were positive. A total of 563 Facebook posts of politicians and parties running in the parliamentary elections that contained references to the media or journalists were analysed.</p> <p>The attacks did not stop even during the moratorium. Two days before the elections, on 28 September, a deepfake video of a fake phone call between the chairman of the political party Progressive Slovakia, and the reporter of Daily N (<i>Denník N</i>) began to circulate massively on the internet. In the manipulated video, the computer-altered voices talk about the manipulation of the elections and the financial reward.</p> <p>Widely publicized was the case of the journalist of Daily N (<i>Denník N</i>), who was harassed by a famous blogger and disinformant during her private holiday stay with a judge. He shared several videos on YouTube and Facebook where he made the journalist the target of further attacks because of the private relationship between the journalist and the judge. The videos also contained personal details such as the license plate number of the car or the address of the residence. The journalist concerned and the editors of <i>Denník N</i> reported that after she befriended the judge, she informed the editor-in-chief about the relationship and the editors took action and the conflict of interest was denied. However, the videos about the <i>Denník N</i> journalist triggered a carousel of hateful, homophobic and threatening reactions from other disinformants and politicians. The reporter's name appears in more than half of the statuses in which politicians have mentioned the name of a particular journalist. The majority of these (93.9%) was an attack³⁷.</p>

³⁷ The Investigative Centre of Ján Kuciak (*Investigatívne Centrum Jána Kuciaka*) (2023), [Pred voľbami na novinárov a médiá útočil Róbert Fico a strana SMER, platili si aj reklamu \(Róbert Fico and the SMER party attacked journalists and media before the elections, they also paid for advertising\)](#), 5 October 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Call to action for Slovak political parties</p> <p>On 6 September 2023, the international NGO Reporters Without Borders called on Slovak political parties that support membership of the European Union to commit to implementing all the European Commission's recommendations on the protection of journalists and the fight against SLAPP actions. Slovakia has so far implemented the recommendations only to a very limited extent. Several politicians and political parties have repeatedly attacked journalists even after this call and refuse to take any responsibility for this. Some political parties standing for parliamentary elections have made a campaign commitment to implement the recommendations and have responded positively to the Reporters Without Borders's call for improved protection for journalists, others have not responded at all.³⁸</p> <p>NGOs propose for stronger protection of journalists</p> <p>In June 2023, the NGOs Via Iuris and Stop Corruption Foundation presented expert proposals and called on democratic political parties to commit in their election programmes to measures to fight corruption and protect the rule of law. In particular, they called on political parties to commit in their election programmes to reforming the prosecution service, amending Section 363 of the Code of Criminal Procedure, greater public participation in lawmaking, and greater protection for journalists and women journalists. They also pointed out that journalists and the media are the target of hate attacks and called for greater protection for them. They propose, among other things, the adoption of legislation to ensure that journalists and civic activists are protected from so-called SLAPP suits. According to the VIA IURIS and Stop Corruption Foundation, the call was not sent to SMER – SSD and the Republic Party since they reject cooperation with civil society organisations.³⁹</p>

³⁸ The Investigative Centre of Ján Kuciak (*Investigatívne Centrum Jána Kuciaka*) (2023), [Pred voľbami na novinárov a médiá útočil Róbert Fico a strana SMER, platili si aj reklamu \(Róbert Fico and the SMER party attacked journalists and media before the elections, they also paid for advertising\)](#), 5 October 2023.

³⁹ Viaiuris.sk (2023), [Návrhy pre silný právny štát \(Proposals for a strong rule of law\)](#), 1 June 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Measures for the protection of journalists</p> <p>On 27 September 2023, the Minister of Culture of the Slovak Republic submitted to the Government a briefing paper "Information on the implementation of measures aimed at increasing the protection, safety and empowerment of journalists and other media workers".</p> <p>According to the Ministry, the current media legislation, effective as of 1 August 2022, significantly exceeds the minimum measures set out in the Audiovisual Media Services Directive, strengthens the protection of journalistic sources and preserves the freedom of the journalistic profession without the need for any registration or special consent. As of 14 September 2023, i.e. in 6 months of operation, 28 incidents related to the exercise of the profession have been reported, according to the Ministry of Culture.</p> <p>In order to mitigate the negative impact on journalists and other media workers and to implement the recommendations for the protection of journalists, the Ministry of Culture is taking a number of initiatives: at the suggestion of the Ministry of Culture, the issue of the protection of journalists is also part of the Strategy for the Prevention of Crime and Other Anti-Social Activities in the Slovak Republic until 2028. The Ministry of Culture is also currently working on the possibility of training judges/officials in cooperation with the Ministry of Justice of the Slovak Republic and the international organization UNESCO.</p> <p>Within the framework of the measures taken to protect journalists and media, the Ministry of Culture seeks to implement not only the measures set out in the EU instruments, but also those of the Council of Europe, the OSCE and UNESCO in the broader context of strengthening media pluralism. Support for the EU's draft Media Freedom Regulation (EMFA) has also been clearly stated, with the priority of actively promoting the extension of protection of journalists from all forms of dangerous harassment, especially in the online environment, the widest possible protection of sources, the preservation of the principle of editorial</p>

