



17.11.2021

# MISSION REPORT

following the ad-hoc delegation to Slovakia and Bulgaria – 21-24 September 2021

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:

Sophia in 't Veld	(Renew) (Leader of the mission)
Elena Yoncheva	(S&D)
Clare Daly <sup>1</sup>	(The Left)
Vladimír Bilčík	(PPE)
Annalisa Tardino	(ID)
Patryk Jaki	(ECR)
Sergey Lagodinsky	(Verts/ALE)

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<sup>1</sup> Ms Daly participated only in the mission to Bulgaria, on 22-24 September.

## ***Introduction/ Summary of the mission***

### **Slovakia - 21-22 September 2021**

The European Parliament and its Civil Liberties, Justice and Home Affairs (LIBE) committee in particular, sent several delegations to Slovakia following the murder of Ján Kuciak and Martina Kušnírová in 2018. A first delegation, organised jointly by the LIBE and the Budgetary Control (CONT) committees, [visited Slovakia in March 2018](#). A visit of the Civil Liberties Committee [followed in September](#), as part of a delegation which also covered Malta, and in December 2018, MEPs from the Committee on Budgetary Control [travelled to the country](#).

Meanwhile the [LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group](#) (DRFMG) in the European Parliament has been monitoring the situation in Slovakia closely since the murder of Ján Kuciak and Martina Kušnírová in 2018, including during the COVID-19 pandemic. A series of meetings with Slovak authorities, including the Prime Minister, and representatives of civil society, were organised remotely when travels were not possible to organise<sup>2</sup>. A LIBE delegation had indeed been authorised to travel in March 2020 but this could not happen until September 2021.

During their two-day mission, Members met with the families of Ján Kuciak and Martina Kušnírová, with representatives of non-governmental organisations and journalists, as well as with senior government and state representatives, including Prime Minister Eduard Heger, Minister of Interior Roman Mikulec, Minister of Justice Mária Kolíková and Minister of Culture Natália Milanová and members of the National Council of the Slovak Republic. They also exchanged with representatives of the judiciary at the highest level, as well as with police authorities, the Special Prosecutor, the National Criminal Agency, the Financial Intelligence Unit and Europol.

Members were interested in the upcoming reform of the judiciary, the fight against corruption, measures to protect journalists and whistle-blowers, the state of media freedom and fundamental rights. They also enquired about the ongoing criminal proceedings for the murder of Ján Kuciak and Martina Kušnírová.

### **Bulgaria - 23-24 September 2021**

The LIBE committee has been monitoring and discussing the situation of the Rule of Law in Bulgaria in the context of the Commission's mechanism for cooperation and verification of progress (CVM) established at the end of 2006 to address specific benchmarks in the areas of judicial reform and the fight against corruption and organised crime. LIBE adopted a specific focus on media freedom after the assassination of Bulgarian journalist Viktoria Marinova, organising an exchange of views on the "Safety of journalists in Bulgaria", open to all its Members on 21 November 2018 within its then Rule of Law Monitoring Group (now DRFMG since the beginning of the current 2019 - 2024 legislative mandate).

While CVM discussions continued in the full LIBE committee and a resolution was adopted by

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<sup>2</sup> For more details on these meetings and subsequent exchanges of letters, see DRFMG webpage under LIBE's 'Subject files' on the European Parliament's website, at <https://www.europarl.europa.eu/committees/en/libe-democracy-rule-of-law-and-fundament/product-details/20190103CDT02662>

the Parliament on 8 October 2020 on the rule of law and fundamental rights in Bulgaria<sup>3</sup>, a number of exchanges of views were held remotely during the COVID-19 pandemic in DRFMG with Bulgarian authorities, including Deputy Prime Minister, Ministers and representatives of the judiciary. Follow-up questions were sent and answers received from the Bulgarian authorities.<sup>4</sup>

The LIBE delegation travelled to Bulgaria in September 2021 against that background. Moreover, the Parliament had just been dissolved in view of new legislative and presidential elections, the executive being led by a care-taking government.

During their two day visit, MEPs met with civil society organisations, representatives of the media, as well as with President Rumen Radev, Vice-President Ilyiana Yotova, Deputy Prime Minister and Minister of Interior Boyko Rashkov, Deputy Prime Minister of European Affairs Atanas Pekanov, Minister of Justice Yanaki Stoilov, Minister of Culture Velislav Minkov, Chief Prosecutor Ivan Gechev and the Ombudsperson Diana Kovacheva.

## *Summary account of meetings*

### BRATISLAVA

**Tuesday, 21 September**

**14:30 – 15:15 Meeting with the families of Jan Kuciak and Martina Kusnirova**

Accompanied by:

- **Peter Kubina**, lawyer of the family of Jan Kuciak
- **Roman Kvasnica**, lawyer of the family of Martina Kusnirova

The delegation exchanged with representatives of the families of the two victims, against the backdrop of latest steps in the judicial procedure - the written decision of the Supreme Court adopted a few months earlier that reversed the decision in first instance, and the specialised criminal court that is to get back on elements identified by the Supreme Court. Discussion topics included independence of judges and autonomy of courts, the role of the prosecution and special prosecution; the investigation and the role of the police, the involvement of experts from different countries and of Europol, the pressure under which the investigation was carried out; and finally the general atmosphere in the country.

On behalf of the delegation, the Chair reiterated her support to the families, recalling that the EP does not want to interfere but to help and show support.

**15:15 – 16:15 Meeting with civil society organisations**

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<sup>3</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0264\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0264_EN.html)

<sup>4</sup> For more details on the exchanges of views of 28 August 2020 and 8 January 2021, and correspondence, see <https://www.europarl.europa.eu/committees/en/libe-democracy-rule-of-law-and-fundament/product-details/20190103CDT02662> as well as the [Activity report of the Democracy, Rule of Law and Fundamental Rights Monitoring Group \(DRFMG\) by DRFMG Chair Sophie In't Veld](#)

- Via Iuris - Civil society organisation in the field of justice, rule of law and democracy (<https://viaiuris.sk/en/>), **Katarína Batková**, Executive Director
- Aliancia Fair Play - Civil society organisation in the area of transparency and anti-corruption (<http://fair-play.sk/abouts>), **Mr Peter Kunder**, Director
- Transparency International Slovakia (<http://transparency.sk/sk/>), **Peter Demčák**, Senior Lawyer
- Stop Corruption Foundation – Foundation in the field of fight against corruption (<https://zastavmekorupciu.sk/>), **Zuzana Petková**, Director
- Aliancia žien Slovenska (<https://alianciazien.wordpress.com/>), **Katarína Farkašová**, Director
- Slovak National Centre for Human Rights, N.N., **Silvia Porubánová**, Executive Director

Invited organisations representing civil society presented a broad panorama of the situation with regard to rule of law in the country, going from judicial and media-related reforms in preparation, the police, corruption and fundamental rights. In general, they described worrying trends in the general climate, in terms of security for journalists and judges, and an escalation of hate speech.

