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## TEXTS ADOPTED

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### **P9\_TA(2024)0021**

### **Planned dissolution of key anti-corruption structures in Slovakia and its implications on the Rule of Law**

**European Parliament resolution of 17 January 2024 on the planned dissolution of key anti-corruption structures in Slovakia and its implications for the rule of law (2023/3021(RSP))**

*The European Parliament,*

- having regard to Articles 2, 4, 6, 7 and 10 of the Treaty on European Union,
  - having regard to Article 325 of the Treaty on the Functioning of the European Union,
  - having regard to Articles 11, 12, 41 and 47 of the Charter of Fundamental Rights of the European Union,
  - having regard to its resolution of 28 March 2019 on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia<sup>1</sup>,
  - having regard to its resolution of 19 April 2018 on protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová<sup>2</sup>,
  - having regard to the Commission communication of 5 July 2023 entitled '2023 Rule of Law Report – The rule of law situation in the European Union (COM(2023)0800),
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas over the past several years Slovakia has stepped up its efforts to combat high-level corruption and organised crime, with several former high-ranking officials charged with bribery offences

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<sup>1</sup> OJ C 108, 26.3.2021, p. 107.

<sup>2</sup> OJ C 390, 18.11.2019, p. 111.

and final court decisions; whereas the Slovak Special Prosecutor's Office, which started its activity on 1 September 2004, and the Slovak police have been instrumental in handling cases connected to corruption and serious crimes, including those related to the misuse of EU funds;

- B. whereas the low number of cases investigated and the absence of an effective mechanism for fighting corruption and organised crime in Slovakia were the key reasons behind the creation of the Special Prosecutor's Office in Slovakia; whereas a similar specialised institute exists in several other Member States, including the recently established specialised European Prosecutor at EU level, which Slovakia endorsed in the Council;
- C. whereas the new government decided to dismantle the Special Prosecutor's Office and to reduce criminal penalties for serious crimes, including corruption and environmental crimes, by amending the criminal code through a fast-track legislative procedure at the beginning of its mandate.
- D. whereas the expedited procedure has removed the possibility for a meaningful public debate or due democratic process; whereas more than 20 000 citizens have repeatedly taken to the streets to protest against the controversial proposal; whereas more than 100 000 citizens have co-signed two petitions against the government proposals and fast-track legislative process; whereas the Slovak President has expressed deep concerns about the proposal and fast-track legislative procedure and has indicated that she would veto the law; whereas in the 2023 Rule of Law Report, the Commission recommended that Slovakia ensure effective public consultation and stakeholder involvement in the law-making process;
- E. whereas throughout the accelerated legislative process, the Slovak Government has refused to take into account expert analysis and opinions of civil society and the Commission, including strong concerns expressed about how the proposed changes would undermine the fight against corruption;
- F. whereas, in parallel, the Interior Minister has made substantial staff changes and announced significant structural and organisational changes to the Slovak police and other independent democratic institutions, including concerning investigators working on serious criminal and high-level corruption cases in Slovakia's National Criminal Agency, raising doubts about the motivations behind such changes; whereas the Slovak Government has replaced members of the Judiciary Council of the Slovak Republic before the end of their mandate and without proper justification;
- G. whereas the Slovak Government has proposed legislation to Parliament that would eliminate whistleblower protection for police

officers, undermine freedom of expression and limit the rights of all people in Slovakia based on the introduction of arbitrary, subjective assessment, which goes against the principles of the EU's Whistleblower Directive<sup>1</sup>;

