



PERMANENT MISSION
OF THE SLOVAK REPUBLIC
TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANISATIONS
IN GENEVA

NOTE VERBALE

029921/2025-CHSM1-5

The Permanent Mission of the Slovak Republic to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, Special Procedure Branch, and, referring to the joint communication from special procedures registered under ref. AL SVK 1/2025, has the honor to submit in attachment the reply of the Slovak Republic to the above mentioned communication from 5 March 2025.

The response consists of 2 parts, the first one is the reaction to the allegations and the second part comprises the observations on eleven concrete matters raised by the special procedures mandate holders.

The Permanent Mission of Slovakia would be most grateful if the OHCHR could kindly acknowledge the receipt of this communication.

The Permanent Mission of the Slovak Republic to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, Special Procedures Branch, the assurances of its highest consideration.



Geneva 28 April 2025

Office of the United Nations High Commissioner for Human Rights
Special Procedures Branch
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland

**Reply of the Government of the Slovak Republic
to UN Joint Communication AL SVK 1/2025**

Further to UN Joint Communication AL SVK 1/2025 the Government of the Slovak Republic would like to provide comments and observations to some of the allegations and responses to the eleven questions raised in the Communication.

In the introduction to your letter, you make the following *statement* „*the SMER-SSD party won the parliamentary elections on a platform critical of the role of NGOs and the Prime Minister announced plans to label civil society entities receiving international funding as „foreign agents“*“. We would like to **refute this allegation, set the facts straight and give you the full context**:

In October 2023 the SMER SSD Party won the elections because the SMER SSD pointed to the many human rights abuses committed by the previous Government (2020-2023) during the COVID-19 pandemic, and the party pointed to the abuses of criminal law that culminated in the death of a former police president in custody. It also pointed to the illegal shutdown of so-called Disinformation Websites.

Between 2020-2023, selected NGOs have become advocates for unconstitutional actions of past Governments (2020-2023). Some NGOs have decided to enter the political competition and under the guise of expertise are waging a political battle outside the parliamentary elections against the SMER SSD party.

The human rights violations mentioned above were described in the booklet "Hijacking Justice", published on 4 February 2024. These included violations of the presumption of innocence, the overuse of the institution of detention, the harassment of the accused, and the abuse of police forces and resources to manipulate public opinion.¹

In the Government Programme Manifesto (2023-2027), the Government committed itself to a special interest in standardising the democratic political system and normal competition between political parties. The Government also recognises the role of NGOs. However, it cannot accept that politically oriented entities, often financed from abroad, influence democratic political competition in a non-transparent manner. The Government is ready to financially support NGOs carrying out public benefit activities, for example in the social, humanitarian, environmental, educational, sporting, etc. fields.

Furthermore, the Government is committed to strengthening transparency and has set out to prepare anti-corruption legislation to regulate public officials' meetings with persons representing the interests of individuals and organisations (also known as lobbying); as well as by introducing transparent rules on the funding of NGOs.

Some NGOs launched a radical political campaign against the implementation of the Government's Programme Manifesto (2023-2027) statement and tried to influence a part of the public to ignore the results of the free and democratic elections, and by this radical campaign was manipulated an old man who attempted to assassinate the Prime Minister on 15 May 2024. The prosecution has now filed charges of the particularly serious crime of terrorist attack and the assassin is in custody.

¹ <https://www.justice.gov.sk/aktualne-temy/ministerstvo-zverejnilo-fakty-o-unose-spravodlivosti/>

Nowadays, some NGOs are continuing their political campaign, with intelligence reports suggesting that they are planning an undemocratic coup d'état. The intelligence services have identified links between some NGOs and the current opposition parties, foreign actors and national or foreign funding.

The manipulation and misleading of the public and our foreign partners continues (see page no. 4 of your Letter „*On January 2025, the largest mobilisation in the country's history took place in Bratislava, with 60,000 participants, demanding among other things, the resignation of the Prime Minister and the reaffirmation of the country's European identity*“). Protest organizers confirmed the erroneous estimate and corrected themselves that the 60,000 protesters were never there.²

In March 2024, a Draft Law was introduced in the National Council of the Slovak Republic, amendment to the Act No. 213/1997 Coll. on non-profit organizations providing generally beneficial services (parliamentary press no. 245), which was discussed and approved by the Constitutional Law Committee as standard³ and the Draft Law was discussed and voted in plenary.

The basic premise of the new legislation was that **everyone has the right to express themselves and to influence public policies, but this should be done transparently**. The Regulation therefore aims to ensure that NGOs can operate with transparency. The designation 'foreign-backed organisation' has been abolished as well as lobbying.

The proposal for future legislation can be summarised under 2 main headings:

- For NGOs with an income of more than €35,000, was introduced new obligation - produce a transparency statement via the register of accounts;
- NGOs will be obliged to make information **available to citizens only on the use of public funds. NGOs will be accountable to citizens and not to state authorities.**

The aim of the proposal is to set the transparency of NGOs in an efficient, legal and constitutional way that will be compatible with European legislation. The Government respects the presence and general usefulness of NGOs; but it cannot respect that part of this sector has become an instrument for influencing the political scene in the Slovak Republic (to help or harm a political party).

The public will have a legitimate and legal tool to check what activities public resources are spent on. An appropriate financial limit has been set for situation when information can be requested (e.g. for subsidies over 3,000 euros in one go or 10,000 euros in total per calendar year).

▪ **General observations and comments concerning the Act on Freedom of Assembly (the so called „Lex assassination“)**

The underlying rationale for the adoption of the respective amendment to the Act on Freedom of Assembly („Lex assassination“) was to provide for a **workable balance between the freedom of assembly and the protection of legitimate objectives of public interest**,

² <https://spravy.pravda.sk/domace/clanok/739050-na-protest-do-bratislavy-neprišlo-60-tisic-ludi-organizatori-priznali-ze-ich-odhad-bol-nespravny/>

³ <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?WFTID=NRDK&MasterID=310264>

especially the protection of public order and security as well as safety and privacy-related concerns of other persons.

The need to amend the previous legislation reflects the current societal and security landscape, and stems from various specific incidents in the recent past. The legislature, taking account of this landscape, based its regulatory discretion on several variables.

One, it has happened on several occasions in previous years that public demonstrations taking place in the immediate vicinity of the Parliament and the Office of the Government have resulted in significant and rather dangerous disruptions of public order, including substantial property damage and attempts by sizeable crowds to breach violently into official buildings.

Two, the attempt to assassinate the Prime Minister at a public gathering serves as evidence of such level of societal polarization that makes the adoption of preventive measures a matter of basic diligence.

We would like to bring to your attention that preceding the adoption of the law intense negotiations with representatives of parliamentary opposition have taken place, with the result of many of its concerns being directly addressed and accommodated in the final version of the law.

As for the **impact of the disputed legislation**, it is important to note that during the period of approximately nine months of its being effective **there has been no chilling effect on the exercise of the freedom to assembly**. To the contrary, public demonstrations have taken place and continue to be taking place in high frequency and are attracting large numbers of protesters, with all the attendant guarantees of free speech being fully observed. It bears mentioning that these demonstrations have been very fervent as far as their content is concerned but led to no serious disruptions of public order.

In sum, the immediate effect of the law seems to be conducive to peaceful exercise of freedom of assembly, not restraining it. In this vein, **we must vehemently deny allegations on page 3, paragraph 3 of the UN Joint Communication**, that „*According to reports, between February and May 2024, both during the legislative debate on the „Lex Assassination“ and after its approval, a pattern of excessive use of force by police officers in the context of peaceful demonstrations was recorded*“ and that there have been instances of „*arbitrary detentions of protesters who had not committed acts of violence; reports of physical attacks during arrests and transfers to detention centres; procedural irregularities such as the refusal to report the reasons for the deprivation of liberty or to allow communication with family members and legal representatives; extreme overcrowding, lack of adequate medical care and other cruel, inhuman and degrading conditions of confinement*“.

No such persecutions as described above have been reported by organizers of the numerous demonstrations taking place in Slovakia during parliamentary deliberation on Lex Assassination and following its adoption. **Reports of the tens of demonstrations** that have taken place in the past nine months tend to **emphasize their peaceful nature** and the lack of any conflict between the participants and the police.

▪ **Further comments concerning the alleged “excessive use of force by police officers in the context of peaceful demonstrations”**

The above mentioned allegations concerning excessive use of force, arbitrary detentions etc. (page 3, paragraph 3 of the UN Joint Communication), are based on "*reports and sources*", the

origin of which is not mentioned in the letter. The mentioned time period of "*from February to May 2024*" in relation to the adoption of the "Lex assassination" is unrealistic. "Lex assassination" was a legislative response to the attempted assassination of the Prime Minister of the Slovak Republic on **15 May 2024**, which was adopted by the National Council of the Slovak Republic on **27 June 2024**. The allegation of excessive use of force by police officers in connection with peaceful demonstrations during the period referred to because of the "Lex assassination" is untrue.