The following topics were more particularly discussed:

- The undertaken judicial reform which is seen as encouraging, including for fighting the organised crime and with positive directions for the prosecution and the Judicial Council, and for the protection of judges; however it is still in the pipeline at the moment;
- The same encouraging perception applies for the reform of the legislation dedicated to the media and journalists: the working group set up on the new constitutional act was positively assessed, with proposals for strongly criminalising crimes against journalists and limit concentrations in the media;
- A perceived lack of transparency in the police;
- EU funds which still provide huge space for corruption, even if calls and tenders have improved; the recovery fund could be seen as an opportunity but the stress is seen as being put on speed rather than quality; all this links to the development of the organised crime in the country;
- Ownership in the health sector with one owner owning all the health insurance sector; The lack of quality of institutions and the difficulty to select the right people for public positions;
- The very limited progress noted with regard to LGBTI, gender and Roma equality;
- The recent proposals in Parliament to make abortion more difficult.

**16:15 – 16:45 Virtual meeting with Europol representative - Mr Lecouffe, Deputy Executive Director for Operations and Mr Liukku, Head of the European Serious and Organised Crime Centre.**

The two Europol representatives briefly recalled the different steps of the Agency's

involvement in the investigation related to the murder of Ján Kuciak and Martina Kušnírová in 2018. They stressed that at the date of the mission, Europol was no longer part of the investigation and had no involvement in any investigation in Slovakia. The investigative team was dissolved in 2019. They indicated remaining however available and ready to cooperate upon request.

In the exchange, it was referred to a hearing Europol had to submit to in court in relation to the murder case, following an action brought by M. Kočner before the General Court of the European Union, for disclosure of his personal data by the Slovak press and on the Internet and the inclusion of his name in the ‘Mafia lists’ imputable to Europol<sup>5</sup>. Without commenting the case, Europol’s representatives highlighted the key importance of metadata in such investigations and the Agency’s role to assist with processing large volumes of data. Since the judicial case is not closed, all data has to be kept available so that it may be investigated further. They confirmed that the investigation was under huge pressure, with remaining media attention. This was not particularly heavy on Europol when the Agency was active on the case, as the cooperation agreement with Slovak authorities was giving appropriate guidance and overall the cooperation was good. Changes in the Slovak police were not felt as having affected the cooperation.

#### **16:45 – 17:45 Meeting with journalists**

- **Vahram Chuguryan**, Director of news section, RTVS - Radio and Television Slovakia
- **Matúš Kostolný**, Editor in chief, Denník N
- **Beata Balogová**, Editor-in-chief of SME
- **Peter Bárdy**, Editor-in-chief, Aktuality.sk
- **Lukáš Diko**, Editor, Investigatívne centrum Jána Kuciaka

The group of journalists met by the delegation stressed the general hostile climate and constant pressure in which they have to work. The Members expressed concerns and questioned on the general climate, independence and safety of journalists, asked where are the major problems and where the solutions could be found, raised questions on the media landscape and ownership, the type of contracts in public but also private media, on whether pressure is exercised over the journalists and in particular investigative journalists. They also inquired, among others, on whether the expected legislative changes to ensure safety of journalists such as the constitutional act on media will bring the necessary changes.

Among the elements that have been raised in the exchange, the following were constantly underlined:

- A climate of constant aggressive behaviour towards journalists, a behaviour that characterised for example several former PMs interventions; misunderstanding on the role of the media in society, journalists being labelled as enemies by politicians due to their work;
- the fight to find justice and fight corruption is impacted by the tensions within law enforcement; nevertheless the last days were proving challenging as two journalists colleagues were indicted for an article they were investigating, but this was stopped the

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<sup>5</sup> See <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-09/cp210165en.pdf>

following day also due to massive media reaction;

- No systematic approach on media, steps not being taken; expected new legislation on media before the elections, but journalists have not seen the proposal yet; part of media landscape is not controlled or regulated at the moment so such legislation is needed;
- Concerns over the spill over effect of the Hungarian policy model on media;
- Expressed concerns over a society that is polarised, and the part of society who does not follow mainstream media becomes more important in the recent period;
- Pointed out that online media were not covered by the current legislation and no definition nor self-regulation in this sector.

Following questions raised by Members, the below were also mentioned:

- Precariousness of some short-term contracts was mentioned while other type of similar contracts ensure adequate safeguards and a similar protection to long term ones;
- Concerns were expressed over the independence of RTVS, and example being the way the demonstrations were presented in the aftermath of the assassination of the journalist; the main problem identified was the lack of funding, the special tax was not increased for 20 years, additional money come from government; allegations of pressure to influence editorial freedom that lead to several colleagues to leave the RTVS; the representative of RTVS expressed a contrary opinion insisting on the editorial freedom and the fact that they try to ensure a balanced representation of the facts; he mentioned that statistics on news coverage will be made available to the Members after the meeting<sup>6</sup>;
- Expressed concerns that the support is going down as regards investigative journalism, and it was stressed the importance of maintaining as much investigative journalism as possible; expressed concerns over the corruption that continues to be a problem in Slovakia;
- Amendment to the constitution on media was not considered as an ideal solution, but at least the effort of doing that will raise the profile with the public and possibly lead to less attacks on the media.

**18:30 – 19:30 Meeting with Daniel Lipšic, Special Prosecutor (delegated by Maros Zilinka, Public Prosecutor General).**

Elected by the Slovak Parliament through a new procedure parallel to the appointment. of the Prosecutor General, the Special Prosecutor was in post since February 2021. The exchange with the delegation revolved around recent reforms, the status and independence of the new Office, the process of his election and his political background, and the general atmosphere in the country around the judiciary.

The main points of discussions were the following:

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<sup>6</sup> Statistics were sent on 23.09.