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>independence, the anchoring of the principles of the independent status and functioning of public service media, and the maximum transparency in the allocation of state advertising.</p> <p>The Slovak Culture and Creative Industries Strategy 2030 also includes Strategic Priority 7.7, which aims to ensure increased protection and safety of journalists and women journalists, in particular through the implementation of measures resulting from Commission Recommendation (EU) 2021/1534, as well as to take legislative measures against targeted lawsuits against the work of journalists and women journalists (SLAPP) in cooperation with the Ministry of Justice of the Slovak Republic.⁴⁰</p>
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and	<p>The amendment of the Act on environmental impact assessment and related laws</p> <p>At the suggestion of a group of MPs, Parliament debated and passed extensive changes to legislation on environmental impact assessment in relation to the construction and permitting of large constructions in May 2023⁴¹. The amendment concern in particular Act No 24/2006 Coll. on</p>

⁴⁰ Slovakia, Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry SR*) (2023), '[Ministerstvo kultúry dnes informovalo Vládu SR o tom, ako prebieha implementácia opatrení pre ochranu novinárov](#)' (Today, the Ministry of Culture informed the Government of the Slovak Republic about the implementation of measures for the protection of journalists), 23 September 2023.

⁴¹ Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2023), '[Návrh poslancov Národnej rady Slovenskej republiky Jaroslava KARAHUTU, Jozefa LUKÁČA a Miloša SVRČEKA na vydanie zákona o zmene a doplnení niektorých zákonov v oblasti ochrany životného prostredia v súvislosti s reformou stavebnej legislatívy - schválené znenie zo dňa 10.5.2023 \(Proposal of the Members of the National Council of the Slovak Republic Jaroslav KARAHUTU, Jozef LUKÁČ and Miloš SVRČEK for the issue of the Act on Amendments and Additions to Certain Acts in the Field of Environmental Protection in Connection with the Reform of the Construction Legislation - approved text of 10.5.2023\)](#)'.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
policymaking; incl. access to information	<p>environmental impact assessment⁴², but also nearly 70 other related laws. The President of the Slovak Republic vetoed the changes in the legislation and returned the laws back to Parliament⁴³. The MPs re-approved the changes to the legislation in June 2023 and thus the changes came into force⁴⁴.</p> <p>The aforementioned amendment to the laws introduce one integrated procedure for construction permitting and environmental impact assessment. It also aims to simplify and optimise the preparation and authorisation of construction investment projects. It is also intended to harmonise environmental legislation and laws on territorial planning and construction, to eliminate delays in permitting procedures, while maintaining environmental standards and international requirements.</p> <p>The amendment has been criticised by the Ministry of the Environment and many civil society organisations active in the field of environmental protection. The President did not sign the amendment and returned it with her comments to Parliament for discussion. The main criticisms of the amendment include⁴⁵:</p>

⁴² Slovakia, [Law no. 24/2006 Coll. on environmental impact assessment as amended](#), 14 December 2005.

⁴³ Slovakia, President of the Slovak Republic (*Prezidentka SR*) (2023), [Zákon z 10. mája 2023 o zmene a doplnení niektorých zákonov v oblasti ochrany životného prostredia v súvislosti s reformou stavebnej legislatívy – vrátený zákon \(Act of 10 May 2023 to amend certain laws in the field of environmental protection in connection with the reform of construction legislation – returned\)](#).