The Public Prosecution Service ("the PPS") does not register any petitions for detention in the period from February to May 2024 in connection with the demonstrations that have been taking place since the current Government took office. Therefore, the other allegations, the sources of which are unknown, of alleged violations of the rights of detained demonstrators and their subsequent detention, where they would be subjected to inhuman or degrading treatment, are not true either.

Also, **the competent units of the Police Force are not aware of any excessive use of force** by members of the Police Force against protesters in the mentioned period between February and May 2024. During this time period, no cases of violation of the law by members of the Police Force resulting in violation of the human rights of demonstrators protesting at demonstrations held in Slovakia have been registered. In April 2024, a single complaint from a citizen was investigated, but it was deemed unconfirmed by the Bureau of the Inspection Service and was subsequently dismissed.

The Ministry of Interior of the Slovak Republic expresses its **strong objections** to the alleged acts of violence against protesters and human rights defenders in the form of unjustified detention in inhumane conditions, lack of adequate medical care, physical assaults, refusal to allow contact with legal representatives, and other alleged actions on the part of the police.

The demonstrations that took place in the given timeframe (2024 to early 2025) were assessed as **peaceful demonstrations**, where members of the Police Force were supervising the maintenance of public order and internal security, and **none of the incidents referred to in the UN Special Rapporteurs' letter were recorded**. In the performance of their duties, members of the Police Force are obliged to act in accordance with and within the limits of the law, observing the Constitution, constitutional laws and the legal system of the Slovak Republic.

We also bring to your attention that the Police Force has been commended by the independent monitoring institute of the Public Defender of Rights for its observance of human rights and freedoms during demonstrations. The Police Force has been informed that **the staff of the Public Defender of Rights attended demonstrations on several occasions** and monitored whether the lawful procedure was followed by the police officers who implemented security measures in relation to the peaceful conduct of the demonstrations, in particular the measures to protect the life, health and property of the persons taking part in these demonstrations.

The Government of the Slovak Republic fully respects the right to peaceful assembly and at the same time ensures their protection through its institutions.

▪ **Information and comments concerning the Special Prosecutor's Office of the General Prosecutor's Office of the Slovak Republic**

The allegation on page 2, paragraph 4, reads, "*In December 2023, in an abbreviated legislative procedure and without thorough public comment, the Government dissolved the Office of the Special Prosecutor, which had investigated high-level corruption cases and secured several*

convictions, and transferred its competencies to the Office of the Attorney General of the Slovak Republic."

This statement is not true. The Special Prosecutor's Office of the General Prosecutor's Office of the Slovak Republic ("the SPO") was not abolished by the Government of the Slovak Republic in December 2023. **The SPO was abolished** by Act No. 40/2024 Coll., which was adopted by the National Council of the Slovak Republic on 8 February 2024 **with effect from 20 March 2024**.

At the time of its existence, the SPO was not an independent prosecutor's office standing outside the hierarchy of the Public Prosecution Service ("the PPS") in the Slovak Republic but was an office in organisational structure of the General Prosecutor's Office of the Slovak Republic - i.e. a part of it. The Special Prosecutor who headed the SPO was also the Deputy Prosecutor General and the prosecutors of the SPO were prosecutors of the General Prosecutor's Office.

The PPS in the Slovak Republic is an independent hierarchically organised unified system headed by the Prosecutor General, consisting of district prosecutor's offices, regional prosecutor's offices and the General Prosecutor's Office, in which prosecutors work in relations of subordination and superiority. The individual Public Prosecutor's Offices are functionally attached to courts, in jurisdiction of which they operate, which is why the seats and territorial jurisdiction of Public Prosecutor's Offices match the territorial jurisdiction of courts.

The competence of the SPO was derived from that of the Specialized Criminal Court and included other crimes in addition to corruption offences. Both had jurisdiction for the whole territory of the Slovak Republic. The competences of the SPO in these criminal cases **were not transferred to the General Prosecutor's Office of the Slovak Republic**, but **eight regional prosecutor's offices within the Slovak Republic**, pursuant to Act No 40/2024 Coll. Under this Act, it is the regional prosecutors and prosecutors of the regional prosecutor's offices who, in criminal cases previously falling within the competence of SPO, carry out procedural acts in pre-trial proceedings, prepare the indictment and subsequently represent it before the Specialised Criminal Court.

By Order of the Prosecutor General No. 11/2024 of 18 March 2024, effective 20 March 2024, the Serious Crime Unit was established at the General Prosecutor's Office following the abolition of the SPO. Its existence as a separate organisational unit, including its competences, has also been regulated since 17 December 2024 by Act No 353/2004 Coll., according to which its task is to manage, guide and control the activities of subordinate prosecutor's offices (regional prosecutor's offices) in criminal matters relating to the protection of the financial interests of the European Union. In justified cases, the Prosecutor General may grant a statutory exception (pursuant to Section 51 of Act No 153/2001 Coll. on the Public Prosecution Service) to the prosecutors of this unit so that they, and not the prosecutors of the regional prosecutor's office, carry out procedural acts in pre-trial proceedings, prepare the indictment and subsequently represent it before the Specialised Criminal Court.

The Serious Crime Unit **cannot be regarded as a successor to SPO**, as its task is to supervise the regional prosecutor's offices and, if necessary, to provide them with guidance.

Smooth continuity in the criminal proceedings formerly belonging to the prosecutors of SPO was ensured by the detailed instruction of the Prosecutor General No. 10/2024, which determined the procedure for the transfer and takeover of files in connection with the abolition of the SPO.

It should be emphasized that **the Constitutional Court of the Slovak Republic** in its decision under the file number PL. ÚS 3/2024 **stated that the abolition of the SPO is in accordance**

with the Constitution of the Slovak Republic, does not interfere with the independence of the judiciary and does not cause a threat to the effective judicial protection of the rights of persons.

The abolition of the SPO is also in line with European Union law, as the organisation of the judiciary and the prosecutor's office falls within the competence of the Member States of the European Union.

▪ **Comments on alleged statements by the Minister of Culture of the Slovak Republic**

The allegations made against the Minister of Culture in the letter **are misinterpreted and taken out of their original context**, thus not reflecting the truth and not corresponding to reality. These statements disregard the broader context of her remarks and therefore do not reflect her actual opinions or their true intent. Cultural rights are enshrined in the Constitution of the Slovak Republic in Articles 43 and 44, to which the Minister is firmly committed.

The Minister's statement that "*the culture of the Slovak people must be Slovak and no other*" can be understood from various perspectives, grounded in the values of national identity, cultural integrity, and the protection of traditions. This stance stems from a broader political and cultural context that supports the preservation and strengthening of national values, traditions, and Slovakia's cultural uniqueness in the face of globalization and international influence.

The Minister publicly advocates for cultural and human rights, including through a reference on the Ministry's website: <https://www.culture.gov.sk/posobnost-ministerstva/kulturne-dedicstvo/kultura-znevyhodnenych-skupin-obyvateľstva/>

Defense of National Cultural Identity

A nation's culture is inseparably linked to its historical, linguistic, religious and societal heritage. The Minister's statement should be understood as a call to protect and preserve these traditions from the influence of foreign cultures that might threaten national identity. Cultural autonomy is important for every country, as national culture forms the basis of collective identity and uniqueness. In this context, it is natural that the Slovak people should prioritize and support their own culture as a way of maintaining their historical and cultural continuity, ensuring that the nation can pass on its culture to future generations.

Protection Against Excessive Globalization and Cultural Imperialism

In an era of globalization, where cultural expressions of different nations and ethnicities are becoming increasingly unified, it is essential to emphasize the protection of one's own culture against external influences that could weaken national traditions. The Minister expresses concern that excessive openness to other cultures or cultural trends might lead to the "disappearance" of traditional values, customs and ways of life that form the essence of the Slovak nation. Supporting Slovak culture should be seen **as an act of maintaining cultural balance** in a rapidly changing global environment.

The Right of a Nation to Cultural Self-Determination

Every nation has the right to self-determination in the cultural realm, which includes deciding which values and cultural expressions to support. The Minister's statement should be viewed as an appeal that the Slovak people should have the right to prioritize their culture and traditions within state policy, particularly in the area of funding for artistic and cultural projects. These values are grounded in the principle of national sovereignty, where every state, including

Slovakia, has the right to support its culture as a manifestation of its own identity and respect for its historical heritage.