- The recent constitutional reforms in the judiciary, including a more independent and balanced system of nomination and new competences for the Judicial Council for a better scrutiny of applicants, and a more independent status of the Special Prosecutor's Office, with jurisdiction set by law and extending to economic and terrorist crimes, a non-renewable term of 7 years which should isolate from political pressure, and an appointment procedure which involved this time extensive hearings of six candidates before legal affairs committee;
- Reflections on the fact that institutions and procedures do not guarantee good independent functioning of judicial authorities, but you also need people of the highest level of integrity;
- The current climate, with a lot of high profile corruption cases under investigation which the country has never experienced before, with what the media calls 'a war among police and prosecutors' giving impression of a backlash also when the intelligence service came under suspicion, and with strong pressure to stop those prosecutions;
- The chilling effect produced by proceedings launched against prosecutors and the Special Prosecutor (n.b: a motion for disciplinary proceedings had been filed against him on 13 August 2021 and the week before the visit, four investigators had been arrested for misusing their powers);
- The recent judgement of the specialised criminal court, where the previous Special Prosecutor was found guilty and sentenced for 14 years, judgement still subject to appeal;
- The influence that "white collar" criminals can and still play around the judicial scene, included when convicted (system of 'cooperating defendants') with the role of old-type criminal syndicates, which were attached to drug trafficking;
- The approach of the Special Prosecutor's Office, a rather small 20-persons unit, trying to get cases to courts as soon as possible due to a very formalised pre-trial procedure which favours media attention;
- The remaining issue of the Prosecutor General's power to strike down on trial decisions, which he holds since 2015.

## **Tuesday, 22 September**

**8:00 – 8:45                      Meeting with Roman Mikulec, Minister of Interior.**

Accompanied by:

- **Stefan Hamran**, Acting President of the Police
- **Eva Kurrayová**, Director of Slovak National Criminal Agency
- **František Sailer**, Director of Slovak Financial Intelligence Unit

The Minister has recalled the latest developments that were publicly available as regards the investigations of the murders underlining that the Supreme Court has invalidated the acquittal. He noted that the proceedings are still pending and reassured that police provides full

cooperation in this case.

As regards the changes in police and management of police court he mentioned that currently the amendments of the act on Police Court are under debate and that an extensive reform for the functioning of police court, to reach an expedient and flexible police service, is under preparation. Also the intention to reform the National Criminal Agency to strengthen financial investigation was highlighted. In terms of staffing, they carry on a thorough analysis of police departments in terms of staff and equipment and the needs for the future. This reform is prepared in close conjunction with other ministries and with the justice reform.

He reassured that fight against corruption is one of the highest priorities of the government and that over the past years SK reached several achievements, increasing investigations in lots of cases covered by media involving high profile people, which lead to sanctions for crimes related to corruption. Ongoing developments as regards fighting money laundering based on the CoE recommendations, as regards confiscation of property and regulation of lobbying, and specific programmes to strengthen the culture of integrity were also mentioned.

The Members raised questions as regards the expectations from the Working Group on the rule of law as regards police reform, on the objectivity of indictments, on the cooperation with the secret service, on the process of selection and appointments and on the implementation of the GRECO recommendations and the fight against corruption. Several concerns were also raised as regards the protection of minorities, the fight against organised crime and as regards the investigation of the suicide of the former Chief of Police.

The Minister has explained that the working group on the rule of law has as main objective to give a forum to experts, to share their views and ideas. He was convinced that the results of the working group can significantly improve the processes in the future, one example being pre-trial proceedings, which are currently very lengthy and cumbersome, and the working group can provide solutions.

In the exchange that followed, also with the participation of the other speakers in this panel the following were also mentioned:

- as regards police inspection, it was acknowledged that a reform is needed and that the possibility of a general inspection is currently assessed;
- the oversight of the secret service is rather difficult, currently being done by parliamentary committees;
- police feels pressured with the latest developments, in particular the investigators, a more calm climate is needed for the investigators to be able to continue their work;
- as regards discrimination cases, the focus is on the training of police and use all the tools to this regard, closely involving also the Roma plenipotentiary;
- organised crime, it was mentioned that this is one of the areas where they want to reform in particular the financial investigation capacity, working closely with international partners and providing training;
- on the suicide of the former chief of police it was noted that an investigation was carried



out and an independent committee has been set up, in which all parties were represented and that the findings confirm the suicide;

- fighting corruption is one of the areas of concern, many systemic and structural problems have not been changed so far, they are working in it on daily basis and take into account recommendations in their reforms; the new act on police might bring some of the necessary changes, including as regards selection and appointments.

**9:00 – 9:45 Meeting with Eduard Heger, Prime Minister of Slovakia.**

Accompanied by:

- **Roman Mikulec**, Minister of Interior
- **Mária Kolíková**, Minister of Justice
- **Natália Milanová**, Minister of Culture

The Prime Minister opened the discussion with remarks stating the importance of rule of law issues in the EU, referring to the recently given State of the Union (STOU) speech given by Commission President Von Der Leyen. He recalled that his government is setting-up a transformation process after a period he described as being captured by nepotism and which appears to be very complicated to tear apart. The Prime Minister insisted on the need to work on mentalities as well as on structures. He expressed his government's will not to be afraid and shy away from process, and properly investigate in order to gradually increase the trust of citizens across the state. They are focussing on identifying weaknesses of the system to ensure improvement. However, they wonder whether the situation is due to a failure of individuals or failure of systems. Their objective is to bring answers from a systemic perspective to increase trust in rule of law and work on failure of human actors.

On the protection of journalists, a particularly sensitive issue since 2018, the Prime Minister mentioned charges against journalist levelled in the week of the delegation visit, which he was happy to have seen taken down very quickly. He felt that this gave an impulse for debate and showed that the police is independent, however he was happy that this could eventually be resolved quickly. He stressed that there is a clear need to continue work to protect journalists and build a culture of trust there as well. Mistakes of the past where hatred was at the root should not be repeated. He wishes to promote a culture of respect and human dignity.

After this general introduction by the Prime Minister, individual Ministers introduced measures carried out under their responsibility, except for the Minister of Interior with whom the delegation had already met separately just before this exchange with the Prime Minister.

The Minister of Justice recalled her previous meetings with DRFMG in which the judicial reforms were already evoked. She insisted that the government is undertaking a very broad scope of reforms, including reforms postponed for many years, ranging from first instance tribunals to the supreme administrative court, which will have implications for judges, the judiciary, but also eventually on citizens. She stressed the importance of communication and her will to include a dialogue with all stakeholders. People need to be reassured that reforms will not lead to reduced access to justice. The reform of the judiciary is more or less half-way at the moment, with a new round of consultations going on for the reform of the courts. The proposal is now under ministerial procedure. While the date of submission to Parliament is not yet set, she is clearly aware that the government needs to proceed with reforms when there is

still time to also foresee their implementation and not leave this to the next government.

Apart from reforming structures, she highlighted the need to increase trust vis-à-vis the judiciary and to do so, to achieve reforms in good time and communicate with the appropriate language, with corruption mitigating effect. The fight against corruption is essential as well in this policy area. As for most recent events, she referred to rules in pre-trial proceedings and the need to reduce conflicts between institutions (police and judiciary). She recalled that the government manifesto included reform of the judiciary, as well as the inspection service in the Interior ministry, also in manifesto.