⁴⁴ Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2023), [Zákon z 10. Mája 2023 o zmene a doplnení niektorých zákonov v oblasti ochrany životného prostredia v súvislosti s reformou stavebnej legislatívy, vrátený prezidentkou Slovenskej republiky na opätovné prerokovanie Národnou radou Slovenskej republiky – znenie schválené 20. Júna 2023 \(Act of 10 May 2023 on amendments and additions to certain acts in the field of environmental protection in connection with the reform of construction legislation, returned by the President of the Slovak Republic for renegotiation by the National Council of the Slovak Republic - text approved on 20 June 2023\)](#).

⁴⁵ Slovakia, President of the Slovak Republic (*Prezidentka SR*) (2023), [Zákon z 10. mája 2023 o zmene a doplnení niektorých zákonov v oblasti ochrany životného prostredia v súvislosti s reformou stavebnej legislatívy – vrátený zákon \(Act of 10 May 2023 to amend certain laws in the field of environmental protection in connection with the reform of construction legislation – returned\)](#); Slovakia, Ministry of Environment of the Slovak Republic (*Ministerstvo životného prostredia SR*) (2023), [‘Poslanecké pozmeňujúce návrhy, ktoré sa majú schváliť v utorok, zrušia verejnú kontrolu nad stavebným konaním a ochranu životného prostredia podriadia záujmom investorov’ \(The MPs’ amendments, to be approved on Tuesday, will abolish public scrutiny of construction proceedings and subordinate environmental protection to the interests of investors\)](#), 6 May 2023; Slovakia, Ministry of Environment of the Slovak Republic (*Ministerstvo životného prostredia SR*) (2023),

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<ul style="list-style-type: none"> - The approved changes lower the current standard of public participation in environmental impact assessment proceedings. - The approved changes go against European legislation and case law and set standards in the field of environmental protection. - The amendment was not submitted to the Parliament by the Government of the Slovak Republic and did not go through the standard legislative process. The amendment was submitted to Parliament as a parliamentary motion, which means that it was not preceded by any discussion. - Although the authors of this legislative change talk about streamlining the permitting processes in the area of environmental impact assessment in the permitting of construction, they are in fact promoting speed of construction at the expense of environmental protection and public rights. - Another new element introduced by the amendment is the establishment of the Office of Planning and Construction. In addition to the huge revenue from administrative fees, it is to take over the competences of several ministries, which may significantly increase the risk of corrupt behaviour and corruption. - The legislative changes are of poor quality, poorly drafted, ambiguous and thus will cause chaos when applied in practice. <p>Extensive amendment of the Criminal Code and Criminal Procedure Code</p> <p>In December 2023, the Government of the Slovak Republic approved an extensive amendment to the Criminal Code and the Criminal Procedure</p>

[‘Schválenie návrhy stavebnej legislatívy z dielne Sme rodina môže znamenať koniec ochrany prírody na Slovensku’ \(Approval of construction legislation proposals from Sme Rodina may mean the end of nature protection in Slovakia\)](#), 9 May 2023; Via Iuris (2023), [‘Zastavme spolu katastrofálnu reformu povoľovania veľkých stavieb’ \(Let’s stop together the disastrous large building permit reform\)](#), 3 May 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Code and some other laws⁴⁶. The Government also approved that the amendment will be submitted to the Parliament for approval in the fast-track legislative procedure, which means that the amended laws have not gone through the standard comment procedure, in which state institutions, local governments, legal experts, civic organisations and other subjects can submit their comments⁴⁷. The amendment of the criminal legislation abolishes the Special Prosecutor's Office that oversees prosecution of serious crimes including high-level corruption. It also reduces penalties for corruption and economic crimes⁴⁸.</p> <p>The NGOs VIA IURIS, Stop Corruption Foundation and INEKO sent an open letter to the European Commission against the amendment to the criminal legislation⁴⁹. The President also expressed her critical opinion on the content and form of the planned changes which have been adopted hastily without discussion with experts and the public⁵⁰.</p>
Lack of election integrity (incl. electoral	

⁴⁶ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2023), [Návrh zákona, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony](#) (Law amending Law no. 300/2005 Coll., the Criminal Code, as amended, and amending and supplementing certain acts), approved by the Government on 6 December 2023.

⁴⁷ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2023), [Návrh na skrátené legislatívne konanie o vládnom návrhu zákona, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony](#) (Proposal for a fast-track legislative procedure on the Government Law amending Law no. 300/2005 Coll., the Criminal Code, as amended, and amending and supplementing certain acts), approved by the Government on 6 December 2023.