Preservation of Cultural Traditions as the Foundation for the Future

In connection with a “healthy nation and healthy offspring,” the Minister conveys the opinion that **the nation should build its future on solid foundations of traditional values** that have been characteristic of the Slovak people. Slovakia joined the European Union in support of this very diversity. **All nations have the right to protect their cultural heritage for future generations.** From the perspective of cultural policy, emphasizing national culture is a way to ensure cultural continuity and to raise the younger generation to respect their own history, traditions, and values. In this way, a sense of pride in national identity should be instilled in children from a young age, positively influencing stability and social cohesion in the country and across the European Union.

Cultural Policy and Selective Funding

If the Minister of Culture “limits” support for projects that do not align with the national cultural agenda, this should be viewed as **an effort to strengthen focus on projects that align with Slovakia’s cultural and historical traditions.** This approach **is legitimate** within state cultural policy, which prioritizes supporting projects that contribute to national identity, values, and traditions.

It is true that a specific festival was not supported for 2025, as the board of the Slovak Arts Council, decided not to support the project, justifying it with the statement: *"The event that the fund is to support does not have the significance for Slovak culture and art as the requested amount suggests."* (detailed information in the Comment on the Non-Support of the Festival "Drama Queer").

In context of the balance, that the UN Special Rapporteurs have called for, it is important to note, that in recent years, **there has been excessive emphasis on the LGBTI community,** often prioritizing it over the majority society, which also includes other marginalized and vulnerable groups. The financial contributions to these groups cannot be compared to the funds allocated for the LGBTI community. For this reason, a summary of all grants, subsidies, and other contributions from the state budget, European funds, and foreign sources to civil associations, foundations, non-profit organizations, and NGOs registered in Slovakia was carried out at the state level in February 2025. Slovakia can publicly present the results and provide evidence of these claims.

Conclusion: The balance between cultural diversity and national unity is key. The Minister of Culture expressed the belief that, at certain times, it is essential to emphasize national unity and solidarity to prevent the nation from being lost in a flood of foreign influences and value systems. This stance is considered a protective mechanism against cultural erosion and a way to ensure that Slovakia will continue to preserve its national uniqueness and integrity, thus contributing to and enriching other member states of the Union.

The Minister of Culture of the Slovak Republic acts in accordance with the legal regulations of the Slovak Republic as well as international treaties and conventions declared on the Ministry's website, and none of her statement places her above groups with different views. <https://www.culture.gov.sk/posobnost-ministerstva/kulturne-dedicstvo/kultura-znevychodnenych-skupin-obyvatelstva/dokumenty/>

▪ **Comment regarding the situation at the Slovak National Gallery**

The new leadership of the Slovak National Gallery (SNG) **has long faced an organized smear campaign** led by the former leadership, some employees, curators and some media. This anti-campaign includes false claims about *“mass resignations of hundreds of SNG employees.”* Currently, the gallery is witnessing the departure **of around 50 employees, who resigned voluntarily** and in protest against the new leadership of the Ministry of Culture and the SNG.

Equally misleading are the reports about the withdrawal of international partners from collaborative projects. This is due to the actions of curators responsible for exhibitions, who have long been overwhelming international partners with false information and discrediting the new SNG leadership. These curators are effectively undermining their own exhibitions, while the SNG leadership and the Ministry of Culture have not interfered in their work. It is important to point out that some media report on the events at the SNG in a biased, subjective, and one-sided manner. These media give space to departing employees who disagree with the change in leadership, aiming to create destruction, slander, and degrade the new leadership of this prestigious institution, contributing to increased polarization in society.

False claims also abound regarding the alleged **“withdrawal of artworks planned for exhibition in the country due to institutional instability and doubts about the conditions for their conservation.”** International exhibitions are currently taking place at SNG, such as *The Fruits of Discord*, which explores the period of Ottoman expansion in Hungary, created as part of international collaboration. It is also not true that the Minister of Culture has ordered to or coordinated with the SNG in the sense that *“the culture of the Slovak people must be Slovak and no other.”* No such regulation or directive exists in this regard. **There is no censorship happening at SNG, nor any political interference with the institution’s permanent exhibitions.**

The new SNG leadership also refutes lies about the alleged threat to the protection of SNG’s collections. No one in the SNG leadership can access the storage areas except with the presence of responsible personnel, so any manipulation with artworks without the knowledge of those in charge is absolutely excluded.

The SNG leadership also stresses that no one has been detained or imprisoned at the request of the gallery’s leadership.

▪ **Comment on the Non-Support of the Festival "Drama Queer" by the Slovak Arts Council**

The festival was not supported for 2025, **based on the decision of the board of Slovak Arts Council (FPU)**, which, under the Act effective from August 1, 2024, **has the right to decide contrary to the recommendation of the expert committee.** Although the expert committee evaluated the project positively, the festival received one of the highest scores and was recommended for support, the board of FPU did not agree with this assessment and decided not to support the project, justifying it with the statement: *“The event that the fund is to support does not have the significance for Slovak culture and art as the requested amount suggests.”*

The board made this decision based on an evaluation of the project and its description. The project’s financial indicators did not reflect the actual state. Many data were copied from a previous grant when the *Drama Queer* project was supported by FPU based on the board’s vote. For this reason, the FPU board, acting as a collective body, decided that this project did not have the same significance for Slovak culture and art as other projects that were not supported,

and chose to allocate the funds to projects that have a broader impact on culture beyond a community scope.

The allegation that the FPU did not support the festival because it “promotes LGBTI+ publicly” **is therefore untrue and misleading**, as this reasoning was never part of the board's decision.

To clarify, the FPU board bases its funding decisions on various indicators according to internal regulations, assessments by designated individuals regarding the applications, and evaluations by the board's expert members. **Additionally, we inform that since the law was amended, the FPU board has supported projects with this thematic focus.**

▪ **Comment on allegedly excluding LGBTI+ organization projects from the Grant Program for Disadvantaged Population Groups**

In 2024, no projects targeting the LGBTI+ community were removed or excluded from the "Culture of Disadvantaged Groups" grant program during the evaluation process. The assessment process was conducted in accordance with Act No. 299/2020 Coll. on Grant Allocation within the Ministry of Culture of the Slovak Republic, as amended, where applications are evaluated by a commission established by the Minister of Culture. The commission submits a list of recommended projects for funding to the Minister, but its decision is advisory. **There is no legal entitlement to grants.** The final decision on supporting or not supporting specific projects is made by the Minister of Culture.

▪ **Comment on the statement that the Radio and Television of Slovakia (RTVS) should have been replaced by an entity under direct political control**

The statement that RTVS should have been replaced by "an entity under direct political control" **is untrue and misleading to the public.**

In the Government Programme Manifesto (2023-2027), the Slovak Government defined the strengthening of the public service nature of the Radio and Television of Slovakia (RTVS) as one of its main cultural policy priorities. The Ministry of Culture of the Slovak Republic, as the central Government authority responsible for media and audiovisual affairs, prepared a proposal for a law in accordance with the Government Programme Manifesto (2023-2027). This proposal was approved as Act No. 157/2024 Coll. on the Slovak Television and Radio and on amendments to certain laws (hereinafter referred to as the "STVR Act"), which came into effect on July 1, 2024.

The goal in creating the STVR Act **was to strengthen the independence of the public service broadcaster**, to depoliticize the appointment of the general director of the Slovak Television and Radio, and to modify the process for appointing the board of Slovak Television and Radio. The independence of the public service media is a key factor in ensuring that citizens have access to impartial, high-quality information. The STVR Act ensures that the creators in public service media are editorially and functionally independent and that they provide their audience with a plurality of information and opinions in an impartial way in line with their public service mission.

Regarding the selection of the director general, the Slovak Republic was inspired by European trends and **entrusted the selection of the general director to the supervisory body — the board of Slovak Television and Radio.** The director general is elected, and board members

are appointed and elected based on transparent, open, and non-discriminatory procedures, using criteria that are established by the STVR Act in advance.

Regarding **the independence of the organs of Slovak Television and Radio**, we note that the selection of board members has been spread across several state bodies, such as the Slovak Government via the Minister of Culture and the Minister of Finance, and the National Council of the Slovak Republic, similar to other countries in Europe. It is important to emphasize that **the Slovak Government appoints a smaller portion of the members of the board of Slovak Television and Radio**. The Minister of Culture nominates three members to the board without any proposals, representing one-third of the total number of members. These members must be experts in the fields of media, audiovisual arts, economics, law, or information technology. The fourth member is nominated by the Minister of Finance, and they must be an expert in economics. Furthermore, these board members are appointed based on the results of a selection process, which is subject to the provisions of Act No. 552/2003 Coll. on the performance of work in the public interest, as amended. The remaining members of the board of Slovak Television and Radio are elected by the National Council of the Slovak Republic. The proposals for board members are presented to the National Council by the National Council's Committee on Culture and Media. To ensure quality and expert oversight, the law on STVR mandates representation from experts in economics, law, information technology, and broadcasting. Although the STVR Act changed the process for creating the board, as it now involves the Minister of Culture and the Minister of Finance in addition to the National Council, the majority of board members are still elected by the National Council of the Slovak Republic.

