Bratislava, 5 June 2024

**INPUT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS – REPORT OF THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF CLIMATE CHANGE TO THE UNITED NATIONS GENERAL ASSEMBLY 79TH SESSION**

*About the Slovak National Centre for Human Rights:*

*The Slovak National Centre for Human Rights (hereinafter the “Centre”) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Alliance of National Human Rights Institutions (GANHRI). As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of Slovak National Council No. 308/1993 Coll. on the Establishment of Slovak National Centre for Human Rights. Pursuant to the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination, as amended (the Anti-Discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and equality body, the Centre performs a wide range of tasks in the field of protection and promotion of human rights and fundamental freedoms including the observance of the principle of equal treatment.*

*The Centre among other powers:*

*1) monitors and evaluates the observance of human rights and the observance of equal treatment principle;*

*2) gathers and, upon request, provides information on racism, xenophobia and antisemitism in the Slovak Republic;*

*3) conducts research and surveys to provide data in the field of human rights; gathers and distributes information in this area;*

*4) prepares educational activities and participates in information campaigns aimed at increasing tolerance of the society;*

*5) provides legal assistance to victims of discrimination and manifestations of intolerance;*

*6) issues expert opinions on matters concerning the observance of the equal treatment principle;*

*7) performs independent inquiries related to discrimination;*

*8) prepares and publishes reports and recommendations on issues related to discrimination; and provides library services and other services in the field of human rights.*

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**The Centre submits the following input to the Call for Submission to the thematic report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change:**

***3. Are there undue barriers to obtain access to information on human rights and climate change that is up to date? (eg, language and technical accessibility, use of technology, grounds for non-disclosure, other?)***

***Access to information and participation***

Principle 7 of the Framework Principles on Human Rights and the Environmentspecifies that states should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request (A/HRC/37/59).

In Slovakia, the right to access information is guaranteed primarily by Act No. 211/2000 Coll. on free access to information (“Freedom of Information Act”), as amended, and Act No. 205/2004 Coll. on the collection, storage and dissemination of information on the environment, as amended. Accordingly, state authorities, municipalities, higher territorial units and other legal and natural persons designated by law are obliged to provide information to the public, which shall be disclosed to them without the obligation to demonstrate any legal or other reason or interest for which the information is requested.[[1]](#footnote-1)

According to Act No. 205/2004 central state authorities, self-governing regions, local government bodies and municipalities and other legal and natural persons designated by law are obliged to collect, store and, where necessary, update information on the environment related to the performance of their public functions in accordance with specific regulations, with a view to their effective and systematic dissemination.[[2]](#footnote-2) The collection and storage system must be chosen in such a way as to allow, as far as possible, transparent and effective public access to environmental information.[[3]](#footnote-3) Obliged persons shall disseminate environmental information in their possession and held by or for them with the intention of actively and systematically disseminating it to the public.[[4]](#footnote-4)

The Ministry of Environment of the Slovak Republic within the meaning of Act No. 17/1992 Coll. on the Environment as amended and Act No. 205/2004 regularly issues an annual State Report on the Environment, which assesses the state of the environment in the Slovak Republic, its causes and consequences, as well as selected instruments, environmental care and the involvement of the Slovak Republic in international cooperation in the field of environmental care, that is accessible to the general public.

According to the Fifth national report on the implementation of the Aarhus Convention, the legal regulation of the so-called “fictitious decisions” of obliged authorities,[[5]](#footnote-5) as well as stating putative reasons for non-disclosure can be considered barriers connected to the right to access information.[[6]](#footnote-6) The national report further points to the administrative, time and personnel intensity associated with the processing of requests for information in the context of statutory deadlines, which may lead to a conflict with an interest in the effective performance of public administration.[[7]](#footnote-7)

In recent years, the Centre has noted legislative activities possibly impacting access to environmental and climate change information, and consequently influencing participation of the environmental and climate change experts, human rights defenders, NGOs and public:

1. As a part of its submission to the State of the rule of law in the European Union for 2023, the Centre highlighted the adoption of a legislative amendment on environmental impact assessment[[8]](#footnote-8) in December 2022. The Centre noted that the President vetoed the Act, pointing out barriers preventing expert participation during the legislation process, and as a direct result of the amendment. Furthermore, the Centre believes that the amendment potentially also curtails the activities of environmental human rights defenders and their possibility to engage in transparent and participatory decision-making on environmental issues. The Parliament overruled the President’s veto in February 2022.[[9]](#footnote-9)
2. In May 2024, a group of members of the Slovak parliament for the Slovak National Party introduced a draft amendment of the Act No. 211/2000 Coll. on free access to information, as amended[[10]](#footnote-10). The proposal includes an introduction of a possibility to demand a fee, if the obliged person assesses that the request requires “exceptionally extensive research”, without further details. According to the NGO Via Iuris, the draft amendment proposal introducing the option to request payment from the claimant could complicate access to information for journalists, expert organizations or political opposition. Moreover, disproportionate fees could curb access to information which the obliged person does not want to disclose.[[11]](#footnote-11)

Using accelerated, unclear or chaotic legislative procedures limit the space for timely access to information, and consequently create barriers for participation of public in law and policy making. Furthermore, recent announced changes to the Freedom of Information Act with regards to the possibility of the introduction of a fee, could further hinder the access to environmental information.

***Changes in leadership positions in public institutions related to the protection of environment and climate change***

Since general elections in 2023, there have been numerous personnel changes in key positions in public institutions subordinate to the Ministry of Environment of the Slovak Republic, including the heads of management of national parks: Tatranský národný park, Národný park Veľká Fatra, Národný park Nízke Tatry, Národný park Malá Fatra,[[12]](#footnote-12) Národný park Muránska planina,[[13]](#footnote-13) Národný park Slovenský kras,[[14]](#footnote-14) the head of The State Nature Conservancy of the Slovak Republic,[[15]](#footnote-15) the head of Slovak Hydrometeorological Institute,[[16]](#footnote-16) as well as heads of various departments at the Ministry of Environment of the Slovak Republic.[[17]](#footnote-17) Furthermore, the Ministry of Environment of the Slovak Republic sent out regulation to the managements of national parks with instruction to dismiss 80 employes in total.[[18]](#footnote-18)

Dismissals of key public officers and related personnel changes can negatively impact established communication channels among the public institutions, environmental NGOs, environmental human rights defenders and activists, impacting participation. Interruptions in continuity could also delay timely disclosure of information.

***Intimidation and harassment of environmental human rights defenders***

Intimidation or harassment of environmental human rights defenders from public administration bodies, business and other actors can have deterrence effect on requesting information as well as on participation in law and policy making related to the protection of environment and climate change.

In its research in 2021, the Centre mapped experience of environmental human rights defenders with intimidation, bullying or other restriction of rights as a result of civic engagement in the field of the environment. Although not a representative research, human rights defenders reported cases of intimidation and bullying from business entities, public administration bodies, residents of location of their environmental activities or by unknown persons (e.g. anonymous profiles on social media).[[19]](#footnote-19)

As a part of its submission to the ENNHRI 2024 Rule of Law report, the Centre submitted following information regarding the situation of human rights defenders in Slovakia:[[20]](#footnote-20)

In December 2023, the Centre published a thematic report on democratic space for human rights defenders in Slovakia, based on interviews with 26 women, LGBTI+, Roma HRDs and HRDs with disabilities.[[21]](#footnote-21) It reported on main challenges, including prevalence of hate speech and harassment (including some instances of serious threats to life), lack of sustainable financing, lack of transparent participatory processes, administrative and bureaucratic burdens and impact of these challenges on HRDs’ mental health. In particular, women and LGBTI+ HRDs reported on the serious negative impact of ongoing hate speech from political and religious representatives. Respondents also encounter strong “anti-gender movements” and rhetoric, which have moved from fringe ultraconservative or ultra-right-wing forums into the mainstream and have been taken up by state administration employees, top politicians and general public.