⁴⁸ Slovak Spectator (2023), [‘Fico’s plan to end the ‘Special’ attracts protests in Buressels and at home’](#), 11 December 2023.

⁴⁹ VIA IURIS, Nadácia zastavme korupciu, INEKO (2023), [Ochráňme právny štát – verejná výzva](#) (Protect the rule of law - public call).

⁵⁰ Slovakia, President of the Slovak Republic (Prezident SR)(2023), [‘Vyhlásenie k rušeniu Úradu špeciálnej prokuratúry’](#) (Statement on the abolition of the Office of the Special Prosecutor), 8 December 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	<p>Extensive power of the Prosecutor General to annul the decisions of subordinated prosecutors</p> <p>The European Commission's 2023 Report on the rule of law in Slovakia recommended limiting the power of the Prosecutor General to annul the decisions of low-ranking prosecutors⁵¹.</p> <p>So far, no legislative change has been adopted to regulate this power of the Prosecutor General. At present, the Prosecutor General can intervene in any criminal proceeding because para 363 of the Criminal Procedure Code gives him such power⁵². An analysis by Daily N (Denník N) reports that the current Prosecutor General has used this power mainly in cases involving accused politicians, influential businessmen and members of the judiciary⁵³.</p> <p>Both the expert community and the EC recommend that this power should be modified so that it is transparent, predictable and subject to appeal⁵⁴.</p> <p>In their recommendations for a strong rule of law, the NGOs Stop Corruption Foundation and Via Iuris make specific recommendations on</p>

⁵¹ European Commission (2023), [2023 Rule of Law Report. Country Chapter on the rule of law situation in Slovakia](#).

⁵² Slovakia, [Law no. 301/2005 Coll Criminal Procedure Code as amended](#) (Zákon č. 301/2005 Z.z. Trestný poriadok v znení neskorších predpisov), 24 May 2005.

⁵³ Denník N (2023), [‘Odkryli sme, ako u Žilinku používajú paragraf 363 v prospech prominentov’ \(We've uncovered how Žilinka is using Section 363 to the advantage of prominent\)](#), 12 September 2023.

⁵⁴ European Commission (2023), [2023 Rule of Law Report. Country Chapter on the rule of law situation in Slovakia](#); Via Iuris (2023).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>how to regulate the Prosecutor General's powers⁵⁵. They suggest that the wording of section 363 should be more precise and should not allow for multiple interpretations, that the Prosecutor General should have the power to annul the decision of a subordinate prosecutor or police officer only on serious substantive or procedural grounds that cannot be rectified in the course of the criminal proceedings, and that the time limits relating to the application of section 363 should be shortened.</p>
Corruption, including misuse of EU funds	
Lack of (effective judicial protection by) independent and impartial courts	
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection	

⁵⁵ Nadácia zastavme korupciu/Via Iuris (2023), [Návrhy pre silný právny štát \(Proposals for a strong rule of law\)](#).

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
<p>authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment</p>	
<p>Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)</p>	
<p>Other major developments threatening democratic values</p>	<p>Please explain</p>

2.2. Legislative and policy measures having an impact on the freedom of assembly/association/expression of civil society actors.

2.2.1 Changes in participation of the public in legislative process

At the end of 2022, the Government changed the rules that determined how the public would be involved in the legislative process⁵⁶. The so-called Legislative Rules of the Government of the Slovak Republic determine how the public can submit comments on draft laws or conceptual documents in the inter-ministerial comment procedure. Changes to the rules included that the public can submit comments exclusively through the official Slov-lex portal (previously it was also possible in the form of paper sheets) and that public support for mass comments will only be possible through the Slov-lex portal (previously it was also possible through other portals, e.g. ekoforum.sk, mojapeticia.sk and others).

According to the NGO Via Iuris, this change has made it significantly more difficult for the public to participate in commenting on legislation. The Slov-lex portal is user-unfriendly and very complicated. In order to use it, one must first register and then log in with an electronic ID card, and at the time of the change in the aforementioned legislative rules, this option was not even active. Searching for a specific legislative proposal is extremely complicated. The Slov-lex portal is therefore unusable for the general public who would like to comment on the proposed legislation. Via Iuris did not consider that the government's change to the legislative rules grossly interfered with the public's right to participate in the legislative process. Moreover, the Government adopted this fundamental change without sufficient advance notice to the public. Via Iuris, together with dozens of other civil society organisations, has therefore called on the Slovak Government to return the Government's legislative rules to the way they were before the adoption of the criticised changes⁵⁷.