The selection of the director general of Slovak Television and Radio is a process that requires meeting professional and ethical criteria and is part of a broader mechanism for ensuring the independence of public service media. The general director is elected by the board after a public hearing of all candidates, and an absolute majority of votes from all board members is required for the election. This ensures that the general director is not elected solely by the nominees of the Minister of Culture and the Minister of Finance, as the majority of the board members are nominated by the National Council of the Slovak Republic. Additionally, the STVR Act introduced **secret voting**, which ensures greater freedom for board members in the selection of the director general, as the votes are not disclosed to the public.

It is important to note **that the STVR Act ensures that Slovak Television and Radio can provide impartial, verified, unbiased, current, comprehensible, balanced, and pluralistic information** about events in Slovakia and abroad, as well as freedom for the formation of opinions.

The Act's preparation **also considered the provisions of the European Media Freedom Act**, and the Ministry of Culture of the Slovak Republic made efforts to align the draft law with this European Act, even though it was not yet in force at the time.

Responses to the eleven questions raised in the UN Joint Communication

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

General observations and comments on the allegations expressed in the UN Joint Communication AL SVK 1/2025 are listed above.

2. Please explain in detail how the “Lex assassination” complies with the international standards for guaranteeing the rights to freedom of peaceful assembly, association, and expression and the right to privacy.

Compliance of the Act on Freedom of Assembly („Lex assassination“) with international standards

Security perimeter

As for the ban on holding a demonstration within the 50-metre perimeter of selected official buildings, we first and foremost take issue with the allegation that this ban *„conflicts with the principle that assemblies must be facilitated within sound and sight of their target audience“*. All the buildings to which the law applies are in places which fully allow for public gatherings to be facilitated within sound and sight of their target audiences even with the given security perimeter in place. The implementation of the ban has not in any way inflicted upon the protesters’ right to be seen and heard by their target audiences; these gatherings continue to take place at the same locations as they have been taking place under previously applicable rules. The claim that *„places traditionally used for civic expression, such as the squares in front of the National Assembly, are now off-limits for demonstrations“* is simply factually incorrect. Places traditionally used for civic expression continue to be used as such with undiminished frequency, the only limitation in place being a minor buffer zone instituted for reasons of public order and security protection. This zone does not insulate the target audiences from demands and claims addressed to them by protesters and does not infringe upon the essence of the freedom of assembly neither in books nor in action; no such grievances have been voiced by the organizers.

Regarding the claim that the 50-metre security perimeter *„does not seem to be justified by a concrete or imminent threat to security“*, it is our belief that the national authorities are best equipped to consider the existence and relevance of such threats. As mentioned above, sizeable crowds have previously attempted to breach violently into parliamentary and government premises, and it is within the discretion of the competent national authorities to evaluate whether the risk of such activities remains present.

The ECtHR has held that in the exercise of the State’s margin of appreciation, violence at similar events in the past and the impact of a counterdemonstration on the targeted demonstration are relevant considerations for the authorities, in so far as the danger of violent confrontation between the two groups is concerned (Fáber v. Hungary, 2012, § 44). There is no doubt that this is analogically applicable also in the context of considering those incidents from the recent past that exposed public officials, their staff and peaceful protesters to immediate threats to their safety.

As for the proportionality of the given security precaution, we would like to point out that pursuant to established case law of the ECtHR, Article 10, and by implication Article 11, does

not bestow any freedom of forum for the exercise of that right. In particular, that provision does not require the automatic creation of rights of entry to private property, or even, necessarily, to all publicly owned property, for instance, government offices, or university premises, or courthouses (Appleby and Others v. the United Kingdom, 2003, § 47; Taranenko v. Russia, 2014, § 78; Tuskia and Others v. Georgia, 2018, § 72; Ekrem Can and Others v. Turkey, 2022, § 91).

In addition, a prohibition on holding public events at certain locations is not incompatible with Article 11, when it is imposed for security reasons (Rai and Evans v. the United Kingdom, 2009).

In sum, the Contracting States can impose limitations on holding a demonstration in a given place for public security reasons (Malofeyeva v. Russia, 2013, § 136; Disk and Kesk v. Turkey, 2012, § 29).

We therefore believe the following to hold with respect to the security perimeter:

- it is a limitation that is undisputedly instituted for a legitimate reason of protecting public order and security as well as the safety of both the protesters and their target audiences
- the very need for this limitation stems from specific instances of significant breaches of public order and security in the past, including violent attempts to storm parliamentary and government premises
- the perimeter is established to provide for an effective balance between competing interests, and does not prevent protesters to have their demands and claims seen and heard by the target audiences
- the law has had no chilling effect on the freedom of assembly, with demonstrations taking place at the same locations as before
- the law has had a demonstrable effect of both allowing for public gatherings in the vicinity of official buildings and securing their peaceful nature.

Specific spatial limitations

With respect to the competence of municipal authorities to issue a local ban in case a demonstration is to take place in the immediate vicinity of a private residence of a person whose performance of his/her professional duties is the subject matter of the demonstration, we first note that the objective of this rule is not to prioritize „*individual convenience of public officials*“ over „*legitimate public discontent*“ but to protect legitimate safety and privacy expectations of anyone who may become subject to large-scale demonstrations of hostility because of performing his/her professional or official duties.

There are legitimate reasons for the national legislature to adopt this rule. During the Covid-19 pandemic, for instance, various public health experts supporting vaccination have been targeted by mobs at their private residences. Parliamentarians, including those of the current opposition, have also been subject to aggressive demonstrations of hostility at their family dwellings. In short, there have been occasions in which volatile security situations emerged at private residences of both public officials and private persons, which exposed not only these persons but also their family members, including minors, to such forms of „public discontent“ that do not seem compatible with the requirements of a peaceful exercise of the freedom of assembly. The Slovak Republic firmly believes that it is a legitimate exercise of its sovereign powers to subject this kind of activity to specific rules.

These rules first of all allow the protesters to exercise their freedom of assembly and freedom of speech by voicing their protests at any other location but the one where safety and privacy

concerns of anyone – i.e. not only public officials –and especially their family members take precedence. Indeed, it is upon the municipal authority to suggest to the organizers to hold their demonstration at a different location; in case the organizers do accept such suggestion, the municipality is prevented from banning the assembly.

Further, any such decision is subject to judicial review in the framework of which the competent courts are bound to interpret the law in a manner conforming to both the national constitution and the international human-rights commitments of the Slovak Republic.

The Slovak Republic holds that there is no rule either in the ICCPR or the ECHR which would oblige the contracting states to give absolute priority to the freedom of assembly and prevent them from adopting rules designed to provide for some basic protection of legitimate interests, all the while respecting the essence of the freedom of assembly and allowing for independent judicial control of how the general rules are implemented in particular circumstances. The established case law of the ECtHR referred to above explicitly excludes such interpretation and explicitly allows for a spatial limitation of the freedom of assembly if it serves the protection of one of the legitimate objectives.

Naturally, there may be differing views as to the pertinence of this measure. Again, however, the established human-rights case law allows for a wide margin of appreciation in selecting legal instruments designed to foster a legitimate objective, except for obvious arbitrariness infringing upon the very essence of the freedom of assembly. The protection of safety and privacy concerns of anyone involved in performing a task related to his/her profession or office and of their families in no doubt constitutes a legitimate objective which the Slovak Republic is fully entitled to pursue, all the more so when such concerns have been put at risk in the past. There is therefore a sufficiently substantiated link between the objective pursued and the measure designed to protect it; the fact that it may be controversial to some does not make the measure arbitrary or disproportionate to the extent of being in violation of the either the ICCPR or the ECHR.

Counterdemonstrations

As regards the issue of counterdemonstrations, the national legislature fulfils its positive obligation as prescribed by the ECtHR, i.e. the positive obligation „*to ensure the peaceful conduct of an assembly, to prevent disorder and to secure the safety of all involved*“ (e.g. *Frumkin v. Russia*)

As for the alleged vagueness of the disputed measures, it is impossible for any legislation to avoid generally framed rules which are then subject to interpretation by law-implementing authorities, especially courts, in specific factual contexts. The language used by the disputed law is very common and does not differ from legislation found by the ECtHR to be compatible with the ECHR.