The Minister of Culture continued, meeting the delegation and DRFMG Members for the first time. She indicated that her Ministry looked at the situation of investigative journalism very intensively since the beginning of their office, with a view to improve the culture of journalism and media freedom in the country. They undertook a systemic reform of the entire media landscape, amending individual norms such as the civil code, regulation on television and radio broadcast as well as subsidies and general funding set-up. Transparency of the media is to be increased with provisions for making data on ownership publicly available and fighting disinformation is among the objective of the reform process. The government is considering that a national self-regulatory body, for media and for advertising, seems to be the most effective approach. An act on media freedom aims to expand the scope of protection, to cover also internet media. The protection of sources is also an important tool to take into account for the protection journalists, for which in any case specific measures are prepared. The first reading of the whole package is planned before end of year, to be approved by spring of next year. Referring to the current climate around the press, he mentioned recent excesses, not limited to charges against journalist, but with incidents such as a press conference organised by the Prosecutor General to which some journalists were refused access.

Questions revolved around the timing of reforms and the moment they will be tabled in Parliament, as well as the support they can receive; current conflicts between institutions and confidence between executive and intelligence/security services; legacy of the past, notably of the communist culture, including for staffing institutions; deterioration of the situation of journalists and issues with public media vis-à-vis the government.

#### **10:15 – 11:00 Meeting with Members of the National Council**

*(RESTRICTED FORMAT, MEPs and secretariat only, due to COVID-19 limitations)*

- **Kristián Čekovský**, Chair of the Committee on Culture and Media
- **Vladimíra Marcinková**, Chair of the EU Committee
- **Dušan Jarjabek**, Vice-Chair of the Committee on Culture and Media
- **Monika Kozelová**, Member of the Committee on Culture and Media

Part of the governmental majority, the Members of Parliament met by the delegation exchanged on the following topics:

- The strong commitment to return to Rule of Law in the country in the government majority's electoral manifesto, with a clear will to 'clean-up' the State, including in the police and the judiciary. It was recalled that the murder of Ján Kuciak and Martina Kušnírová had the effect of a trauma on the society and many people left the country due to the situation;

- The fight against corruption. It was referred to the recent appearance before court of influential people close to former government circles put before court accused of corruption, to the fact that so far, the Special Prosecution office did not bring the resolution of any case and that the former Special Prosecutor had just been sentenced to seven years. The setting up of a confiscation body was evoked;
- The situation of journalists in the country. Reference was made to other cases of physical harm against journalists, who play a great role in uncovering corruption cases; to the law in preparation and to the re-instating of a working group with experienced journalists on the topic;
- The broad situation of the media and the new legislation in preparation. The question of independence of journalists in general and of public media in particular was discussed, with the system of elections for public broadcasters, as well as existing tensions between private and public sector journalists. Media ownership, with the question of funding and how to ensure transparency are to be addressed by the new media act in preparation;
- The judicial reform in preparation, with changes to the judicial map and the need to address the issue of long-term judges, to ensure a culture change. Until recently, judge was a job for life in Slovakia, with no end of term. Apart from highly exposed cases, minor corruption cases that deformed Slovakia were often connected with the fact that judges had long and respected careers. Cutting the regional connections is seen as key. The reform will include ways to attract younger people, with experience with other systems acquired abroad, and set an age limit to judges. This is highly unpopular, raises resistance, especially from within the judiciary. A strong communication drive is adopted, with for instance the President visiting courts in order to increase support for reform;
- The timing of the reforms and the general atmosphere in Parliament. The COVID-19 pandemic entailed delays. For the judiciary, it was clarified that the reform was ready and is supported by the majority, but communication with individual grassroots judges takes time. With regard to the media act, it was stressed that the media act and the act on TV broadcasting are to be tabled by end of the year;
- Expectations towards the EP delegation. Members of the Slovak Parliament felt that the EP delegation was representing other democracies, therefore its views were awaited not just to be just critical but also to encourage young people to participate in the fight and be demanding from the politicians who represent them. The Delegation clarified that it did not see the EU;
- In terms of ‘mature’ and ‘young’ democracies on two separate sides, but its approach was more to see democracy as work in constant progress.

### **11:30 – 12:30 Meeting with Mária Kolíková, Minister of Justice**

The minister presented the main elements of the reform of the justice system, underlining that every legal package is connected with the following one, the whole complex reform requiring for all its elements to be approved. She underlined, among others, that:

- The main changes concern reducing the number of district courts. Criticism was raised

as regards some of the proposed changes, some caused by resistance to changes. Nevertheless the judicial system understands the need to enlarge district courts and to allow for more specialisation of judges. As regards Presidents of district courts, they will continue their function, no changes being envisaged given the criticism of influence of the executive on judiciary, but with larger districts. Larger districts mean also new judges and less local connections, with an impact on anti-corruption efforts, and also allow for specialisation of judges and raise efficiency;

- Proposals coming from the judiciary during the consultation process and European Commission were attentively looked into in the preparations of the reform;
- The final elements of the reform are expected to be adopted next year through Parliament, this being considered vital given the plan for recovery and resilience.

In the exchange that followed, Members raised several questions mainly linked to the consultation of the Venice Commission in the reform; discussion on age limits for judges and the criticisms linked to dismissal of judges, on budgetary resources, on the recruitment process for magistrates and judges, on the status of the prosecutors and also on the investigations into the suicide of the former police Chief, Milan Lucansky.

In the answers provided the Minister underlined that in the judicial reform, the recommendation of CEPEJ as included in a specific report on the reorganisation of the judiciary were followed. She noted that expanding the districts was one of the recommendations. They expressed availability to consult Venice Commission but underlined once again that on the organisation of judiciary is mostly based on CEPEJ recommendations. They asked the opinion of the Venice Commission on the attorney status as regards the new Supreme Administrative Court and disciplinary sanctions as concerns were raised on the impact of the reform on their independence. The age limit on the departure of judges fixed at 67 has been introduced to provide certainty. It was acknowledged the need to increase the number of judges, in particular when the new administrative courts are set up. It was underlined that the specialisation of judges will depend on their decision, and that maximum support for training will be ensured.

As regards the status of prosecutors, it was mentioned the need to reconsider their position in the system. Attention was raised to the strong mandate of the Prosecutor General who is given extensive power on criminal proceedings.

As regards the death of Milan Lucansky the investigation is ongoing, and it was reminded that a large investigative committee was appointed, including Members of Parliament. The committee results were that there were no other causes of death and the report is published.

As regards a question on the difficulty to fill in judicial positions at EUCJ, it was mentioned that there were very good candidates, but the exceptional high criteria put by the selection committee were considered not to be fulfilled and that this is an ongoing process which requires reflection. On questions linked to judges that worked under communist period, it was noted that the same criteria of assessment are applied for all professionals, irrespective of age.