The problem of changing the legislative rules was also addressed by the Slovak Government Council for Non-Governmental Non-Profit Organisations, which is an advisory body to the Government. The Council issued an opinion in which it asks the

⁵⁶ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2022), [Návrh zmien a doplnení Legislatívnych pravidiel vlády Slovenskej republiky](#) (Draft amendments to the Legislative Rules of the Government of the Slovak Republic), approved by the Government on 14 December 2022.

⁵⁷ Via Iuris (2023), ['Výzva na zmenu legislatívnych pravidiel vlády'](#) (Call for changes to the government's legislative rules), 15 March 2023.

Government of the Slovak Republic to allow the public to submit comments on legislative proposals in a way other than through the Slov-lex portal. This will remove the barriers created by the adoption of the change in December 2022 and strengthen public participation in lawmaking⁵⁸.

In May 2023, a technocratic Government was appointed, which in July 2023 reverted the Government's Legislative Rules to the original form in which they were in force prior to the changes adopted in December 2022⁵⁹.

2.2.2 Parliament passed an amendment to the Whistleblower Protection Act

The amendment⁶⁰, which was approved by Parliament on 10 May 2023, comes after more than a year since the European Commission threatened Slovakia with sanctions for delaying the transposition of a European directive. The amendment comes into force on 1 July 2023, with some of its provisions, which concern internal reporting and sanctioning systems, coming into force on 1 September 2023.

The most important changes to the law involve:

The amendment introduces a number of fundamental changes to the whistleblower protection agenda for whistleblowers who blow the whistle on illegal activities at work. The most significant changes are:

1. Broadening the definition of a whistleblower and thus the persons who may enjoy protection. This means that in addition to whistleblowers in an employment relationship, statutory protection will also apply to whistleblowers in a relationship similar to an employment relationship (e.g. a member of a body of a legal entity, activities of a self-employed person, professional practice, volunteer, contractor).
2. Extension of the range of offences that will constitute serious anti-social activity, i.e. the whistleblower will be entitled to protection for reporting them. This includes an

⁵⁸ Slovakia, Council of the Government of the Slovak Republic for non-governmental non-profit organizations (*Rada vlády SR pre mimovládne neziskové organizácie*) (2023), [Uznesenie Rady vlády SR pre mimovládne neziskové organizácie č. 3 zo 14. marca 2023 k zmene legislatívnych pravidiel vlády SR zo dňa 14.12.2022, \(Resolution of the Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organizations No. 3 of 14 March 2023 on the change of the legislative rules of the Government of the Slovak Republic dated 14.12.2022\)](#).

⁵⁹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2023), [Draft amendments to the Legislative Rules of the Government of the Slovak Republic \(Návrh zmien a doplnení Legislatívnych pravidiel vlády Slovenskej Republiky\)](#), approved by the Government on 6 July 2023.

⁶⁰ Slovakia, [Law no. 189/2023 Coll., amending Law no. 54/2019 Coll. on the protection of whistleblowers of anti-social activity, as amended \(Zákon č. 189/2023 Z.z., ktorým sa mení a dopĺňa zákon č. 54/2019 Z.z. o ochrane oznamovateľov protispoločenskej činnosti v znení neskorších predpisov\)](#), 10 May 2023.

across-the-board reduction in the upper limit of offences from three to two years and also an explicit listing of offences for which protection will also be available, even though the underlying offence does not exceed two years' imprisonment (e.g. endangering health with unauthorised medicines, drugs and medical devices, theft or obstruction of bankruptcy proceedings).

3. It will also be possible to disclose facts related to business secrets. This will not be considered a breach of the law and whistleblowers of such information will be protected.

4. Introduction of new fines.

5. Extension of the obliged persons who will have to have an internal whistleblowing system in place to include employers who provide financial services, transport safety services or environmental services.

6. Introducing a clear obligation for employers to have a responsible person for the screening of notifications and communication with the whistleblower from among their employees. It will not be possible to outsource or externalise the duties of the responsible person.

