

# RESILIO

## Country Report

### Slovakia



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### 1. Introduction

Slovakia, like other former Eastern Bloc nations, has confronted significant challenges during its late 20th-century transition to a democratic regime. Following its peaceful separation from Czechoslovakia in 1993, Slovakia began to build its own institutional framework but struggled initially to safeguard its independence. Notable examples include 'Mečiar's amnesties' (1998), which thwarted the investigation of several politically motivated offences, and the capturing of the judiciary during the Harabin era (2006-14).

Štefan Harabin's concentration of powers within the Justice Department, coupled with his political and corrupt associations, triggered numerous disciplinary proceedings against judges who openly criticised his leadership, personnel appointments, lack of transparency in judicial decision-making and ethical misconduct. This eroded public trust in the judiciary, which has recently deepened by a succession of corruption scandals.<sup>12</sup>

However, corruption in Slovakia extends beyond the judiciary, with numerous high-profile cases involving politicians, public officials, and business figures.<sup>3</sup> The Gorilla case, featuring leaked secret recordings from 2005-2006, indicated that prominent individuals in clandestine discussions regarding kickbacks could be tied to procurement and privatisation contracts. The case was accompa-

nied by enormous public interest; recent developments suggest that the Slovak Information Service (SIS) recordings may be destroyed, in view of the ECtHR rulings suggesting that their retention was unlawful.<sup>4</sup>

The murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová in 2018 rekindled concerns about corruption. Kuciak was investigating fraud committed by Italian businessmen linked to the 'Ndrangheta mafia, and ties between their representatives and the leading party Robert Fico's party SMER (Social Democracy). The ensuing public outrage and protests forced the resignation of then Prime Minister Fico, his government, and the Prosecutor General. In May 2023, Slovak prosecutors Maroš Žilinka and Petr Šufliarský found Alena Zsuzsová guilty of ordering the murders of Kuciak and sentenced her to 25 years' imprisonment. At the same trial Marián Kočner, a controversial Slovak businessman, was acquitted for the second time of ordering Kuciak's murder. Nevertheless, the case not only exposed potential oligarchic influence over politics, law enforcement, and the judiciary, but also raised awareness about the alarming need to improve safety of journalists, a matter that remains unaddressed to this day.

Recently, the Prosecutor General's exclusive power to overturn any final decisions by lower-ranking prosecutors or the police, without legal recourse or judicial review, has undermined the integrity of the investigative procedures, as well as the public trust in the prosecution and the judi-

ciary. Despite public demands, the Prosecutor General has been reluctant to address these issues.<sup>5</sup>

Efforts to reform the judiciary and enhance the quality of judicial decision-making resulted in a new judicial map that came into force in June 2023. The process of reforming of the judicial map launched in 2017 following the European Commission for the Efficiency of Justice (CEPEJ) recommendations.<sup>6</sup> The approved form established new judicial districts and the specialisation of judges in civil, criminal, commercial, and family law, alongside a separate administrative judiciary, which complemented the Supreme Administrative Court established already in August 2021.<sup>7</sup>

In 2022, Slovakia was shaken by a terrorist attack against two gay people outside an LGBTI+ community bar *Tepláreň* (the Heating Plant) in Bratislava. Prior to the murder, the attacker had published a disturbing manifesto on social media, and after the attack, he committed suicide. This tragedy mobilised civil society, organising awareness-raising discussions and concerts nationwide. However, despite continuous calls for greater equality for sexual minorities and the legalisation of minimum standards of partner cohabitation, progress has been minimal. The incident has further fuelled hate speech, disinformation, and political opportunism.<sup>8</sup>

**As Slovakia approached the September 2023 snap general elections, Slovak rule of law faced threats from both external and internal factors. Proximity to a nation grappling with Russian aggression has heightened hybrid threats, eroding the Slovak Republic's security interests.<sup>9</sup> This is reflected in the susceptibility to disinformation, historically low trust in public institutions,<sup>10</sup> waning support for Ukraine, and reduced backing for EU and NATO membership.<sup>11</sup> These issues quickly became the central political narratives of the 2023 National Council elections campaign.**

## **2. Analysis of the country along the RESILIO model**

### **2.1 Most important systemic factor: judicial resilience**

The legal framework governing the functioning of the Constitutional Court of the Slovak Republic (hereafter the 'Constitutional Court') is delineated in Articles 124-140 of the Constitution of the Slovak Republic<sup>12</sup> (hereafter the

'Constitution'). The appointment of judges to the Constitutional Court is a collaborative effort involving all three branches of the state, and the equilibrium achieved therein has been instrumental in sustaining the institution's independence, expertise, and overall esteem throughout its existence.