The increasing intensity of hate speech was prevalent during the 2023 parliamentary election campaign. The Centre reported on the occurrence of hate speech on Facebook profiles of the most popular Slovak political representatives, with a focus on online hate speech against Roma, LGBTI+ people and Muslims. The Center also monitored pervasive hateful attacks directed at HRDs and civil society, which included their purported association with “liberal extremism”, or undermining their credibility and trustworthiness, in particular by labelling human rights NGOs as “Soros” organizations. Environmental HRDs were also targeted and referred to as “eco-terrorists” by several MP candidates.[[22]](#footnote-22)

In particular, a new MP and a proposed candidate for Minister of Environment of the Slovak Republic, Rudolf Huliak incited to “hang” an environmental expert.[[23]](#footnote-23) The President of the Slovak Republic has decided not to appoint Mr. Huliak due to him not recognizing a scientific consensus on climate change and publicly approving violent statements against environmental HRDs (.[[24]](#footnote-24)

He continued to attack environmental NGOs and individual activists on social media and in media, accusing them of “parasiting” on public resources.[[25]](#footnote-25)

As a reaction to planned activities of the Ministry of Environment reversing the decision to terminate the construction of waterworks Slatinka, environmental NGOs, experts and environmental human rights defenders issued a statement in April 2024, noting the dismissals and reassignments of environmental experts in public institutions, as well as steps preventing public and experts from participation, and harassment against environmental activists.[[26]](#footnote-26)