In this vein, it bears mentioning that pursuant to the established case law of the ECHR, „*where a serious threat of a violent counterdemonstration exists, the Court has allowed national authorities a wide discretion in the choice of means to enable assemblies to take place without disturbance*“ (*Alekseyev v. Russia*, 2010, § 75). „*A wide discretion is granted to the national authorities not only because the two competing rights do, in principle, deserve equal protection that satisfies the obligation of neutrality of the State when opposing views clash, but also because those authorities are best positioned to evaluate the security risks and those of disturbance as well as the appropriate measures dictated by the perceived risk.*“ (*Fáber v. Hungary*, 2012, § 42) In the exercise of the State’s margin of appreciation, violence at similar events in the past and the impact of a counterdemonstration on the targeted demonstration are

relevant considerations for the authorities, in so far as the danger of violent confrontation between the two groups is concerned (Fáber v. Hungary, 2012, § 44).

Accordingly, the given ban is instituted as an ultima ratio measure applicable only when three conditions are met simultaneously: i) there are reasonable grounds to believe that even with the deployment of available forces and instruments it would be impossible to secure a peaceful course of the conflicting demonstrations and to prevent public disorder, ii) there has been no agreement reached between the organizers as to adjusting the time and location of their demonstrations, and iii) there are no less restrictive measures available to securing public order.

Two other factors are relevant. One, and in full conformity with the cited case law, the power to consider whether these statutory conditions are met is vested with municipal authorities which are best equipped to consider whether the situation in situ allows for less restrictive measures aimed at protecting public order and the freedom of a peaceful assembly or requires implementing a ban. Two, it is subject to judicial review whether these conditions have indeed been met. When performing scrutiny, courts are bound to interpret the law in conformity with both the national constitution and the relevant international treaties.

3. Please provide information on the guidelines and protocols that guide the actions of security forces in the context of peaceful assemblies, as well as the internal disciplinary and independent oversight mechanisms used to effectively investigate and punish police abuses.

The Slovak Republic is a State governed by the rule of law respecting democratic principles, with the right to peaceful assembly being a constitutional right under Article 28 of the Constitution of the Slovak Republic.

The performance of duties by the relevant units of the Police Force in the context of demonstrations is governed by the relevant legislation:

- Act No. 84/1990 Coll. on the right of assembly
- Act No 96/1991 Coll. on public cultural events
- Act No 1/2014 Coll. on the organisation of public sporting events
- Act No 372/1990 Coll. on minor offences
- Act No 171/1993 Coll. on the Police Force
- Act No 300/2005 Coll., the Criminal Code
- Act No 301/2005 Coll., the Criminal Procedure Code
- Act No 8/2009 Coll. on road traffic and on amendment and supplementation of certain acts
- other local government regulations issued by individual municipalities and towns.

We consider the information about violations of human rights and fundamental freedoms by the police to be unjustified and unsubstantiated.

It is in the interest of the Police Force of the Slovak Republic to detect and investigate all suspicions of criminal offences based on the information reported by a particular natural person or legal entity, the information obtained through its own operational and analytical activities (information from the media, social networks, etc.), as well as the information provided by other authorities.

All information received about suspected violations of the law by members of the Police Force is reviewed by the Control Department of the Presidium of the Police Force and if a possible

commission of a criminal offence by a member of the Police Force is confirmed, the full documentation regarding such a case is forwarded to the Bureau of the Inspection Service for further investigation.

In the context of the "oversight, control" mechanisms, the establishment of the Bureau of the Inspection Service can be perceived as one of the institutional frameworks guaranteeing effective investigations of abuses by the police.

At the criminal law level, the Bureau of the Inspection Service, through its Inspection Unit, examines all complaints (including anonymous ones) against members of the Police Force, where the contents of such complaints suggest that a criminal offence has been committed.

The investigator of the Police Force assigned to the Bureau of the Inspection Service is procedurally independent in the matters he/she investigates; in performing his/her duties he/she is bound by the Constitution, constitutional laws, laws, other generally binding legal regulations, international treaties by which the Slovak Republic is bound and, to the extent provided for by the Criminal Procedure Code, also by the instructions and orders of the public prosecutor and the court. The very independence in investigating criminal cases falling within the material competence of the Bureau of the Inspection Service lies in the procedural independence of the investigator of the Police Force, while the entire course of the pre-trial and preparatory proceedings is carried out under the supervision of the prosecutor, ensuring that the lawfulness of the proceedings is observed. Any decision taken by an investigator of the Police Force is also subject to this supervision of the observance of lawfulness.

It must be stated that consistent respect for human rights by the police is a prerequisite for maintaining the rule of law and the trust of the public in the security forces. The Bureau of the Inspection Service, through its active supervision of police activities and its independent investigation of cases of abuse of power, as well as of other criminal activities within the scope of its powers, plays a key role in guaranteeing the protection of human rights and increasing public confidence.

Finally, we would like to underline that **the policy of zero tolerance towards ill-treatment by police officers and the use of force only to the extent necessary are given considerable attention** within the Police Force.

The issue of observing human rights in the context of police service is enshrined in the Code of Ethics for Police Officers and forms a part of police education at all levels.

4. *Please explain what specific measures your Excellency's Government will take to investigate the allegations received regarding the persecution and intimidation of activists, human rights defenders and journalists, including smear campaigns, threats and harassment, or legal charges, and to guarantee the full enjoyment of the right to freedom of expression in line with international law.*

As regards the harassment and intimidation of activists, human rights defenders and journalists, we submit that **every duly reported complaint is investigated by the relevant branches of the Police Force**. At the same time, the Police Force preventively monitors social networks and the public Internet, also focusing on threats and actions leading to possible threats to journalists (not only) for the exercise of their profession. In this context, the President of the Police Force recently issued Order No. 83/2023, effective as of 1 September 2023, which established a uniform procedure for the Police Force in connection with proceedings on a criminal complaint filed by a journalist for the exercise of his/her profession. The objective is to improve

communication between law enforcement authorities and the Ján Kuciak Investigative Centre with a view to taking measures to ensure effective handling of criminal reports in this area.

By Resolution No. 589 of the Slovak Government, dated October 2, 2024, regarding the designation of central government bodies responsible for adopting and implementing directives, the Minister of Justice of the Slovak Republic was tasked with submitting legal proposals by June 30, 2025, to the Government, **ensuring the transposition of the European Parliament and Council Directive (EU) 2024/1069 of April 11, 2024, on the protection of persons involved in public participation from unfounded claims or abusive legal proceedings** ("strategic lawsuits against public participation").

The purpose of this directive is to eliminate obstacles to the proper functioning of civil proceedings and to provide protection for individuals and legal entities involved in public participation in matters of public interest (including journalists, publishers, and media organizations) from legal actions taken against them to deter their public participation.

5. Please provide information on the regulatory framework governing intelligence services' surveillance powers, including human rights assessment, the external controls and independent judicial authorities in place to prevent overreach and politically motivated persecution, and specific safeguards (existing or potential) to prevent the use of advanced surveillance tools against NGOs and other associations, journalists and political opponents.

The Act on Freedom of Assembly („Lex assassination“) adopted on July 15, 2024, reflecting the security situation in Slovakia following the attempted assassination of the Prime Minister in Handlová on May 15, 2024, amended the Act on the Slovak Information Service only with authorising the agency to collect, accumulate and analyse *information on activities aimed at seriously threatening health of designated persons whose personal security protection is guaranteed by law while in office and after leaving it, as well as on other serious offenses against these persons.*

The amendment **has not modified the statutory regulation in substance**; it has only singled out the threat to life and serious health threat towards designated persons as a separate domain of tasks assigned to the intelligence agency. Since the protection of personal security of designated persons falls within the responsibilities of the Police Force, **there has been added also a task for the Slovak Information Service to provide relevant information to the Police Force** for the purposes of protecting their personal security.

As for the contested control over the Slovak Information Service, we would like to mention that the control has remained unchanged in the form of **external parliamentary oversight**, exercised by the National Council of the Slovak Republic by means of its Special Oversight Committee for the Oversight of Activities of the Slovak Information Service (hereafter “Special Oversight Committee”)⁴. The Slovak Information Service holds that the pluralist oversight of the Slovak Information Service performed on principle of proportional representation of MPs of both ruling coalition and opposition has been sufficiently preserved.

With reference to the questions posed by the special rapporteurs on *“tangible guarantees that would prevent an excessive and politically motivated persecution, including particular*

⁴ The Special Oversight Committee is an independent, permanent body of the National Council, not subordinated to any authority, its chairperson and members being elected by the National Council according to the principle of proportional representation of parliamentary groups.