Initially, following the establishment of the independent Slovak Republic in 1993, the Constitutional Court comprised ten judges appointed for a seven-year term. In 2001, a constitutional amendment expanded the number of judges to 13 and extended their tenure to 12 years, without the option of reappointment.<sup>13</sup> This augmentation aimed to alleviate the court's persistent caseload, broaden its jurisdiction, enhance decision-making quality, expedite proceedings, and increase judicial stability and political independence. The prohibition against judges' reappointment was introduced to prevent potential undue influence on their decision-making, given their aspirations for reappointment. This measure drew inspiration from international models, including Germany, Italy, and France, and reflected domestic experience where decisions taken by judges shortly before the end of their 1993 term had generated several political disputes with adverse socio-political consequences.<sup>14</sup>

However, the most significant crisis related to judicial staffing occurred in February 2019 when the terms of nine judges expired, leaving only four judges in office. Prolonged political disputes led to five rounds of voting in the National Council from February to September 2019 before the appointments were finalised.<sup>15</sup> The Constitutional Court could not hear chamber cases until 17 April 2019 when previous Slovak President Andrej Kiska appointed the first three new judges,<sup>16</sup> as a minimum of seven judges is required for such proceedings. The Constitutional Court achieved full judicial complement on 30 September 2019.<sup>17</sup> The crisis, however, had several positive repercussions, including the introduction of public hearings for candidates by the Constitutional Committee of the National Council, which were publicly broadcasted and garnered increased media attention and public awareness.

In response to these events, a constitutional amendment in 2020<sup>18</sup> authorised the President to appoint Constitutional Court judges from among the elected candidates if the National Council failed to reach an agreement within two months following a judge's term expiration or within six months for other reasons. This amendment retained

the 12-year term limit for judges but allowed them to continue serving until the swearing-in of their successors.

The current procedure for appointing Constitutional Court judges is carried out as follows: proposals for candidates originate from entities specified in the Constitutional Court Act,<sup>19</sup> thus following a public hearing of the nominees, the National Council elects (by a simple majority) a double number of candidates, from which the President appoints the necessary number of judges. The above-mentioned method of appointment, as well as the 2020 constitutional amendment, thereby contribute to the preservation of high integrity of the Constitutional Court and its independence from political influence, thus subsequently also to independent and highly professional constitutional review.

## **2.2 Most important subsidiary factor: civic resilience**

Article 26 of the Constitution enshrines the right to access information, a right further governed by Act No. 211/2000 Coll. on free access to information<sup>20</sup> (hereafter the 'Freedom of Information Act'). This legislation serves as a cornerstone for promoting transparency, accountability, and civic participation in public affairs. It confers upon citizens and legal entities the entitlement to solicit and obtain information held by diverse public entities, including state bodies, municipalities, public-benefit corporations, contributory and organisations.

The Freedom of Information Act distinguishes between two regimes of disclosure of information by the obliged entities, namely:

- a) A compulsory proactive publication of information on the website of the obliged entity (without prior request),
- b) A disclosure of information on request.

Individuals and legal entities possess the right to request information, either in writing, electronically, or orally. The requested information may take various forms, encompassing documents, records, or other formats. Generally, public authorities are required to provide the requested information within eight working days from the date of the request. In some cases, this deadline may be extended by an additional eight days. The Act explicitly outlines exemptions from information disclosure; however, these have to be interpreted narrowly and proportionately to the protected prevailing interest, while respecting the nature of the fundamental right to access information.

If a public authority denies access to requested information, it must issue a reasoned decision and inform the requester about the possibility of filing an appeal. Moreover, if the appellate authority decides not to disclose the information, the applicant retains the option to bring an administrative action, which will be adjudicated by a court. The Act additionally institutes a framework for penalties applicable to public authorities failing to fulfil their obligations under the Freedom of Information Act. Public officials who intentionally breach these obligations may be considered to have committed an offence. It should be noted that despite various legislative efforts aimed at narrowing the informational obligations of public entities, the scope of mandatory publicly disclosed information continues to expand.

Furthermore, under the Freedom of Information Act, the disclosure of contracts involving at least one party categorised as an obligated entity is mandatory. The statutory framework governing the compulsory publication of contracts encompasses not only the Freedom of Information Act but also Act No. 40/1964 Coll. Civil Code. Typically, contracts subject to mandatory disclosure are published through the Central Register of Contracts (CRS), an online platform administered by the Public Procurement Office of the Slovak Republic. These contracts include agreements concluded by obligated entities containing information derived from public funds or pertinent to the management of such funds. Conversely, contracts exempt from public disclosure have to be explicitly defined by the Freedom of Information Act. The underlying objective of this legislation is to enhance transparency, foster fair competition within public procurement processes, and provide information to potential bidders and the public regarding procurement procedures, awarded contracts, and contract terms and conditions. In instances where timely contract publication does not occur (within three months of conclusion), the contract does not take effect, effectively rendering it void.

