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Joint Statement by the Whistleblowing International Network and the European Whistleblowing Institute

## Slovakia's Dangerous Turn Against Transparency and Rule of Law

Slovakia's Parliament votes to eviscerate whistleblower protection even after Presidential Veto

After Slovakia's President vetoed a fast-tracked law that would abolish the country's independent Whistleblower Protection Office, the Parliament was given a second chance to defend the integrity of the law that protects those who risk their careers to fight corruption. Instead, after a long and tumultuous day of debate on Wednesday, this morning the Slovak Parliament voted to override that veto and proceeded with a law that experts agree raises serious constitutional issues and risks triggering sanctions from the European Commission with significant financial consequences for the country.

The Whistleblowing International Network and the European Whistleblowing Institute along with its partners in Slovakia – the Stop Corruption Foundation, TI Slovakia and VIA IURIS – and 28 leading anti-corruption and whistleblower protection organisations from Europe and around the world, called on the Slovakian Government and Parliamentarians to stop this attack on one of the most important safeguards for transparency, accountability, and public trust in Slovakia's democracy.

We are not the only ones. The voices have been loud against this extraordinary measure in Slovakia, including from the <u>Slovak Bar Association</u>, the <u>Compliance Circle</u>, the <u>Trade Association of Industrial and Transport Unions (APZD)</u>, and the <u>President Emeritus of the Constitutional Court of the Slovak Republic and Advocate General of the Court of Justice of the EU</u>. Legal proceedings in Slovakia's Constitutional Court have already commenced.

"All of these experts agree that strong and credible protection against corruption is a foundation of the rule of law, and that this move to abolish the Whistleblower Protection Office will have a seriously negative impact on the economic, political, and social well-being of the country and the people of Slovakia," said **Anna Myers**, WIN's Executive Director. "Whistleblower protection is not just a minor addition to a country's democratic infrastructure; it is a cornerstone of democratic accountability".

The <u>European Commission also made its position clear</u> that the move to abolish the WPO would be taken very seriously and the <u>European Public Prosecutor Office stated</u> that the retroactive





application of the law would directly affect ongoing EPPO cases and failure to adequately protect all whistleblowers, including police officers, would seriously limit investigations into corruption.

"From an EU law perspective, the violations are clear. The dismantling of an independent whistleblower authority raises serious constitutional concerns and conflicts with binding European obligations. There are legal pathways to act, nationally, before constitutional courts, and at the EU level through infringement proceedings and financial conditionality. This goes well beyond whistleblowing policy; it affects the rule of law framework on which the European Union depends", said **Dr Vigjilenca Abazi**, EWI's Executive Director, who has put forth a legal memorandum detailing the violations, which is relied on in the current case in front of the Slovak Constitutional Court.

The abolition of the WPO would reduce Slovakia's capacity to detect and prevent the misuse of EU funds, create legal uncertainty for ongoing cases involving potential breaches of EU law, and weaken oversight mechanisms designed to protect the Union's financial interests.

Until this moment, Slovakia has been a European leader in the protection of whistleblowers. Slovakian experts and policymakers had set about developing a whistleblower protection system before the EU Whistleblower Directive was adopted. When it was adopted, they used the opportunity to strengthen the protections in line with the Directive to ensure the legitimate and necessary protection for those who speak up about wrongdoing.

This blatant attack on an independent, impartial agency like the WPO and the protections for whistleblowers in the country should be called out for what it really is, an attack on the rule of law and democratic accountability. It is a dark day for Slovakia, it is a dark day for Europe.