*guarantees preventing a use of advanced tools of surveillance against non-government organisations and other associations, journalists and political opponents”, we would like to emphasize that it is authorised by the Act on the Slovak Information Service to use special means divided into operational-intelligence measures and technical-intelligence measures.⁵ Particularities of using the technical-intelligence measures are specified by the Act on the Protection against Interception.⁶ *The Slovak Information Service is authorised to use technical-intelligence measures only if it is inevitable in a democratic society to safeguard the constitutional system, internal order, security, national foreign-policy interests, security and defence of the country, to obtain information from foreign sources, to prevent and reveal criminal activities, or to protect the rights and freedoms of other persons, provided that achieving those objectives would be otherwise impracticable or considerably hampered.**

The technical-intelligence measures may be used **only based on a prior written approval of the legitimate judge and only for a necessary period of time, not exceeding six months**, and if other statutory preconditions are met.⁷

For the sake of completeness, we add that the exercise of statutory authorisation given to the Slovak Information Service to use technical-intelligence measures is submitted to an **external ex-post control**, within the parliamentary oversight performed by the National Council by means of its Special Oversight Committee as well as of its Defence and Security Committee.

The Act on the Protection against Interception has introduced guarantees to protect person against whom the use of technical-intelligence measure is directed. A use of technical-intelligence measure contrary to the law incurs liability not only of the State but also of the person having violated law by ordering, authorising or otherwise facilitating such illegal act. If the affected person believes that the use of technical-intelligence measure unlawfully infringed his/her right to privacy, he/she has right to seek judicial protection against such interference. In view of the above, we consider as being beyond doubt that the statutory definition of preconditions for using technical-intelligence measures by the Slovak Information Service could be regarded as a guarantee sufficiently reflecting the European standards of safeguards of protection of fundamental human rights and freedoms.

Regarding the use of technical-intelligence measures, we note that the oversight bodies did not notice, in 2024, any unlawful use of technical-intelligence measures by the Slovak Information Service.

Taking into account the above observations, there is no doubt that the oversight of the Slovak Information Service has been exercised within its statutory limits in accordance with relevant national regulation and with standards of intelligence agencies control mechanisms applied in other democratic countries, and therefore **the powers of the Special Oversight Committee with regard to the Slovak Information Service have been preserved unchanged and fully applied in unreduced extent. Likewise, neither the statutory provisions regulating the powers to use special means by the Slovak Information Service were amended within the legislative process.**

⁵ Art. 10 of the Act no. 46/1993 Coll. on the Slovak Information Service.

⁶ The Act no. 166/2003 Coll. on the Protection of Privacy against the Unauthorised Use of Technical-Intelligence Measures (Act on the Protection against Interception) as later amended.

⁷ Art. 4 of the Act on the Protection against Interception (e.g. if a technical-intelligence measure is to be used in the premises not accessible to the public, the legitimate judge decides also whether the approval applies also to the entry into such places).

6. *Please provide detailed information on the effective remedies and reparation actions that will be offered to those who consider themselves to have been victims of: abusive layoffs, irregular raids on the headquarters of organizations (including confiscations of work equipment and others), illegal espionage, as well as any other victims associated with the allegations of human rights violations contained in this letter, including persons who were subjected to inhuman and degrading treatment.*

▪ **Concerning the staff layoffs at the Slovak National Gallery:**

As previously mentioned, the SNG (Slovak National Gallery) emphasizes that no current or former employees of SNG have been subjected to unfair dismissal or degrading treatment. Therefore, there is no reason to take corrective actions.

▪ **Concerning the allegations of unlawful detentions and subsequent inhuman and degrading treatment of persons in connection with demonstrations:**

While we consider the allegations of unlawful detentions and subsequent inhuman and degrading treatment of persons in connection with demonstrations **to be false**, we submit the following on effective remedies and redress in such situations:

Effective remedies:

I. CRIMINAL PROCEDURE CODE (Law no. 301/2005 Coll., as amended)

Under Article 210, a person facing charges has standing to request a review of the actions taken at the pre-trial stage of the proceedings by the police and the PPS. Actions taken by the police are to be reviewed by the PPS, and actions taken by the PPS are to be reviewed by a higher-level PPS body.

II. PUBLIC PROSECUTION SERVICE ACT (Law no. 153/2001 Coll., as amended)

The Act governs the status and jurisdiction of the PPS and its members (section 1). The PPS has a duty, inter alia, to protect the rights and legally recognised interests of individuals (section 3(1)) by exercising oversight over respect for lawfulness in places where persons are kept in deprivation of their personal liberty (section 4(1)(b)). In discharging this duty in relation to institutions where persons are detained on remand, the PPS must see to it that Acts of Parliament and other statutes are respected (section 18(1)(a)). For that purpose, the PPS is duty-bound to conduct inspections (section 18(3)(a)) and to quash or suspend the effects of any decision if it is contrary to an Act of Parliament or another statute (section 18(3)(c)).

Details concerning the exercise of oversight over respect for lawfulness in places where persons are detained on remand are set out in an Order of the Prosecutor General, issued on 14 February 2024 under the powers entrusted in him by section 10(1) of the PPS Act.

The PPS exercises its jurisdiction under the Act when an application is lodged seeking that it does so, which entails the taking of such measures as are necessary in order to rectify any established violations, provided that the taking of such measures does not fall within the exclusive jurisdiction of other bodies under another Act of Parliament (section 31(1), (2) and (3)). A person lodging such an application is entitled to seek a review by a higher-level body within the PPS of the lawfulness of how his or her application has been handled if that person is dissatisfied therewith (section 36(1)). Any third or further request is only to be examined if it is based on new facts or if a higher prosecutor so decides (section 36(2)).

In handling such an application under section 31, the PPS is duty bound to examine all the circumstances that are decisive for an assessment of whether an Act of Parliament or another

statute has been violated and whether any measures within the jurisdiction of the PPS are to be taken (section 36a(1)). If the application is well-founded, the PPS shall take such measures (section 36a(2)).

III. PRISON AND COURT GUARD SERVICE ACT (Law no. 4/2001 Coll, as amended)

Under the Act, persons detained on remand are entitled to make a complaint aimed at ensuring the protection of those of their rights or legally recognised interests that they consider to have been violated by actions or omissions on the part of the Prison and Court Guard Service (“the PCGS”), provided that they identify specific shortcomings the rectification of which is within the purview of the PCGS – especially any violation of the law or internal regulations of the PCGS (section 65da).

The complaint is to be dealt with either by the department within the PCGS responsible for the impugned action or a higher-level body within the PCGS under rules specified in section 65db. If the examination of the complaint reveals a violation of the inmate’s rights or legally recognised interests, the complaint is to be declared well-founded (section 65dj(1)). A record is to be made of the examination, which must specify, in the case of well-founded complaints, any measures to be taken for the rectification of the shortcomings established and their cause (section 65dj(2)(g)).

Within fifteen days of the serving of the record of the examination on him or her, the complainant is entitled to seek a review of how his or her complaint has been handled. The review shall be carried out at first instance by the body that handled the original complaint and (in the event that the complainant’s claims are not fully satisfied) at second instance by a higher-level body within the PCGS. Such a review is subject to similar rules as the examination of the original complaint, but its outcome cannot be subject to a further review (section 65dk).

IV. THE DETENTION ACT (Law no. 221/2006 Coll., as amended) AND THE DETENTION ORDER (Decree of the Minister of Justice no. 437/2006 Coll., as amended)

To assert and safeguard their rights and legally recognised interests under the Act, detainees are entitled to address demands, complaints and applications both to bodies of Slovakia with authority to deal with applications or complaints in human-rights protection and to international bodies and institutions with authority to deal with such matters under international treaties binding upon Slovakia (section 29(1) of the Act).

Section 29(2) of the Act provides that, upon a detainee’s request, he or she is to be granted an interview with the governor, or another person appointed for that purpose by the governor, with a prosecutor exercising the powers of the PPS under section 59, or with institutions empowered to inspect how persons are held in detention under section 60. Further details are set out in the Detention Order, under which an interview with the governor of the prison in question is to take place within one week – or, in urgent cases, immediately (Article 39 § 1 of the Detention Order), and the director is to examine without delay all information concerning any violation of the rights of the detainee in question and to take measures preventing such a violation (Article 39 § 2 of the Detention Order).

Under section 60(1) of the Act, the following institutions are also empowered to inspect the conditions under which persons are held in detention: (a) Parliament, (b) the Minister of Justice (in person and through his or her deputies), (c) the Director General of the PCGS, and (d) such other bodies as the CPT. This is, however, without prejudice to the duty of the PCGS to carry out its own internal oversight (section 60(2)).