Closely intertwined with the mandatory publication of contracts is the Register of Public Sector Partners (RPSP), a publicly accessible registry established by the Ministry of Justice. The RPSP serves to verify the ownership structures of companies and natural persons engaged in transactions with public sector entities. Only entities registered in the RPSP may enter into contracts with the public sector or receive subsidies, subject to specific exemptions such as financial limits. Registration in the RPSP requires the involvement of an authorised representative, such as an at-

torney or notary, and necessitates the identification of ultimate beneficial owners – individuals directly or indirectly controlling the company or deriving certain benefits from their involvement. It is worth noting that the scope of disclosed information on ultimate beneficial owners is subject to potential revisions in the light of the recent CJEU case-law.<sup>21</sup>

In summary, these three institutions – the Freedom of Information Act, CRS, and RPSP – constitute indispensable tools for public scrutiny, utilised by journalists, NGOs, as well as the general public. Beyond exposing illicit and unethical activities, they serve a preventive function, engage society in governance, build public trust and continuously expand the realm of transparency within various aspects of public life.<sup>22</sup>

### **2.3 Most important systemic factor: economic resilience**

Established in 2012 as a response to the financial crisis by Constitutional Act No. 493/2011 Coll. on Fiscal Responsibility, the Slovak Council for Budget Responsibility (CBR) is an independent body mandated to monitor and assess the fiscal performance of the Slovak Republic. Its inception was a strategic move to address the issue of escalating debt levels within Slovakia, which had consistently exceeded sustainable thresholds. This initiative entailed a series of measures encompassing debt restrictions, the implementation of automatic penalties and corrective measures, more stringent fiscal regulations for local governments, and heightened fiscal transparency. The CBR's establishment was a nationally driven endeavour, enjoying a strong cross-party support from the beginning,<sup>23</sup> and aligning with the requirements of the European fiscal framework.<sup>24</sup>

The Constitutional Act on Budgetary Responsibility delineates the CBR's primary functions, which can be categorised as follows.

The CBR produces the annual 'Report on the Long-Term Sustainability of Public Finances' by 30 April and within 30 days of parliamentary debates on the Government Manifesto and confidence votes. The report identifies potential factors contributing to excessive debt growth under the existing fiscal policy framework, and assesses the extent to which current fiscal burdens are transferred to future generations. Additionally, by 31 August each year, the CBR

submits the 'Report on Compliance with Fiscal Responsibility and Fiscal Transparency Rules' to the National Council, evaluating government adherence to its fiscal rules and scrutinising data transparency.

Moreover, the CBR may, either independently or upon invitation by a parliamentary caucus, provide assessments of legislative proposals presented to the National Council. The main objective is to assess the potential impact of these proposals on the long-term sustainability of public finances and their budgetary implications, offering an independent perspective within the legislative process.

The CBR also conducts evaluations regarding the activation of correction mechanisms in cases of significant deviations from medium-term budgetary objectives or the paths leading to them. Additionally, it assesses the conditions for invoking and exiting escape clauses that suspend correction mechanisms.

Other monitoring activities encompass ongoing identification of potential risks related to public expenditure, proposing alternative legislative measures, and providing recommendations to enhance the sustainable management of public finances.<sup>25</sup>

An illustrative example of the CBR's pivotal role during legislative proceedings is its review of Act No. 232/2022 Coll. (Family Package Act).<sup>26</sup> The approval of this act highlighted the misuse of Slovakia's fast-track legislative procedure, circumventing intra-community and inter-ministerial comment procedures. Moreover, the Act underwent all three readings in the National Council in a single day and faced significant criticism regarding both its content and the manner of its adoption, given its substantial impact on state and local government budgets. Throughout the legislative process, from the initial proposal by the Ministry of Finance to discussions in Parliament, presidential veto considerations, National Council renegotiations, and the subsequent assessment of the act's constitutionality by the Constitutional Court, the CBR consistently provided comprehensive professional evaluations of the legislation in question.<sup>27</sup> It highlighted flagrant violations of legislative procedures and the detrimental effects of the approved law on the long-term sustainability of public finances. Consequently, the CBR's *amicus curiae*<sup>28</sup> played a significant role in the Constitutional Court's determination that the Family Package Act was unconstitutional.<sup>29</sup> Taking into

account the above-mentioned statutory functions, as well as the proactive role of the CBR in the public debate on legislative proposals with significant economic impact, the constitutional framework of budgetary responsibility helps to involve economic experts in the political debate on the management of public finances. It results in a more cost-effective use of public finances and potentially improving the economic stability of the country.