### **13:30 – 14:30 Meeting with members of the Supreme Court.**

*(RESTRICTED FORMAT, MEPs and secretariat only, due to COVID-19 limitations)*

- **Ján Šikuta**, President of the Supreme Court
- **Andrea Moravčíková**, Vice-President of the Supreme Court
- **Peter Paluda**, Chair of the Senate of the criminal college
- **Zuzana Flaková**, Head of Cabinet

The meeting was held in a restricted format. The main topics discussed were the reform of judiciary and the necessity of a thorough process of consultation with the actors directly involved, the need to increase efficiency of the justice system and of the access to justice. It was noted that any process of reform requires resources and in this context the need for more staff, including specialised auxiliary staff, was underlined.

In the exchange were also mentioned aspects linked to the organisation of judiciary, aspects linked to the integrity of the judiciary and to the selection and appointment process, relations with public prosecution as well as aspects linked to the competences of the different courts, including as regards for example the competences of the Supreme Court to annul first instance acquittals.

#### **15:00 – 16:15 Meeting with members of the law enforcement authorities.**

- **Stefan Hamran**, Acting President of the Police
- **Eva Kurrayová**, Director of Slovak National Criminal Agency
- **František Sailer**, Director of Slovak Financial Intelligence Unit

The following topics were discussed between the police, intelligence and security authorities and the Delegation:

- The ongoing police reform, entering its second phase with all regional police directors to discuss details of the measures under preparation;
- Police independence, in particular with regards to police investigations, in a general climate with tensions between institutions (including with Ministry of Interior) and high-profile corruption cases, including with involvement of police officials, and with reduction of teams of investigators while they need to be boosted and a signal sent to the population;
- Appointments for top officials in law enforcement authorities and the reinforced stress on managerial, professional and moral qualities for the positions;
- The fight against corruption, with a general development of activities in that area that should strengthen investigators, linked to the fight organised crime and money laundering, also in relation to terrorism and the serious crime of harming of EU financial interest; the notion of ‘white collar crime’, i.e. - abuse of civil servants officials, a type of criminality which is key to be tackled given the situation in Slovakia, as it is committed within realm of state power - in judiciary, police... - and it undermines the trust of citizens towards authorities; exploitation of weaknesses of the economic and financial system; the strengthening of the fight against corruption and abuse of power among public figures, and fraud against interest of EU, with the participation in EPPO and OLAF, and the follow-up given to the latest Moneyval report;
- A significant rise of extremist tendencies, racial hatred, hybrid risks observed in the

country;

- Security of the executive, with an serious incident against the Prime Minister while the Delegation was visiting, with time delay before police forces were deployed on ground;
- Actions which could be needed to improve perception of police by the population, on whose behalf the police acts;
- The case of former head of police Lucansky was raised and the new acting president confirmed the committee findings of a suicide;
- While the raised case of a journalist against whom charges were pressed then lifted while the Delegation was visiting could not be commented upon, law enforcement authorities reaffirmed strongly that every law enforcement body should follow the Rule of Law.

### **16:30 – 17:15            Press conference**

The press release issued at the end of the mission is available on the European Parliament website:

<https://www.europarl.europa.eu/news/en/press-room/20210922IPR13313/rule-of-law-in-slovakia-meps-carried-out-a-monitoring-visit>

## **SOFIA**

**Thursday, 23 September**

### **08:30 – 10:00            Meeting with civil society organisations**

- Bulgarian Helsinki Committee, **Krasimir Kanev**, Chair of the Board
- Open Society Institute Sofia, **Marin Lessenski**, Programme Director, European Programmes
- Amnesty International Bulgaria, **Zahari Yankov**, coordinator “Freedom of Expression”
- Anti-Corruption Fund (NGO), **Andrey Yankulov**, Senior Legal Advisor
- Roma Standing Conference, **Miglena Mihaylova**, co-founder

The delegation exchanged with the associations mainly on the following topics:

- The degrading climate for fundamental rights and the need for Bulgaria to strengthen its democracy, guaranteeing the rights of citizens;
- The fight against corruption and the key role played by civil society to perform an annual review of corruption investigations performed by the Prosecutor General’s office and others, which is not done by authorities in charge, with a low rate of conviction and a lack of final convictions, especially for high-ranking individuals. According to NGOs participating in the exchange, criminal investigations are used as an instrument to exert

pressure on some individuals;

- Extortion and maltreatment during police arrests, torture;
- The role of the Prosecutor General and his questioned impartiality, leading to a feeling that police violence will remain unpunished, with complete control by prosecutor of pre-trial phase, combined with a very strong hierarchical structure, the Supreme judicial council formed with large political quota while judges should be elected by judges, as recommended by Venice Commission's standards;
- Public instigation of hate or discrimination towards different groups of society, with the feeling that in no other MS where this is so vivid. Main targets: Roma people, migrants, LGBTIQ, minority groups, with a lot of pending proceedings before the European courts;
- The situation of Roma people, with exclusion from and discrimination of Roma people in many areas of public life - housing, education, medical services, criminal proceedings, labour market, and the impact of the COVID-19 pandemic which further exacerbated the discrimination against the Roma community;
- Proposals for improving the situation of the Roma community, such as setting up have a special commissioner for Roma rights and an index of absorption of EU funds, to enhance the fight against corruption risks, as well as launching initiative to prepare a global report on rights of Roma community, with authors coming from the Roma community;
- Other fundamental rights issues - freedom of speech, children rights, imprisoned people, violence against women, and people with disability - but for which the situation is as severe as in other Member States;
- Some improvement for freedom of speech as the grip of the government here has weakened;
- The Magnisky act and sanctions by the US government;
- The successful organisation of elections which were not contested, with elections in Parliament which became exciting for people and signaled a certain return of political competition in country;
- The Rule of Law having become issue No 1 on the political agenda, with public hearings, which prompted numerous gaps and revealed wire tapping of citizens and politicians;
- On a less positive note the remaining accountability deficit, in judiciary, executive and law enforcement. There is no punishment and there is a 'state capture phenomena', with not enough checks and balances. e.g. for the prosecutor, and a general mistrust in the institutions, which suffer from a lack of accountability;
- The very fragmented media landscape, with low media freedom and a very low level of trust, with fake news spreading and undermining democracy; the latest major incident

in the field, i.e.g the resignation of the general director of Bulgaria's national radio, seen as a result of intimidation while the authorities did not take any appropriate measures to investigate and although reported by most media, no media outlet took opportunity to investigate, showing this a widespread self-censorship attitude in country;