7. Explicit naming of external channels, i.e. authorities competent to receive a notification of anti-social activity. These will be the Office, the Public Prosecutor's Office and the administrative authorities, which may also grant the status of protected whistleblower.

Other changes introduced by the amendment that should be mentioned include, for example, the prohibition of retaliation also against people who have provided assistance to the whistleblower in connection with the notification and against so-called responsible persons who review internal notifications in the workplace.

The concept of retaliation has also been defined and specifically listed as types of retaliation dismissal, termination of probation or non-renewal of employment for an indefinite period, removal, demotion, or refusal of promotion, and change of duties, time, or place of work. However, in practice, there may be more than one appeal against a whistleblower and the Office's practice to date has also shown that employers can be creative in this respect.⁶¹

⁶¹ Slovakia, Whistleblower Protection Office (Úrad na ochranu oznamovateľov) (2023), '[Najzásadnejšie zmeny, ktoré prináša novela zákona o ochrane oznamovateľov](#)' (The most important changes introduced by the amendment to the Whistleblower Protection Act), May 2023.

The new Government, which took office after the September 2023 Parliamentary elections, has adopted another amendment to the Whistleblowers Protection Act⁶². According to the introductory report, the amendment is intended to address, in particular, the problem of excessive use of the protected whistleblower institute. However, according to the Whistleblower Protection Office, the proposed changes to the law will mean increased legal uncertainty for whistleblowers and obstruction of serious crime investigations. The Whistleblower Protection Office also notes that the proposed changes were not preceded by an expert discussion⁶³. The amendment to the law will be valid only after it has been approved by the Parliament.

2.2.3 Action Plan of the Open Government Initiative in the Slovak Republic for 2024 - 2026

In September 2023, the Government adopted the Action Plan of the Open Government Initiative for 2024 – 2026⁶⁴.

The aim of the Action Plan is to build on the Slovak Republic's achievements in the field of open government so far after ten years of membership of the Slovak Republic in the international Open Government Initiative and to strengthen the participation of citizens in public policy-making or mutual informal value-based learning between the state administration, public administration and the third sector.

The material was developed in collaboration with a number of stakeholders, including representation from government and civil society representatives and the academic sector. Other experts were involved in the development of the material through thematic working groups. The public had the opportunity to participate in the process of developing the material by submitting their comments and suggestions to the Office of Government Plenipotentiary for Civil Society Development.

⁶² Slovakia, Government of the Slovak Republic (*Vláda SR*) (2023), [Návrh zákona, ktorým sa mení a dopĺňa zákon č. 54/2019 Z. z. o ochrane oznamovateľov protispoločenskej činnosti a o zmene a doplnení niektorých zákonov v znení zákona č. 189/2023 Z. z.](#) (Law amending law no. 54/2019 Coll. on the Protection of whistleblowers of anti-social activities and on amendments and additions to certain laws, as amended by law no. 189/2023 Coll.), approved by the Government on 6 December 2023.

⁶³ Slovakia, Whistleblower Protection Office (*Úrad na ochranu oznamovateľov*) (2023), [‘Zásahy do zákona na ochranu oznamovateľov prinesú právnu neistotu, marenie vyšetrovania a odstrašia oznamovateľov’](#) (Interventions to the Whistleblower Protection Act will bring legal uncertainty, obstruct investigations and deter whistleblowers), december 2023.

⁶⁴ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2023), [‘Akčný plán Iniciatívy pre otvorené vládnutie na roky 2024 – 2026’](#) (Open Government Initiative Action Plan 2024-2026), 13 September 2023.

Based on the Action Plan, there should be a committed community of leaders and supporters of open government, promotion of open government as a culture of governance, at all levels of government, and expansion of space for civil society.⁶⁵

The draft Action Plan contains a total of 7 main commitments: Citizen participation mechanisms as an innovative form of participation, Promoting partnership between government and civil society in non-formal education on democracy, human rights, values, citizenship, volunteerism and sustainable development, Promoting media freedom and the protection of journalists, Ensuring the recording of data on end-users of corporate benefits in a single register, Improving internal systems for the reporting of anti-social activities and protection whistleblowers, Increasing the impact of open data by promoting activities to exploit and re-use it use by relevant actors, Measuring government openness through the Participatory and Open Government Index.⁶⁶

Table 3 – Case law

Case law	
Deciding body (in original language)	Rada pre mediálne služby
Deciding body (in English)	Council for Media Services
Case number (also European Case Law Identifier ECLI , where applicable)	Council meeting no. 15/2023 from 30 August 2023, Administrative proceeding no. REO-RPMS/2023/00547 from 8 March 2023
Parties	Council for Media Services and Radio Frontinus
Decision date	30 August 2023

⁶⁵ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2023), '[Kabinet schválil Akčný plán Iniciatívy pre otvorené vládnutie na roky 2024 – 2026](#)' (Cabinet approves Open Government Initiative Action Plan 2024-2026), 27 September 2023.