### **3. Impact of crises on the rule of law: the overturn of ‘Mečiar’s amnesties’**

The annulment of the so-called ‘Mečiar’s amnesties’ stands as a compelling example of the separation of constitutional review from other branches of power and underscores the vibrant engagement of civil society in Slovakia. It also activated the public as such, which for years had been trying to remedy one of the biggest encroachments on the rule of law in the history of the Slovak Republic.<sup>30</sup> These amnesties, conferred on 3 March 1998 by then-Prime Minister and concurrently acting President<sup>31</sup> Vladimír Mečiar, were granted to individuals involved in the abduction of the son of the first Slovak President Michal Kováč and the subversion of the 1997 referendum. The abduction of Michal Kováč, Jr. to Austria in August 1995 was organised and executed by officers of the SIS. Despite the issue of an arrest warrant for Kováč, Jr. in Germany for alleged financial fraud related to the company Technopol, Austria refrained from extraditing him to Germany due to his involuntary entry into Austrian territory.

From the time of the amnesties’ issuance in 1998 until their revocation in 2017, they remained a contentious political issue. Legal opinions on the possibility and consequences of their annulment varied. In 1998, the new government attempted to annul the amnesties through a decision of the Prime Minister.<sup>32</sup> However, the Constitutional Court in its 28 June 1999 ruling declared the above decision unconstitutional, emphasising that ‘Mečiar’s amnesties could only be overturned through a constitutional amendment.’<sup>33</sup>

Over the following 19 years, the National Council debated in total 11 Constitutional amendment proposals that would establish a legal framework to revoke the amnesties.<sup>34</sup> Concurrently, politicians’ actions were complemented by robust civic activism. On 5 March 1998, a protest rally

in Bratislava drew over 10,000 participants.<sup>35</sup> In January 2017, 26 prominent legal figures called upon the National Council to abolish Mečiar’s amnesties.<sup>36</sup> A similar appeal was endorsed by 80 representatives from Slovakia’s cultural, artistic, and sports community.<sup>37</sup> A civic initiative organised a petition that gathered 76,831 signatures, making it one of the most substantial online signature campaigns in Slovak history.<sup>38</sup>

On 30 March 2017, the National Council approved a constitutional amendment that provided a legal framework for National Council to revoke amnesties and pardons.<sup>39</sup> The amendment also established a constitutional review of resolutions annulling amnesties or individual pardons. The National Council formally revoked the amnesties on 5 April 2017,<sup>40</sup> thus also nullifying the individual pardon of Michal Kováč Jr. in the Technopol case. On 31 May 2017, the Constitutional Court ruled on the constitutionality of this Resolution, asserting that ‘the Prime Minister, when acting as President, failed to exercise restraint when granting amnesty or pardon, instead abusing this power in a fundamental manner.’<sup>41</sup> The latter statement formed the basis for the criminal prosecution of Mečiar for abuse of powers, yet the prosecution was subsequently discontinued in April 2021.<sup>42</sup>

The revocation of the amnesties led to the reopening of proceedings in November 2000. In December 2021, a CJEU preliminary ruling confirmed that the revocation of amnesty did not preclude the issuance of arrest warrants.<sup>43</sup> Currently, the composition of the ordinary court chamber poses challenges, as presiding judges must hold security clearance from the National Security Authority.<sup>44</sup>

A similar preliminary question was submitted to the CJEU in December 2018 regarding the thwarting of the 1997 referendum.<sup>45</sup> Thus, in July 2022, the CJEU ruled that it lacked jurisdiction to answer the questions referred.<sup>46</sup> As of August 2020, the case was assigned to a new judge, with a hearing date yet to be scheduled.<sup>47</sup>

### **4. Conclusion**

Slovakia, while relatively young in its democratic journey, has laid a robust foundation with institutional safeguards for upholding the rule of law. Nevertheless, the nation struggles with recurring challenges, including difficulties in holding accountability for the past crises, such as the

'Mečiar's amnesties' and the ongoing investigation of the high-profile corruption cases.

Despite these challenges, Slovakia's civil society has proven resilient, catalysing the establishment of critical protective mechanisms, like the Whistle-blower Protection Office or approval and preservation of a broad access to information. Slovakia's third sector contributes significantly to fostering transparency and accountability.

The extensive access to information is complemented by the online publication of the courts' decisions, as well as the convenient online access to all binding legislation. In summary, all this contributes to enhanced legal certainty and fosters an environment of public scrutiny. Citizens can conveniently access and engage in the ongoing legislative procedures by offering their comments on draft legislation. Recent enhancements such as the establishment of analytical departments, including the Council for Budget Responsibility, the Value for Money Unit, and the Analytics centre of the Ministry of Justice, have made substantial contributions to the formulation of measures grounded in extant data.