- Freedom of association under pressure, with an existing legal framework compliant with EU law, but in 2020, couple of attempts by the then ruling majority to adopt new measures to limit right of associations;
- The right of NGOs having been affected by COVID 19 measures, with Bulgarian authorities having managed to introduce new measures, e.g. tax exemption, and NGOs asking for EU guidelines;
- The exclusion of NGOs from the law for collective bodies to conduct their work online, leading to an uncertainty as to whether their presence online is legal or not;
- The new financial scheme for NGOs during the crisis and the Council for the development of civil society, attached to council of ministers, never formally installed in the end;
- The Anti-NGO rhetoric developed by the main political parties.
- A call on the European Parliament that such use of hate speech should be condemned;
- The Directive on the rights victims of crime and on protection of children in criminal proceedings and the need to respect the deadline for transcription.
- The AML act, which adopted a 'one size fits all' view, with no NGO included. For instance with regard to the need for a detailed risk assessment, only a limited number of NGO should be subject to this and many banks are refusing to open accounts to NGOs due to that.
- The New migration strategy, 2021-2025, with only two associations having taken part in the public consultation, and a substandard treatment of unaccompanied minors
- The situation in prisons, with violence towards prisoners from prison staff, and bad conditions in prison, but with some noticed improvements on the two aspects;
- Discrimination against women, with UN recommendations not followed;
- Prospects for a possible unblocking of the situation vis-a-vis the Istanbul Convention, after the decision of the constitutional court (the same judges will not reverse decision), with a way forward seen more in an act of secondary legislation;
- Prospects for a stable majority after the elections to pick up some of the potential for political change.

#### **10:00 – 11:15 Meeting with journalists**

- **Genka Shikerova**, Journalist, "Free Europe" and TV1
- **Nikolay Stoyanov**, Journalist, Capital Media group



In the exchange the following main issues were raised by the Members: the perception of the media freedom and the low place of Bulgaria in the media freedom index; the transparency of the ownership and whether it is possible to know the ultimate beneficiary; the impact of US sanctions; the diversity of media and the place occupied by social media.

Members also asked about the existence of attacks and pressure on media, including judicial harassment; on the funding of media outlets; on the contracts and stability of employment; on journalists associations to protect their interests; on the coverage of discrimination cases; on the impact of disinformation and whether there was enough information provided in the context of the vaccination campaign.

The invited journalists pointed out, among others, to the following:

- Media is labelled conservative, left ; media landscape changed in the last years and pro-former government media has developed; they also drew the attention that part of the media is controlled by oligarchs; concerns were expressed on the situation of the public TV that became a sort of state/ government TV; as an example of censorship it was mentioned the way protests were covered by public TV where some protesters were beaten by police, but it was decided not to be covered with the explanation of being too violent;
- It is more and more difficult to pursue an investigation, the legitimacy of investigations being undermined;
- There is an increasing trend of violence against journalists, there is a lot of hate speech against journalists and smear campaigns;
- On the distribution of funds, EU funds are used to exercise pressure or control, no clear criteria, it remains a question mark where the money go;
- State agencies or Ministries would not reply to questions in Bulgaria, this changed to some extent with the caretaker government, but it still remains a pattern;
- The Roma topic indeed is not related in the media, there are some small outlets that convey the event, but the impact is not so powerful, as when it comes from mainstream media; there is always a choice on what to present, for example, in cases of violence against a person in Plovdiv, it was covered by several mainstream media, but only emphasising the ethnicity of the perpetrator;
- The rule of law upholding in Bulgaria has deficiencies, it is not so easy to explain why, there is a facade that looks fine and a lot happening behind;
- There is no association of journalists strong enough to defend their interests, the sector being quite divided;
- Reporting on corona virus was not very professional, in particular on TV and the government was not very involved, the coming elections having also an impact and therefore fake news made a huge influence; this disinformation campaign, more leaning towards ruling party, is worrying;

- The impact of the US sanctions, the government imposed an additional list of people, and that list had a greater impact than the sanctions themselves; some politicians were framing that some of the media influenced the American government for their actions;
- Transparency of ownership, legislation is overall good, this does not cover the whole range of ownership, beneficial owners are not known, is a hidden chain, sort of “Russian dolls”;
- On SLAPP, a personal example of an investigation in a development bank operations was raised, where three law suits were brought against the journalist in sort of coordinated manner.

**11:30 – 12:00 Meeting with Petyo Blaskov, Chief Editor of “Trud”**

In this exchange, as a follow up of questions raised by the Members of the delegation, the journalists presented the evolution of the journal where he is chief editor, made a presentation of the history of independent media in Bulgaria and underlined that the communist legacy needs to be taken into account when speaking about media in Bulgaria. He also mentioned that the efforts to preserve the rule of law are ongoing and cannot be considered as achieved. He also contested the visibility of LGBTI+ community in society. He also emphasised the difficult situation of media actors during the pandemic and noted the lack of support by the government.

**13:45 – 14:45 Meeting with the Minister of Interior Boyko Rashkov**

The delegation exchanged with the Minister of Interior on the following topics:

- The difficulty to reform in the absence of Parliament and with a care-taker government. No legislation can be adopted and it is difficult to fight corruption. This can be compensated by doing more on behalf of the Ministry of interior. At the moment of the visit, the approval of the care-taker was much higher than any other full-power government. The level of approval is seen as encouraging by the Minister.
- The status of the Prosecutor General - The Minister sees the Prosecutor General’s Office as one of the main issues in Bulgaria when it comes to the Rule of Law and referred to the initiated procedure of impeachment. Generally speaking, he deplored the absence of control on the Prosecutor General. In his view, the Prosecutor General believed that the police was his office’s extended arm. Indeed, in the absence of Parliament and fully-empowered government, the Prosecutor General is the only institution that will impede the police to act. The Prosecutor General is the independent part of the judiciary, appointed by the council for the judiciary, which includes politicians. This political dependency explains that no investigation was initiated against the former Prime Minister, in spite of photos and tapes. A proper reform of the prosecution office is needed for all the other services, including police, to be able to fight effectively the corruption.
- The breadth of corruption cases and practices in the country - going much further than the former Prime Minister, with huge corruption cases around highways and dams. Also the funding received from EU was not properly controlled so far. As ministry, they invest a lot in fighting against abuse of EU funds, in cooperation with OLAF.
- on Magnitsky act it was assessed that the services in Bulgaria did not do their job

properly;

- as regards the protests and the use of disproportionate violence by police against protesters, it was emphasised that no proper investigation was done into this under the former Government and that the Prosecutor General did not act in this regard; investigations will continue to be carried out;
- The appointment of delegated Public Prosecutors to the EPPO. The Minister recalled that the European Public Prosecutor, Ms Kovesi, initially rejected several candidates. He also noted that one of those delegated prosecutors finally appointed, refused to open an investigation during a demonstration, raising doubts as to the limits of the function.
- The fragmentation of the political landscape and the practice of ‘criminal voting’ (or ‘vote shopping’), which exists in other countries but not on the same scale as in Bulgaria. His estimate of the phenomenon is above 10% of seats. He is committed to fight this, finding it humiliating to see votes being exchanged against food, jobs or other services.
- The weakness of the EU and the Commission’s pressure on Bulgarian corrupt high ranking officials and practices - The Minister feels that positive pressure on Bulgaria is too weak. He called upon the delegation to show support to reforms in his country.