- H. whereas the European Public Prosecutor's Office (EPPO) stated on 18 December 2023 that some legislative amendments proposed by the Slovak Government concerning key legal and prosecutorial frameworks could pose risks to the effective protection of the European Union's financial interests, as well as to its anti-corruption framework, and would no longer ensure that offences against the EU budget are punishable by effective, proportionate and dissuasive criminal sanctions in Slovakia; whereas dismantling the Special Prosecutor's Office could undermine collaboration and coordination with the EPPO, the EU Agency for Criminal Justice Cooperation and the European Anti-Fraud Office;
- I. whereas the Slovak Prime Minister often resorts to divisive language in order to polarise Slovak society; whereas a respectful exchange of views between political leaders and all citizens, including students, is essential for the healthy functioning of democracy;
- J. whereas in the past, public attacks by politicians in Slovakia against journalists, civil society and vulnerable groups have created a permissive environment for hate speech, in which serious violent crimes have been committed, including the murders of Ján Kuciak and Martina Kušnírová; whereas Ján Kuciak specialised in reporting on large-scale tax evasion, tax fraud, corruption and money laundering, and conducted investigations on several businessman with connections to high-level politicians; whereas the murder of Ján Kuciak and Martina Kušnírová is one of the most complex cases being investigated and supervised by the Special Prosecutor's Office; whereas there is a risk of the file being transferred to a new prosecutor if the Special Prosecutor's Office is dismantled;
- 1. Expresses deep concern over the Slovak Government's unjustified accelerated legislative process, particularly regarding the proposed amendments to the criminal code and the dissolution of the Special Prosecutor's Office, which threatens the integrity of judicial processes, undermines the European Union's fight against fraud and jeopardises the protection of the EU's financial interests and the natural environment in Slovakia; calls on the Slovak Government to reconsider these amendments in the light of their potential consequences for the rule of law, the EU's financial interests and the EU anti-corruption framework; calls on the Slovak Government to respect the binding principles of the EU Whistleblower Directive and

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<sup>1</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

reconsider the proposed changes to whistleblower protection in Slovakia; expresses particular concern about whistleblowers being retroactively stripped of their protection, resulting in a lack of legal certainty; notes that the Slovak Whistleblower Protection Office has flagged up these issues to the Commission;

2. Recalls that any criminal reform must contain sufficient and adequate safeguards to ensure the continuation and effectiveness of new and ongoing criminal cases, especially in relation to high-level corruption, as well as to guarantee the independence of the judiciary and the autonomy of the prosecutorial service in line with the Commission's recommendations in successive rule of law reports; expresses concern that the re-assignment of the Special Prosecutor's cases may lead to considerable delays, and that some cases may collapse in view of the statute of limitations; urges the government to address the long-standing call for a reform of paragraph 363 of the Slovak Criminal Procedural Law and to introduce the possibility of challenging a decision of the General Prosecutor not to prosecute and other measures or safeguards to prevent the misuse of this provision;
3. Emphasises the need for a thorough public process that would take into account opinions of experts and relevant institutions, such as the Venice Commission, and include adequate stakeholder and public consultations at national and EU level about any changes to the current criminal code and structures tasked with investigating and prosecuting serious crime, including cases of corruption in Slovakia;
4. Calls for a more adequate level of human and financial resources for corruption cases and better coordination between corruption investigators and prosecutors, in line with the EPPO's recommendation, for the more effective investigation of corruption-related crimes.
5. Calls on the Commission to closely monitor and provide information about these developments, taking the necessary actions to safeguard the rule of law and judicial independence, especially with respect to cases of high-level corruption, and to protect the EU's financial interests;
6. Recognises and supports the important role and engagement of citizens and non-governmental organisations (NGOs) in protecting and promoting democracy and the rule of law; calls for stakeholders to be involved in the law-making process, especially in connection with the use of fast-track procedures;
7. Pays tribute to Ján Kuciak six years after his assassination and to his essential work as an investigative journalist; calls on the Slovak authorities to ensure that justice is served;

8. Urges all political leaders to engage constructively and respectfully with citizens by upholding the principles of democratic debate and respecting public institutions, the rule of law and academic freedom; calls, therefore, on government officials to refrain from verbal attacks on individuals, journalists and civil society organisations; underscores the duty of public and government officials to serve all citizens, especially in a country with a history of hate crime and where a journalist has been murdered;
9. Condemns the inappropriate and disrespectful remarks made by the Prime Minister, including against a student who has been part of an initiative to foster an academic exchange on the state of the rule of law in Slovakia; calls on government officials to refrain from questioning the legitimacy of court decisions; is strongly concerned about plans announced to adopt legislation which would undermine the civic space, including by restricting the work of NGOs and stigmatising organisations which receive foreign funding;
10. Warns against any political interference in editorial independence and journalistic integrity; notes with concern the planned restructuring of Radio and Television of Slovakia, the country's main public broadcaster; underscores the importance of maintaining free, independent media as a cornerstone of a democratic society;
11. Regrets the decision of the Prime Minister and several government officials to halt communication with key media outlets, recognising that this as a significant impediment to the public's right to receive relevant government information; emphasises that such actions curtail media freedom and transparency and contribute to the spread of manipulative disinformation in the public space;
12. Calls on the Slovak Government to uphold the principle of sincere cooperation with the EU institutions;
13. Instructs its President to forward this resolution to the Council, the Commission, the European Union Agency for Fundamental Rights and the European Public Prosecutor's Office.