Nonetheless, Slovakia grapples with persistent challenges, notably the concentration of power vested in the Prosecutor General, continual infringements of legislative procedure rules, or the questions of granting fundamental rights to sexual minorities. The pervasive issue of misinformation poses a significant challenge, with the public being susceptible to hybrid threats. The nation's resilience against these challenges hinged on the outcomes of the parliamentary elections that took place on 30 September 2023.<sup>48</sup>

## Sources

- <sup>1</sup> European Commission (2023). The 2023 EU Justice Scoreboard, COM(2023) 309, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_3127](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_3127) (last checked: 24.11.2023).
- <sup>2</sup> See e. g., the cases ‘Tempest’ [Búrka], ‘Gale’ [Výchrica] and ‘Weeds’ [Plevel], In: Čuroš, Peter (2021). Panopticon of the Slovak Judiciary – Continuity of Power Centers and Mental Dependence, in: German Law Journal, 22(7), pp. 1247-1281. doi:[10.1017/glj.2021.62](https://doi.org/10.1017/glj.2021.62)
- <sup>3</sup> Following the annual Transparency International´s ranking Slovakia ranked 49/180 with the score 53/100. See: Transparency International e. V. (2023). The 2022 Corruption Perceptions Index (CPI), 31.01.2023, <https://www.transparency.org/en/cpi/2022/index/svk> (last checked: 24.11.2023); similarly looking at the World Justice Project´s Absence of Corruption (Factor 2) 2023 ranking, Slovakia placed with the score 0.53 (local average: 0.53, regional average: 0.73 – ranking 56th across 142 countries) – see: World Justice Project (2023). 2023 WJP Rule of Law Index – Absence of Corruption for Slovak Republic, 25.10.2023, <https://worldjusticeproject.org/rule-of-law-index/country/2023/Slovak%20Republic/Absence%20of%20Corruption/> (last checked: 24.11.2023).
- <sup>4</sup> European Court of Human Rights (2022). Case Haščák v. Slovakia, Judgment of the First Section of 23 June 2022 (final 14 November 2022), Application Nos. 58359/12, 27787/16 and 67667/16); European Court of Human Rights (2022). Case Zoltán Varga v. Slovakia, Judgment of the First Section of 20 July 2021 (final 22 November 2021), Application Nos. 58361/12, 25592/16, and 27176/16.
- <sup>5</sup> Broad competences of the Prosecutor General were one of the main criticisms and subsequent recommendations of European Commission´s 2022 and 2023 Rule of Law Report – see European Commission (2022). 2022 Rule of Law Report Country Chapter on the rule of law situation in Slovakia, SWD(2022) 525 final, [https://commission.europa.eu/document/download/e58a84b1-510c-4f2b-8fdc-2398a8849864\\_en?filename=56\\_1\\_194041\\_coun\\_chap\\_slovakia\\_en.pdf](https://commission.europa.eu/document/download/e58a84b1-510c-4f2b-8fdc-2398a8849864_en?filename=56_1_194041_coun_chap_slovakia_en.pdf) (last checked: 24.11.2023); see European Commission (2023). 2023 Rule of Law Report - Country Chapter on the rule of law situation in Slovakia, SWD(2023) 825 final, [https://commission.europa.eu/document/download/bbc910bb-df4a-49df-a86e-3b6c7b7ebb83\\_en?filename=56\\_1\\_52633\\_coun\\_chap\\_slovakia\\_en.pdf](https://commission.europa.eu/document/download/bbc910bb-df4a-49df-a86e-3b6c7b7ebb83_en?filename=56_1_52633_coun_chap_slovakia_en.pdf) (last checked: 24.11.2023).
- <sup>6</sup> European Commission for the Efficiency of Justice (CEPEJ) (2017). Efficiency and quality of the Slovak judicial system, Assessment and recommendations on the basis of CEPEJ tools, CEPEJ-COOP(2017)14.
- <sup>7</sup> Article 154g (4) of the Constitutional Act No. 422/2020 Coll. amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll. as amended.
- <sup>8</sup> Council for Media Services (2022). Terrorist attack on Zámocká Street in Bratislava: Immediate and preventive activities aimed at illegal and harmful content - Report on reactions of digital platforms to the attack and their part in radicalisation of the attacker, 12.2023, [https://rpms.sk/sites/default/files/2023-03/rpms\\_report\\_zamocka\\_english\\_version.pdf](https://rpms.sk/sites/default/files/2023-03/rpms_report_zamocka_english_version.pdf) (last checked: 24.11.2023); Council for Media Services (2023). The Bratislava Shooting - Report on the role of online platforms, 16.3.2023, [https://rpms.sk/sites/default/files/2023-03/rpms\\_report\\_zamocka\\_english\\_version.pdf](https://rpms.sk/sites/default/files/2023-03/rpms_report_zamocka_english_version.pdf) (last checked: 24.11.2023).
- <sup>9</sup> Centre for Countering Hybrid Threats Institute of Administrative and Security Analyses of the Ministry of Interior of the Slovak Republic (2023). In-Depth Vulnerability Analysis of Selected State Administration Bodies to Hybrid Threats (Public Version), 08.2023, <https://www.hybridnehrozby.sk/3219/in-depth-vulnerability-analysis-of-selected-state-administration-bodies-to-hybrid-threats-public-version/> (last checked: 24.11.2023).
- <sup>10</sup> MEDIAN SK, s.r.o. (2023). Trust in politicians and institutions, 31.05.2023., [https://www.median.sk/pdf/OSTATNE/4523500\\_PAT04\\_osobnosti\\_institucie\\_v03.pdf](https://www.median.sk/pdf/OSTATNE/4523500_PAT04_osobnosti_institucie_v03.pdf) (last checked: 24.11.2023).
- <sup>11</sup> GLOBSEC (2023). GLOBSEC Trends 2023: United we (still) stand, 22.05.2023, <https://www.globsec.org/sites/default/files/2023-05/GLOBSEC%20Trends%202023.pdf> (last checked: 18.7.2023).
- <sup>12</sup> Constitutional Act No. 460/1992 Coll. Constitution of the Slovak Republic.
- <sup>13</sup> Constitutional Act No. 90/2001 Coll. amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll. as amended.
- <sup>14</sup> Explanatory Memorandum to the Constitutional Act No. 90/2001 Coll., <https://www.nrsr.sk/dl/Browser/Document?documentId=137174> (last checked: 1.9.2023).
- <sup>15</sup> The voting of the National Council of the Slovak republic, 7th term of office: 40th meeting - voting No. 165, 167; 43rd meeting – voting No. 166, 180; 45th meeting – voting No. 196, 202; 46th meeting- voting No. 91, 144; 49th meeting – voting No. 331.