V. THE CONSTITUTIONAL COURT OF THE SLOVAK REPUBLIC

The victim may also lodge a complaint concerning detention to the Constitutional Court of the Slovak Republic.

Compensation:

The STATE LIABILITY ACT (Law no. 514/2003 Coll., as amended).

In so far as relevant, it provides for the liability of the State as regards damage which has been caused by unlawful arrest, detention or some other deprivation of liberty (section 3(1)(b)), by decisions concerning remand in custody (section 3(1)(c)) and by wrongful official action (section 3(1)(d)).

Pursuant to section 7 of the SL Act, in cases where a decision on arrest, detention or any other deprivation of liberty has been quashed as unlawful, or where there has been wrongful official action in that context, the person thereby affected is entitled to compensation for the damage sustained.

The right to compensation for damage caused by a decision concerning pre-trial detention is vested in the person who has been detained, provided that the criminal proceedings against him or her have been dropped (section 8(5)(a)), or he or she has been acquitted (section 8(5)(b)), or the matter has been referred to another authority (section 8(5)(c)).

However, no such right arises when the person concerned has given cause for his or her remand in custody (section 8(6)(a)).

Section 9, which deals with compensation for damage caused by wrongful official action, provides:

“1. The State shall be liable for damage caused by wrongful official action. Wrongful official action includes a public authority’s failure to act or issue a decision within the statutory time-limit, general inactivity in the exercise of public authority, unjustified delays in proceedings, or other unlawful interference with the rights and legally recognised interests of individuals and legal entities.

2. The right to compensation for damage caused by wrongful official action is vested in the person who sustained the damage.”

Section 17 defines the manner and extent of compensation for damage. It provides in its relevant part:

“1. Damage and lost profit shall be compensated for, unless special legislation provides otherwise.

2. If the finding of a violation of a right alone is not adequate compensation in view of the loss caused by the unlawful official action or wrongful official conduct, monetary compensation shall also be awarded for non-pecuniary damage, if it is not possible to compensate for it otherwise.”

By virtue of an amendment which entered into force on 1 January 2013 (Law no. 412/2012 Coll.), the maximum amount of compensation in respect of non-pecuniary damage under the SL Act may not be higher than the indemnity payable to victims of violent crimes under special legislation or other unlawful interference with the rights and legally recognised interests of natural and legal persons.

2. The right to compensation for damage caused by an incorrect official procedure shall be vested in the person to whom the damage has been caused."

Section 17 defines the manner and extent of compensation. It provides in relevant part:

"1. Damages and lost profits shall be compensated, unless otherwise provided by special law.

2. If the mere finding of an infringement of a right is not sufficient compensation in respect of the damage caused by the unlawful official procedure or maladministration, compensation for non-pecuniary damage shall also be awarded if it cannot be compensated in any other way."

7. In relation to the above-mentioned draft law on "foreign-supported organisations", please provide detailed information on the analyses carried out to ensure that the legislative proposal fully complies with international standards on freedom of association. In particular, we would greatly appreciate the conclusions of the impact assessments carried out to ensure that the planned administrative requirements do not impose disproportionate burdens that hinder the independent work of the covered civil society organisations, as well as the safeguards incorporated to prevent any discriminatory application of the proposed measures against entities that express critical views towards government policies.

8. Please provide a specific analysis of how the draft law on "foreign-supported organisations", which is a legislation that can be typified as 'foreign agents law' aligns with international standards, especially the right to freedom of association. Please include information on legal analyses with a human rights approach and parameters that justify focusing controls exclusively on associations, especially NGOs, with external funding.

Both questions 7 and 8 relate to the draft law amending and supplementing Act no. 213/1997 Coll. on non-profit organizations providing generally beneficial services.

In March 2025 a draft law of coalition Member of National Council of Slovak Republic has been submitted to the National Council of the Slovak Republic, which **defined lobbying in relation to the activities of non-governmental organizations, and a society-wide dialogue was underway on this topic.** The aim of this proposal is to **increase the transparency** of activities and financing of non-governmental organizations as a principle of the rule of law.

The regulation of lobbying in relation to non-governmental organizations in the Slovak legal order has not been regulated in any way so far, and its legal regulation is legitimate for several reasons (lack of transparency, lack of social responsibility and lack of public control of the NGOs). At the same time, it was **based on international recommendations such as GRECO, OECD.**

We were inspired by European recommendations for greater transparency by NGOs: Proposal for a Report on transparency and accountability of NGOs funded by the EU budget (2023/2122(INI)): "reveals major shortcomings in terms of public transparency and accountability... The EU Transparency Register should make funding sources, including EU funding, traceable and ensure greater transparency of registered organisations. **Moreover, the transparency of NGO funding must be visible from the source.** Setting minimum requirements for NGOs across the EU (definition, access to funding, disclosure of funding sources, independence from political influence and non-European interference, etc.) would

ensure a more robust budgetary control framework that would enable NGOs to deliver positive results with maximum transparency and accountability."

The draft law does not prohibit the association of citizens, it does not prohibit public expression on public issues. The draft law would not restrict the registration or establishment of NGOs in any way, nor does it make it difficult for NGOs to operate.

The draft legislation would not interfere in the activities of NGOs, but the Slovak Republic will regulate proportionately and legitimately only that part of the activities of NGOs where NGOs interfere in influencing public affairs (in accordance with the principle of proportionality and legitimacy of EU law).

Also, the draft law have regarded of the European Parliament resolution of 17 January 2024 on transparency and accountability of NGOs funded by the EU budget (2023/2122(INI): "... transparency and accountability are also essential for NGOs and other for-profit or non-profit entities... **European Parliament encourages Member States to introduce national legislation on lobbying and a transparency register, which should also require disclosure of donors, including international donors and funding sources,** while applying the same transparency requirements to all representatives of interest groups, regardless of their nature and legal status".

Regulation of lobbying activities of NGOs in Slovak Republic is an important first step, and the aim of regulation should include broad group of legitimate actors as possible to reflect the specific social situation in Slovak Republic.

Finally, **the draft law repealed the provisions on lobbying** and was approved by National Council of the Slovak Republic on April 30th 2025. Subsequently, the law must be signed by the President of the Slovak Republic and published in the Collection of Laws in order to be effective.

9. Please indicate the measures taken to ensure that the amendment of the Access to Information Act does not entail unnecessary restrictions or obstacles in public access to information from public institutions.

In relation to this issue, we note the statement in paragraph 4 on page 3, "*In June 2024, the Freedom of Information Act was also amended, significantly increasing the costs and procedures for obtaining data from public entities*", which **we consider to be highly inaccurate and misleading.**

The Access to Information Act No. 211/2000 Coll. was not amended in June 2024. The amendment to the Act was approved by the National Council of the Slovak Republic on December 10, 2024 after its return by the President of the Slovak Republic for renegotiation. The Act was promulgated in the Collection of Laws of the Slovak Republic as Act No. 401/2024 Coll. with effect from 1 March 2025.

The amendment of Act No. 211/2000 Coll. by Act No. 401/2024 Coll. did not result in such a change in the legal regulation of access to information that would constitute an obstacle to the implementation of the public's right of access to information. There has been no narrowing of the scope of the information which the persons obliged to make available on request are obliged to make available, nor have the conditions for exercising the right to information changed in such a way that it would be necessary to take measures to compensate for the consequences of this change.

The amendment introduced the possibility, but not the obligation, to require payment in the case of an extremely extensive search for information, even before the information is made available, whereby an extremely extensive search for information includes situations in which the gathering of information will be a time-consuming activity for the obliged person in its particular circumstances, which is objectively outside the normal provision of information by the obliged person. **The concept of the possibility to charge costs for extraordinarily extensive searches is designed to protect obliged persons against abuse of the right to information in the form of requests that require disproportionate effort and processing time.**

The assessment of whether the application in question requires the proposed cost recovery measure depends on the particular obliged person to whom the application is addressed. In practice, this means that if the obliged person requires payment for the provision of the information, it will notify the requester in writing, together with the amount of the payment within five working days. The notification must make clear on what basis and in what way the amount of the charge has been calculated by the obliged person. The applicant may lodge an objection to the calculation of the reimbursement, which shall be decided by the appeal body by confirming the calculation of the reimbursement or by reducing it if the obliged person does not meet the objection. In such a case, access to the information shall be conditional upon payment of the fee, which, if not paid, shall be deferred.

The inspiration for this legislation is the Czech regulation of free access to information under Act No. 106/1999 Coll. on free access to information, § 17.