⁶⁶ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2023), '[Akčný plán Iniciatívy pre otvorené vládnutie na roky 2024 – 2026](#)' (Open Government Initiative Action Plan 2024-2026), adopted on 13 September 2023.

Case law	
Web link to the decision (if available)	<p>https://rpms.sk/sites/default/files/2023-08/2023-08-30_bod21.pdf</p>
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	<p>The Media Services Board considered a possible infringement:</p> <ul style="list-style-type: none"> - Section 25(b) of Act No 264/2022 Coll. - Section 61(1)(c) of Act No 264/2022 Coll⁶⁷. <p>Section 25 “A broadcaster that is not subject to a self-regulatory mechanism registered under this Act, which also regulates versatility of information, plurality of opinion and objectivity and impartiality of programmes, shall be obliged to: b) ensure the objectivity and impartiality of news and current affairs programmes; opinions and evaluative commentary must be separated from information of a news nature.”</p> <p>Section 61 (1) “A content service provided by a broadcaster, or an on-demand audiovisual media service provider must respect human dignity, in particular it must not:</p> <ul style="list-style-type: none"> c) promote violence and incite violence or hatred, disparage or defame on the grounds of sex, race, colour, language, religion, political or other opinion, property, disability, age, sexual orientation, birth, national or social origin, genetic features, nationality, or membership of a national or ethnic group, in an open or covert manner,”
Key facts of the case (max. 250 words)	<p>Note that this executive summary needs to be sufficiently comprehensive for the reader to understand:</p>

⁶⁷ Slovakia, [Law no. 264/2022 Coll Media Services Act as amended](#) (Zákon č. 264/2022 Z.z. o mediálnych službách v znení neskorších predpisov), 22 June 2022.

Case law	
	<ol style="list-style-type: none"> 1. the facts of the case (so the “real life story”) presented in a chronological, short, and concise way 2. the legal background against which the case unfolded (what are the relevant legal norms that are applied) <p>The Council for Media Services has sanctioned the broadcaster Rádio Frontinus with a warning for infringement of the law for broadcasting on 18 December 2022 the programme Debate on the phone, which contained critical statements and one-sided opinions of the Member of Parliament for the SMER - SSD party concerning, among other topics, journalists, and NGOs. The guest of the debate made a statement suggesting that there are liberal media and NGOs operating in Slovakia that can be considered as Trojan horses spreading propaganda of the United States and the other great powers, harming national interests, and undermining the sovereignty of Slovakia. He does indicate the existence of a conspiracy against the interests of the Slovak Republic which may cause public concern. However, the moderator did not respond to this statement and did not ask a supplementary question or a clarifying question in which he asked the guest to explain his statement further or to state on what specific facts he had made this statement.</p> <p>According to the Council the broadcaster did not ensure the objectivity and impartiality of the news programme. At the same time, the Council discontinued the administrative procedure as regards the possible infringement of the prohibition on incitement to hatred by covert means on grounds of national origin, nationality, and nationality.</p>
<p>The key legal question raised by the Court</p>	<p>Please describe in a succinct way the key legal problem/question</p> <p>The Council for Media Services considered the following key questions:</p> <ul style="list-style-type: none"> - restriction of freedom of expression in so far as it interferes with the rights of others

Case law	
	<ul style="list-style-type: none"> - ensuring balanced media coverage - the non-promotion of violence and hatred against individuals and groups, whether in an overt or covert form.
<p>Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised</p>	<p>Please make sure the reader understands the significance of the case in terms of how the application of the relevant legal provisions in the context of the freedom of association/assembly/expression expands or limits civil society space</p> <p>The Council for Media Services decided that the broadcaster violated Section 25 (b) of Law no. 264/2022.</p> <p>As regards Section 61(1)(c) of Law no. 264/2022, the Council decided to discontinue the administrative procedure.</p>