- <sup>16</sup> Office of the President of the Slovak Republic (2019). President appoints judges and the President of the Constitutional Court, 17.04.2019, <https://www.prezident.sk/article/prezident-vymenoval-sudcov-ustavneho-sudu/> (last checked: 1.9.2023).
- <sup>17</sup> Office of the President of the Slovak Republic (2019). President appoints new judges of the Constitutional Court of the Slovak Republic, 10.10.2019, <https://www.prezident.sk/article/prezidentka-vymenovala-novych-sudcov-ustavneho-sudu-sr/> (last checked: 1.9.2023).
- <sup>18</sup> Constitutional Act No. 422/2020 Coll. amending the Constitution of the Slovak Republic No. 460/1992 Coll. as amended.
- <sup>19</sup> Section 15 (1) of the Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on Amendments and Additions to Certain Acts.
- <sup>20</sup> Act No. 211/2000 Coll. on Free Access to Information and on Amendments and Supplements to Certain Acts (Freedom of Information Act).
- <sup>21</sup> European Court of Justice (2022). Joined Cases C-37/20 and C-601/20 Luxembourg Business Registers, Judgment of the Court (Grand Chamber) of 22 November 2022, ECLI:EU:C:2022:912.
- <sup>22</sup> The Freedom of Information Act, CRS, and RPSP are also well perceived by independent international organisation – e.g. Slovakia Ranking 27th Across 142 Countries in 2023 World Justice Project 's Rule of Law Index – Open Government (Factor 3) – see: World Justice Project (2023). 2023 WJP Rule of Law Index - Open Government for Slovak Republic, 2023, 25.10.2023, <https://worldjusticeproject.org/rule-of-law-index/country/2023/Slovak%20Republic/Open%20Government/> (last checked: 24.11.2023).
- <sup>23</sup> When voting on the draft constitutional law as a whole, 146 out of the 147 MPs present (out of a total 150 MPs of the National Council) voted in favour of the Act: The National Council of the Slovak Republic (2011). 26th Voting No. 153, 8.12.2011, <https://www.nrsr.sk/web/Default.aspx?sid=schodze/hlasovanie/hlasklub&ID=29604> (last checked: 6.9.2023).
- <sup>24</sup> Organisation for Economic Co-operation and Development (OECD) (2020). OECD Review of the Slovak Council for Budget Responsibility (CBR), <https://www.nrsr.sk/web/Default.aspx?sid=schodze/hlasovanie/hlasklub&ID=29604> (last checked: 6.9.2023).
- <sup>25</sup> Section 30a of the Act No. 523/2004 Coll. on Budgetary Rules of Public Administration and on Amendments and Supplementation of Certain Acts.
- <sup>26</sup> Act No. 232/2022 Coll. on the Financing of Children's Leisure Time and Amending Certain Acts.
- <sup>27</sup> Despite the fact that CBR was not given the formal opportunity to comment on the Act within the inter-ministerial comment procedure due to utilisation of the fast-track legislative procedure. See: Council for Budget Responsibility (2022). Long-term sustainability of public finances deteriorates after two years, recovery plan needed and spending limits triggered, 26.8.2022, <https://www.rrz.sk/dlhodobna-udrzatelnost-verejnych-financii-sa-po-dvoch-rokoch-zhorsuje-nutny-je-plan-ozdravenia-a-spustenie-vydavkovych-limitov/> (last checked: 6.9.2023);
- Juraj Kotian (2022). Unintended consequences of the Family Package Act, 4.6.2022, URL: <https://www.rrz.sk/nezamyslane-dosledky-prorodinneho-balicka-blog/> (last checked: 6.9.2023);
- Council for Budget Responsibility (2022). Quantifying the impact of anti-inflationary and family policy measures, 15. 6. 2022, <https://www.rrz.sk/nezamyslane-dosledky-prorodinneho-balicka-blog/> (last checked: 6.9.2023);
- Council for Budget Responsibility (2022). Opinion of the Council for Budget Responsibility on the package of measures (response to a request from the Office of the President of the Slovak Republic, 7.6.2022, <https://www.rrz.sk/stanovisko-rady-pre-rozpocetovu-zodpovednost-k-balicku-opatreni-odpoved-na-ziadost-kancelarie-prezidenta-sr/> (last checked: 6.9.2023).
- <sup>28</sup> Council for Budget Responsibility (2022). Opinion Amicus Curiae (on the proceedings at the Constitutional Court of the Slovak Republic in the case of the so-called family package, 8.11.2022, <https://www.rrz.sk/stanovisko/stanovisko-amicus-curiae/> (last checked: 6.9.2023).
- <sup>29</sup> Constitutional Court of the Slovak republic (2022). Ruling of the Senate of 13 December 2022 - PL ÚS 13/2022-337, ECLI:SK:USSR:2022:PL.US.13.2022.2.
- <sup>30</sup> See explanatory memorandum to Constitutional Act No. 71/2017 Coll., amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll., as amended (parliamentary press No. 483), <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=483> (last checked 27.11.2023).
- <sup>31</sup> On 3 March 1998, the Slovak government entrusted the then Prime Minister Vladimír Mečiar with some of the powers