**16:15 – 17:15 Meeting with the Minister of Justice Yanaki Stoilov and the Deputy Prime Minister in charge of managing the European funds Atanas Pekanov**

In his intervention, the Deputy Prime Minister underlined the following main elements:

- The importance to preserve and guarantee that all mechanisms are in place to ensure proper use of funds. He also underlined the role of caretaker government is to preserve the stability and prepare the reforms;
- Expressed awareness on the Commission findings in the Rule of Law reports and mentioned that it is important to exchange and hear the opinions of the delegation. He also mentioned the need of impartial and objective criteria for the assessment of the MS.
- As regards EU funds, mentioned the difficulties in implementing programmes, but overall the financial corrections remain in the EU average.

The Minister of Justice in his introductory words also emphasised three priorities: improve services for citizens and legal entities, reduce bad practices and activate relationships with judicial system.

The Members of the delegation raised among others the following issues: the steps taken in the fight against corruption, whether actions to safeguard the rule of law will be introduced in the recovery and resilience plan, questioned the corruption in prisons systems and the situation of children. Questions were also asked as regards possible abuses and fraud with EU funds and ongoing investigations, about the oversight on the way funds are spent as well as on access to justice and more generally as regards the trust in the justice system, the position of the General Prosecutor in the system. Concerns were equally raised on discrimination cases and how it is tackled and if there are any plans to introduce measures to protect minorities and NGOs working in this field, on the decision of the Constitutional Court as regards the Istanbul Convention and

on the impact of Magnistky act.

In their answers, the Ministers underlined the following main aspects:

- That the recovery plan is to be submitted as soon as possible, but raised the question whether this is a task of a caretaker government. On the inclusion of the Rule of law in the Plan, the subject was raised in the National Assembly and suggestions will be made with the Minister of Justice, after consultation with stakeholders, but it was emphasised that the plan will depend on the political government to be in place.
- On the accountability of the Prosecutor General, and in general as regards the competences of prosecutors, there are discussions on introducing a judicial control over the refusal to open an investigation; a structural approach is needed, but there are limitations on what can be done in the current period;
- Confiscation is a tool in the fight against corruption and it needs to be implemented in a way that leads to results;
- As regards the prisons was emphasised the need to improve conditions, limit time in prison and provide conditions for voluntary labour. A proposal to this effect could not be passed in the Parliament in the last very short terms.
- On trainings funded with EU funds, it was mentioned that there are several levels of checking and auditing and that it is rare for inadmissible costs to be found; generally on the audit of the use of funds the results are satisfactory and few financial adjustments were needed;
- As regards social aspects and Roma community, in terms of income, employment, education, are important issues and ethnic separation has to be overcome through active and inclusive social policy;
- On Istanbul convention, the judgment of the constitutional court was recalled. There are also terminology problems, on top of concepts, as in Bulgaria the same word is used for “sex” and “gender”. It was stressed that combatting violence in any form is important.
- As regards Magnistky act, a dialogue on this is needed and it was emphasised the need to respond when the financial interests are to be protected. This was considered also another important task to be tackled in the future.

### **17:30 – 18:30 Meeting with the Minister of Culture Velislav Minekov**

The Minister exchanged with the delegation on the following topics:

- Media freedom and corruption, with the difficulty to identify perpetrators and hold them to account, and ensure investigation. The Minister stressed that few are the journalists who feel courageous enough to investigate corruption cases. Journalists also avoid the issue of media ownership. This has to be tackled by the government.
- The need to clarify media ownership - Minister Minekov sees himself as the first minister of culture taking the responsibility to clarify beneficial owners in the Bulgarian

media. A deadline was set to declare ownership by end July. More than 300 media outlets made the declaration. The Minister feels that for the first time, the Ministry is in a position to trace out media services and find out who really is behind those organisations, for instance people who are referred to as oligarchs.

- The need to clarify ‘media services’ - The Minister gave the example of 1/2 million euros granted to TV channels to give positive coverage of ministry. He sees this as ‘the purchase of conscience’ on an impressive scale, each Ministry having allocated more or less the same amount, including to the most popular news media. He also questioned the allocation of EU funds to Bulgarian media, which he sees as lacking transparency and noting that beneficiaries are pro government media. In his view, this leads to a total black out of any event not liked by the government and this happened during latest campaign.
- Public broadcasting - In his view, national TV and radio are managed in a same way, however with different levels of freedom within, hence the level of funding was topped for national television, while not for the radio. Demonstrations demanded the resignation of the director general of the public TV, with a 3000-people-signed petition. When he became minister, received proposals to modify the legislation on public TV and radio. He assured the delegation that he would spare no effort to ensure that no media serves the government, trying to tackle this since the beginning of his mandate. He gave some examples like the fact that some programmes were interrupted in order to let the face and voice of the former Prime Minister appear on screen, in a total infringement of the law. Only the President, the Patriarch and the Chief mufti have the right to make statements on TV at their own wish.
- Disinformation in particular in public media and in relation to the COVID-19 pandemic, notably the vaccination.
- Independence of the Council for electronic media - the Minister recalled an episode where the Director General of the national TV allowed a very cynical body language lecture to be shown on TV. The Council for electronic media fined the National TV as an institution was fined, not the director general, leading the penalty to be eventually paid by tax payers. The Minister also regretted that the Council for electronic media did not answer questions raised around the CV of the Director General. The Minister also raised the question of appointments in the Council for electronic media, currently appointed by the Parliament, indicating that a change should be seen here so that the Council ceases to be seen as a political body.
- The timing for reforms - The Minister recalled that without a Parliament in place, major changes cannot be introduced. On beneficial owners for instance, the change needs to occur via a change of legislation. He started initiatives in the Ministry for four legislative acts, one of which on cultural heritage, another one on the “development of culture”
- The authority of the Ministry of culture - The Minister sees it as being quite vast and its signature may be used by institutes in an abusive way. This would require some streamlining.

Here again the delegation expressed its full commitment to provide support to the process of change towards reinforced media freedom under the rule of law, regardless of political

affiliations. Regarding issues raised by the Minister in relation to EU funds lacking transparency in their allocation to Bulgarian media outlets, the delegation asked that an overview of facts is put in writing in order to be shared with the Commission for further examination.