1. Section 3 (3) of Act No. 211/2000 Coll. on free access to information, as amended. [↑](#footnote-ref-1)
2. Ibid, Section 4 (1) of Act No. 205/2004 Coll. on the collection, storage and dissemination of information on the environment, as amended. [↑](#footnote-ref-2)
3. Ibid, Section 4 (2). [↑](#footnote-ref-3)
4. Ibid, Section 7 (1). [↑](#footnote-ref-4)
5. Section 18 (3) of Act No. 211/2000 Coll. on free access to information: *„If the obliged person has not provided the information or issued a decision or made the information available within the time limit for dealing with the request, it shall be presumed to have issued a decision refusing to provide the information.”* [↑](#footnote-ref-5)
6. Ministry of Environment of the Slovak Republic: *Fifth national report on the implementation of the Aarhus Convention*, 2020, p. 22, available at <https://vo.minzp.sk/files/dokumenty/medzinarodne-dohovory/aarhusky-dohovor/piata-narodna-implementacna-sprava-verzia-anglickom-jazyku.pdf> [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)
8. Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended. [↑](#footnote-ref-8)
9. European Network of National Human Rights Institutions: *State of the rule of law in the European Union,* 2023, p. 541, available at <https://www.snslp.sk/wp-content/uploads/ENNHRI-2023-Report-on-the-State-of-the-Rule-of-Law-in-the-European-Union.pdf> [↑](#footnote-ref-9)
10. Proposal by members of the National Council of the Slovak Republic Adam Lučanský, Milan Garaj, Andrej Danko and Rudolf Huliak to issue a law amending and supplementing Act No. 211/2000 Coll. on free access to information, 24 May 2024, available at <https://www.nrsr.sk/web/Default.aspx?sid=zakony%2Fzakon&MasterID=9809> [↑](#footnote-ref-10)
11. Via Iuris, Instagram post, 30 May 2024, available at <https://www.instagram.com/p/C7mA0j_oP-U/?igsh=MWVzamV4MTIyMTRjbQ==> [↑](#footnote-ref-11)
12. Denník N: *Taraba pokračuje v odvolávaní riaditeľov národných parkov. Je to už ako čistky za prvej Ficovej vlády, hovorí ekológ Marcel Uhrin*, 22 January 2024, available at <https://dennikn.sk/3788016/taraba-pokracuje-v-odvolavani-riaditelov-narodnych-parkov-je-to-uz-ako-cistky-za-prvej-ficovej-vlady-hovori-ekolog-marcel-uhrin/> [↑](#footnote-ref-12)
13. RTVS: *Riaditeľa Národného parku Muránska planina odvolali. Minister Tomáš Taraba tak urobil bez udania dôvodu,* 5 March 2024, available at <https://spravy.rtvs.sk/2024/03/riaditela-narodneho-parku-muranska-planina-odvolali-minister-tomas-taraba-tak-urobil-bez-udania-dovodu/> [↑](#footnote-ref-13)
14. RTVS: *Prepúšťanie v národných parkoch pokračuje: Tomáš Taraba odvolal Milana Olekšáka*, 2 May 2024, available at <https://spravy.rtvs.sk/2024/05/prepustanie-v-narodnych-parkoch-pokracuje-tomas-taraba-odvolal-milana-oleksaka/> [↑](#footnote-ref-14)
15. Denník N: *Taraba pokračuje v odvolávaní riaditeľov národných parkov. Je to už ako čistky za prvej Ficovej vlády, hovorí ekológ Marcel Uhrin*, 22 January 2024, available at <https://dennikn.sk/3788016/taraba-pokracuje-v-odvolavani-riaditelov-narodnych-parkov-je-to-uz-ako-cistky-za-prvej-ficovej-vlady-hovori-ekolog-marcel-uhrin/> [↑](#footnote-ref-15)
16. SME: *Taraba odvolal šéfa meteorologického ústavu, Benko končí po vyše 11 rokoch*, 10 April 2024, available at <https://domov.sme.sk/c/23314259/minister-envirorezortu-taraba-odvolal-z-funkcie-generalneho-riaditela-shmu-benka.html> [↑](#footnote-ref-16)
17. Denník E: *Skúša Taraba rozkázať počasiu? Odvolal už aj riaditeľa SHMÚ, klimatológ Lapin je z toho znechutený,* 10 April 2024, available at <https://e.dennikn.sk/3933785/skusa-taraba-rozkazat-pocasiu-odvolal-uz-aj-riaditela-shmu-klimatolog-lapin-je-z-toho-znechuteny/> [↑](#footnote-ref-17)
18. RTVS: *Veľké prepúšťanie v národných parkoch: Nariadenie prišlo mailom, zamestnancov prekvapilo*, 24 April 2024, available at <https://spravy.rtvs.sk/2024/04/velke-prepustanie-v-narodnych-parkoch-nariadenie-prislo-mailom-zamestnancov-prekvapilo/> [↑](#footnote-ref-18)
19. Slovak National Centre for Human Rights: *Written submission of the Slovak National Centre for Human Rights for consideration when compiling the List of Issues Prior to Reporting (LoIPR) for Slovakia at the 139th Session of the Human Rights Committee*, p. 16, available at <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FSVK%2F55467&Lang=en> [↑](#footnote-ref-19)
20. Slovak National Centre for Human Rights: *State of rule of law in Slovakia 2024*, p. 19, available at <https://www.snslp.sk/wp-content/uploads/RoL-Report-2024.pdf> [↑](#footnote-ref-20)
21. Slovak National Centre for Human Rights: *“Ja samu seba vnímam ako obyčajného človeka.” Obhajcovia a obhajkyne ľudských práv na Slovensku*, 2023, available at https://www.snslp.sk/wp-content/uploads/Obhajcovia-a-obhajkyne-ludskych-prav-na-Slovensku.pdf [↑](#footnote-ref-21)
22. Slovak National Centre for Human Rights: *Nenávistný jazyk na politických a facebookových profiloch. Správa z monitoringu nenávistných prejavov*, 2023, p.19, available at <https://www.snslp.sk/wp-content/uploads/Nenavistny-jazyk-na-politickych-fb-profiloch-2023_web.pdf> [↑](#footnote-ref-22)
23. Denník N: *Navádzal na obesenie ochranára. Kto je možný minister životného prostredia Rudolf Huliak*, 12 October 2023, available at <https://e.dennikn.sk/3622481/navadzal-na-obesenie-ochranara-kto-je-mozny-minister-zivotneho-prostredia-rudolf-huliak/> [↑](#footnote-ref-23)
24. Kancelária prezidenta SR*: Prezidentka nevymenuje Rudolfa Huliaka za ministra životného prostredia*, 19 October 2023, available at <https://www.prezident.sk/article/prezidentka-nevymenuje-rudolfa-huliaka-za-ministra-zivotneho-prostredia/> [↑](#footnote-ref-24)
25. Aktuality: *Nie sme „nacucnutí“ na štátny rozpočet, väčšinu peňazí získavame z Bruselu, reagujú ochranári z BROZ*, 19 October 2023, available at <https://www.aktuality.sk/clanok/uCkaHTp/nie-sme-nacucnuti-na-statny-rozpocet-vacsinu-penazi-ziskavame-z-bruselu-reaguju-ochranari-z-broz/> [↑](#footnote-ref-25)
26. Via IURIS: *Slatinské vyhlásenie ochrancov životného prostredia*, 22 April 2024, available at <https://viaiuris.sk/aktuality/slatinske-vyhlasenie-ochrancov-zivotneho-prostredia/> [↑](#footnote-ref-26)