of the President of the Slovak Republic, after the first Slovak President, Michal Kováč, had completed his five-year term of office on 2 March 1998 and the National Council of the Slovak Republic, which was then empowered to elect the head of state, had repeatedly failed to elect a new president. Subsequently, the direct election of the president was introduced by the Constitutional Act No. 9/1999 Coll. amending the Constitution of the Slovak Republic No. 460/1992 Coll. as amended by Constitutional Act No 244/1998 Coll. Approved on 14 January 1999.

<sup>32</sup> Decision of the Prime Minister of the Slovak Republic No. 375/1998 Coll. on Amnesty.

<sup>33</sup> Constitutional Court of the Slovak republic (1999). Ruling of the Senate of 28 June 1999 - I. ÚS 30/99-337, ECLI:SK:USSR:2016:1.US.30.1999.1.

<sup>34</sup> 2nd term of office: parliamentary press No. 520, 772, 1427; 3rd term of office: parliamentary press No. 1131; 4th term of office: parliamentary press No. 103, 783; 5th term of office: parliamentary press No. 366; 6th term of office: parliamentary press No. 1240, 7th term of office: parliamentary press No. 37, 318, 483.

<sup>35</sup> Vojtech Dangl and Valerián Bystrický (2014). Chronology of the history of Slovakia and Slovaks: from the earliest times to the present, History in dates, dates in history, II. Part, Veda.

<sup>36</sup> Som Za To (2017). Lawyers' statement on the possibility of abolishing Mečiar's amnesties by a constitutional law, 29.1.2017, [https://somza.to/stanovisko\\_pravnikov](https://somza.to/stanovisko_pravnikov) (last checked: 24.8.2023).

<sup>37</sup> Rudolf Sivý (2017). Celebrities ask politicians to cancel Mečiar's amnesties, 2.2.2017, <https://www.aktuality.sk/clanok/412028/osobnosti-ziadaju-politikov-aby-zrusili-meciarove-amnestie/> (last checked: 24.8.2023).

<sup>38</sup> News Agency of the Slovak Republic (2017). A petition for the abolition of amnesties was handed over to MPs, it has over 76 thousand signatures, 21.3.2017, <https://domov.sme.sk/c/20489034/poslancom-odovzdali-peticiju-za-zrusenie-amnestii-ma-vyse-76-tisic-podpisov.html> (last checked: 24.8.2023).

<sup>39</sup> Constitutional Act No. 71/2017 Coll. amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll. as amended.

<sup>40</sup> Resolution of the National Council of the Slovak Republic No. 74/2017 Coll.