The regulation in question is concentrated in Section 14(6) and (7) and Section 21(1) of the second sentence of the Act, in relation to which the approved Act was challenged in the Constitutional Court of the Slovak Republic by two motions. On 12 February 2025, the Constitutional Court accepted these motions by resolution PL. ÚS 3/2025 for joint proceedings and suspended the effectiveness of Section 14(6) and (7) and Section 21(1) of the second sentence of the Freedom of Information Act. Thus, in relation to the possible consequences of the introduction of the payment of costs for access to information, it was not necessary to take compensatory measures at the present time, since the effectiveness of the amendment was suspended in this part by the resolution of the Constitutional Court of the Slovak Republic No. PL. ÚS 6/2025-18. The Constitutional Court of the Slovak Republic will therefore decide whether these provisions are in line with the Constitution of the Slovak Republic and the international obligations of the Slovak Republic.

10. Please indicate the measures taken to ensure the full independence and freedom from political interference of the public broadcaster and cultural institutions.

Section 3, paragraph 2 of the STVR Act declares that **public service in broadcasting is based on the principle of editorial independence.** Journalists are free to carry out their work without political interference in the content of broadcasts.

The independence of public service media is ensured through several important mechanisms related not only to the election and dismissal of the general director of Slovak Television and Radio and the board members but also to transparency and expertise in their selection. These mechanisms are designed to guarantee objectivity, apoliticism, and transparency in decision-making and minimize the influence of political or other interest groups. These include:

- **Decentralized model for electing the general director:** This ensures that the election of the general director of Slovak Television and Radio is not directly under the control of any single political party or body. The general director is elected by the board, thus preventing direct political interference.
- **Selection of board members of Slovak Television and Radio:** Board members are appointed and elected through a combined process that ensures expert diversity and prevents the concentration of influence by any one person or group. Four members are appointed by the Minister of Culture, three of whom are experts from various fields (media, economics, law, information technology), and one member is nominated by the Minister of Finance. The remaining five members are elected by the National Council of the Slovak Republic. The election is based on expert fields such as television broadcasting, radio broadcasting, economics, law, and information technology, preventing political influence in the selection process.
- **Predefined criteria for the election of board members and the general director:** This ensures the functioning of the media without political interference and preserves freedom in content creation and broadcasting.
- **Apoliticalism and incompatibility of functions:** Candidates for the positions of general director and board members must be apolitical, ensuring they are not influenced by political forces. Additionally, the position of general director is incompatible with membership on the board or the ethics committee, preventing conflicts of interest and ensuring independent decision-making.
- **Secret voting in the election and dismissal of the general director:** This guarantees that board members can vote without political or public pressure, contributing to independent decision-making.
- **Transparency in the selection of board members:** The Minister of Culture appoints members based on the results of a transparent selection process.
- **Predefined reasons for the dismissal of board members and the general director:** Dismissal can only occur for legally defined reasons, preventing political interference in such decisions.
- **Judicial review of dismissal decisions:** Dismissals must be properly justified, and the decision is subject to judicial review, ensuring protection against arbitrary or unjustified decisions.
- **Ensuring independence through the length of term:** The term of the general director and board members is six years, ensuring long-term and stable development of projects and concepts. This length of term ensures independence from political influences, as the term length of Government members and National Council members is four years.
- **Natural turnover of board members:** If membership on the board ends before the term is completed, a new member is appointed or elected for a new term, ensuring natural turnover.
- **Professional Requirements:** The Council of the Slovak Television and Radio is composed of experts in fields such as media, economics, law, and information technology. This ensures that decision-making in the Council is qualified and independent, with various perspectives considered when making decisions about the

future of Slovak Television and Radio. The Council will be able to make decisions based on professional knowledge and experience, not political pressure.

- **Impartiality and Public Interest:** Members of the Council of Slovak Television and Radio are required to act impartially and prioritize the public interest over personal interests. This is key to maintaining the Council's independence, as it ensures that decision-making is motivated by the public's interests, not by personal or political interests.
- **Notification of Changes in Circumstances:** Members of the Council of Slovak Television and Radio are obligated to notify any change in circumstances that could affect their independence. This ensures that the Council remains transparent and that any factors that could threaten its objectivity and independence can be addressed.
- **Powers of Authorities:** The bodies of public service media, namely the Council of Slovak Television and Radio and the General Director of Slovak Television and Radio, do not have the power to interfere in the content of broadcasts or editorial independence. This ensures the independence of the functioning of public service media.

These mechanisms as a whole **ensure the independence** of Slovak Television and Radio, minimizing the risk of political interference or manipulation, and guaranteeing freedom in decision-making and content creation. This is crucial for maintaining the public interest in broadcasting.

Regarding **public service funds to support the arts in Slovakia**, specifically the Slovak Arts Council, **the Ministry of Culture of the Slovak Republic acts in accordance with Act No. 284 on Slovak Arts Council** (the "FPU Act"). According to this law, the director of the FPU is not appointed by the Minister of Culture but is elected by the FPU Council. The current director, Mr. Róbert Špoták, was elected by the FPU Council at a public meeting on March 2, 2023, when Mr. Špoták received a majority of votes from eight participating members. Mr. Špoták assumed the position of director on July 1, 2023, for a four-year term.

As for the composition of the FPU Council, the highest body of the fund, the FPU Act stipulates that eight members of the Council are appointed and dismissed by the Minister of Culture, with one member being nominated by mayors of municipalities, city mayors, and regional government leaders. Five members of the Council are appointed and dismissed by the Minister on the proposal of professional associations active in the fields of art, culture, or the creative industries, which are registered or recognized by the Ministry of the Interior of the Slovak Republic, or on the proposal of legal entities established by law that operate in the field of arts, culture, or creative industries. The Council includes one member for each of the following areas: music creation, theatre, literature, visual arts, and intangible cultural heritage.

The FPU Act clearly stipulates that **a member of the Council may not** hold a position in the governing bodies of a political party or movement, represent them, or work in their favour. It also defines the incompatibility of Council membership with other roles.

Regarding the composition of the Supervisory Committee, the controlling body of the fund, it consists of five members, two of whom are elected and dismissed by the Council in a secret ballot. Three members of the Supervisory Committee are appointed and dismissed by the Minister, with one member nominated by the Minister of Finance of the Slovak Republic. **The same incompatibility rules apply to members of the Supervisory Committee as those governing members of the FPU Council.**

As a matter of fact, **the aim of the amendment to the FPU Act**, effective from August 1, 2024, was to create an institution that ensures effective support for artistic activities, culture, and the creative industries, independent from central government bodies. This institution will be managed, and its funding decisions will be made by representatives of the artistic community. The new concept of supporting artistic activities, culture, and the creative industries in Slovakia, according to the amended law, is **based on the following key principles**: establishing the fund as the main financial resource exclusively for supporting artistic activities, culture, and the creative industries; defining the tasks and objectives of the fund's support activities with transparent rules for the use of its resources; ensuring the independence and professionalism of decision-making in key bodies of the fund through the nature of the public institution; defining the purpose of the fund's resources and mechanisms for controlling their use; and ensuring stable financial resources for the fund.

Regarding the **question of ensuring the independence and freedom from political interference in state cultural institutions** (theatres, galleries, museums, including the Slovak National Gallery), the Ministry of Culture of the Slovak Republic acts in accordance with Act No. 103/2014 on Theatrical and Musical Activities, as amended, and Act No. 206/2009 on Museums and Galleries and the Protection of Cultural Property, as amended. Under these laws, although the Minister of Culture of the Slovak Republic appoints (through a competitive selection process) and dismisses the statutory representatives of these institutions, **the Minister does not have political influence over their operations**.

The Ministry of Culture also **does not intervene in employment relations** within the internal organizational rules of organizations under its authority, including the Slovak National Gallery (SNG), as **these matters fall exclusively under the competence of the institution's statutory representatives**, including the General Director of SNG.

11. Please provide information on measures taken by your Excellency's Government to ensure that human rights defenders and civil society organisations are able to carry out their legitimate and peaceful work freely in an enabling and safe environment, without any fear of judicial harassment, reprisals or intimidation of any kind, including through the investigation of any of the alleged violations enumerated in this communication.

In relation to **protection against judicial harassment and intimidation**, the Ministry of Justice is currently working on the transposition of Directive (EU) No 2024/1069 on the protection of persons involved in public participation against manifestly unfounded claims or abusive legal proceedings ("strategic actions against public participation") and is cooperating with the Ministry of Culture in the implementation of Commission Recommendation (EU) No. 2022/758 concerning the protection of journalists and human rights defenders against manifestly unfounded and abusive legal proceedings against public participation ("strategic actions against public participation").

Both pieces of legislation set a very high standard (even by global comparison) of protection against frivolous claims and abusive lawsuits.

In Bratislava, 23 April 2025