<sup>41</sup> Constitutional Court of the Slovak republic (2017). Ruling of the Senate of 31 May 2017 - PL. ÚS 7/2017-159, ECLI:SK:USSR:2017:PL.US.7.2017.3.

<sup>42</sup> News Agency of the Slovak Republic (2021). Prosecutor's office: the investigator stopped the prosecution of Mečiar in the amnesty case, 21.4.2021, <https://www.teraz.sk/slovensko/prokuratúra-vysetrovateľ-zastavil-st/543520-clanok.html> (last checked: 25.8.2023).

<sup>43</sup> European Court of Justice (2021). Case C-203/20 AB a i. (Révocation d'une amnistie), Judgment of the Court (Third Chamber) of 16 December 2021, ECLI:EU:C:2021:1016.

<sup>44</sup> Alternatively, the Slovak Information Service could declassify the case file.

<sup>45</sup> While the district court suspended proceedings in December 2018, the CJEU received the request only in late 2020 due to an appeal filed by the regional prosecutor's office against the district court's order to suspend the proceeding.

<sup>46</sup> European Court of Justice (2022). Case C-710/20 - AM (Révocation d'une amnistie), Order of the Court (Ninth Chamber) of 8 July 2022, ECLI:EU:C:2022:551.

<sup>47</sup> News Agency of the Slovak Republic (2020). Thwarted referendum from years ago is in court, 17.08.2020, <https://spravy.pravda.sk/domace/clanok/560275-zmarene-referendum-spred-rokov-stoji-na-sude/> (last checked: 25.8.2023).

<sup>48</sup> Centre for Countering Hybrid Threats Institute of Administrative and Security Analyses of the Ministry of Interior of the Slovak Republic (2023). 2023 elections and disinformation: Analysis of the dissemination of misleading and deceptive content related to the 2023 Elections to the National Council of the Slovak Republic, 10.2023, <https://www.hybrid-nehrozby.sk/3230/2023-elections-and-disinformation-analysis-of-the-dissemination-of-misleading-and-deceptive-content-related-to-the-2023-elections-to-the-national-council-of-the-slovak-republic/> (last checked: 24.11.2023).

### About the author

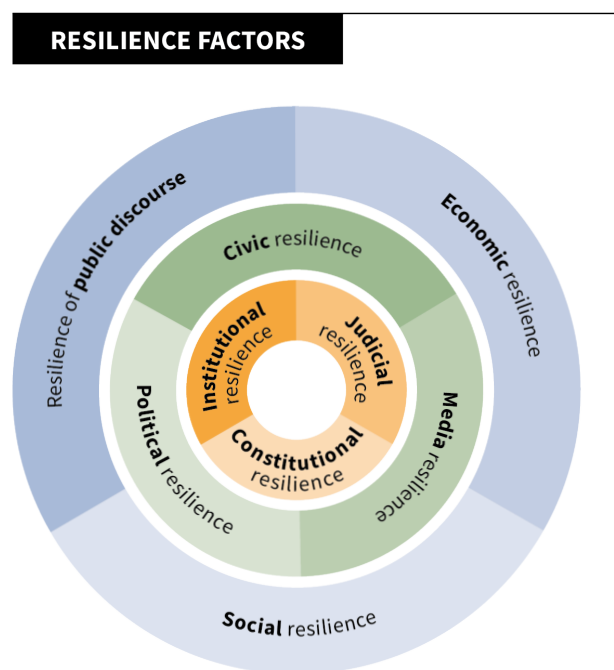
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### About the project

**RESILIO** aims to identify institutional and societal factors that make the rule of law more resilient, thus adding a constructive contribution to academic and policy debates. It draws on a “thick” definition of the rule of law, understood as closely connected to democracy and fundamental rights. The resilience of the rule of law means that the rule of law can experience hazardous events or incremental threats without losing its core function, structure and purpose.

### About the paper

This paper is part of the **RESILIO Country Report series**. It is a collection of compact analyses that assess the source of rule of law resilience in each EU member state by examining the most prominent resilience factors, using the analytical framework of the RESILIO model.



**RESILIO** offers a multi-layered model of the rule of law resilience. Systemic dimension (orange) reflects upon the resilience of the legal setup; subsidiary dimension (green) looks at the phenomena and tendencies present in societies as possible facilitators; and contextual dimension (blue) analyses the broader habitat, determined by structural and systemic variables like economic growth, social cohesion, and general political climate. RESILIO also takes into account the horizontal effects of unpredicted and unprecedented crises that can affect all dimensions of rule of law resilience with different intensity.

While each factor is necessary for a resilient rule of law, they are only sufficient in combination.

The considerations in this paper are compatible with the developed conceptual model of the resilience of the rule of law. They focus on **social resilience** as a contextual factor strengthening the rule of law.

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