### **Friday, 24 September**

#### **09:15 – 09:45 Meeting with Emil Koshlukov, General Director of the Bulgarian National Television**

In the exchange with the Members of the delegation, the General Director noted the following:

- As regards media landscape, there are three TV networks that account for the 90 percent of the consumption of news; he also noted that the national television managed to double the ratings, ranged as third after the private networks, mainly due to online platforms; in his assessment BTV is the most trusted media outlet;
- That over the years, media conglomerates were created, and that media is depending to a large extent on economic or political interests, one of the specificities being the dependence on oligarchs;
- On criticism on coverage of parties during election campaign, he answered that a distribution was agreed in agreement with all political parties and that the information was presented distorted to this regard;
- Expressed concerns about attacks on journalists, including from politicians and mentioned the need to have strong sectorial organisations to defend the rights of the journalists and editorial independence.
- He expressed reservation as regards the assessment of Reporters without borders, mentioning that their methodology is not transparent and that they should have met with the BTV representatives.

#### **10:00 – 11:15 Meeting with the Public Prosecutor Ivan Geshev**

Accompanied by:

- **Daniela Masheva**, Deputy general prosecutor
- **Krasimira Filipova**, Deputy general prosecutor
- **Desislava Pironeva**, Deputy general prosecutor
- **Siyka Mileva**, prosecutor at Supreme cassation prosecutor`s office and spokesperson of Prosecutor General

In this meeting, the Members of the delegation raised questions mostly about the necessary reforms needed in the judiciary system, on the cases of high level corruption that have not been followed up, the raising trend of pre trial proceedings and when are to be expected concluded cases of corruption, on the process of nominations for EPPO, on the freedom of investigators to pursue their work and the safeguards in place, on the judicial review of prosecutors decisions not to start investigation, the competences of the Prosecutor General and on whether he can be also under investigation. Specific questions were also raised on wire tapings and who ordered

this procedure, on why an investigation was not properly initiated as regards the photo of the former Prime Minister with money, golden bars and arms, on the so-called “Barcelona gate” as well as on a case linked to protests.

In the exchange that followed, several aspects have been pointed out:

- The pre- elections context and that the necessary reforms are influenced by this given the mandate of caretaker government that has to prepare elections; it was recalled that any reform has to be approved by parliament and it is to be seen if the proposals of the current government will be endorsed once a political government is in place;
- Expressed concerns on the Bulgarian criminal code that was adopted in the communist period at fails to regulate situations that emerged after and it is unfit to fight corruption; it was recalled that last year amendments to criminal procedural code were put forward but no progress yet; there is no need for an extraordinary legislation or emergency one, the proposal was to amend the Procedural Code following the codes in other EU Member States;
- Real results of anti-corruption efforts will come from new legal framework on accountability of magistrates; a reform should not only cover the office of the Prosecutor General, a more deep reform is needed, you cannot reform one component and expected to deliver for whole system;
- As regards criticism on the cases not followed up , it was noted that the office of the PG is involved in 10 percent of cases<sup>7</sup> where conviction rate is 97 percent, the rest of cases are administrative cases, civil ones with large implications;
- On the EPPO, it was mentioned that there was some misunderstanding, as initially three investigator magistrates and one judge were appointed. In the EPPO’s interpretation, investigators cannot take office, the reason being that investigators in Bulgaria are not preparing indictments and have no role in courts. This was taken into account for the new selection process.
- It was underlined that as Prosecutor General he can never give instructions on lower courts prosecutors, there was an amendment of the Constitutions on this, therefore the prosecutors are guided by the law and their conscience;
- Barcelona gate, it was mentioned that it is in pre-trial phase and the PG cannot request information or give any information without the supervision prosecutor’s agreement; he emphasised that even to Parliament cannot give any information on ongoing cases; therefore no further information at this stage;
- As regards cases mentioned by the Members he denied that there is no investigation, but availability of information depends on the supervisor prosecutor; the Public Prosecutor committed to send further information on the methodology of instruction of cases and as regards the investigation on the so-called „Golden Bars“ case if available;
- It was noted that there are serious staff resources issues, the system being blocked, very

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<sup>7</sup> A file with statistics was distributed to the Members of the delegation.

- few alerts being received; the PG cannot control or interfere with these investigations,
- PG can send only methodological instructions and monitor legality; it was noted that the alerts are distributed to prosecutors randomly;
- As regards investigation involving the Prosecutor General it was mentioned that he can be under investigation, he has undergone several interrogations with specialised prosecutor office, as a follow up of an alert by the Minister;
- On who ordered the wire tapping, it was mentioned that it is not in the Prosecutor General competence, being in the remit of the ministry of interior; afterwards there is a court of law that agrees to this this procedure;
- On judicial review it was mentioned that in criminal cases there is judicial review when there is a victim of the offence; even if a pre-trial case is dropped, a decision by a higher ranking prosecutor can reverse the decision not to press charges; in any case in Bulgarian system you need sufficient evidence to press charges, a problem being the legal framework in criminal procedure.

### **11:30 – 12:30 Meeting with the Ombudsperson Diana Kovacheva**

Accompanied by:

- **Katia Hristova-Valtcheva**, Head of Cabinet
- **Emilia Karaabova**, Head of PR directorate

The delegation exchanged with the Ombudsperson on her wide range of activities and the recommendations she makes to the executive. The following topics were raised:

- The breadth of the mandate of the Ombudsperson, with her right to move her own motion and to propose legal texts to president of parliament;
- Her election as deputy ombudsman then ombudsman by unanimity;
- The attribution of status A by the UN last year to the Ombudsperson's Office, as Human Rights body, working with the highest standards of independence;
- Her link to Parliament, with the presentation every year of an annual report, and a presentation to Plenary to highlight work and help bring closer her agenda to the agenda of MPs;
- All recommendations are public;
- On matters related to justice, she sends letters to justice bodies when she is seized by citizens;
- Figures showing an intense activity of the Office, with more than 60 000 people having reached out in 2020, with almost 15000 written complaints, most of which collective, and almost 2000 recommendations issued on that basis;
- Complaints cover consumers, water supplies, central heating problems, disabled persons rights, social rights, and education;



- Complaints against arbitrary action of the police, in particular against journalists who were for instance beaten during protest, for which recommendations were sent to ministry of interior; Other example of mistreatment of journalists is related to the opening of the new building in parliament where journalists did not have access to Members of Parliament - an issue now solved;
- This spring, a lot of complaints regarding the EU COVID certificate were registered, as people with antibodies were left out of the green certificate; the Ombudsperson approached the Ministry of health care on this topic - Members of the EP delegation recalled here that the EP is pushing for the Commission to review the Certificate on this point;
- On child criminality, juvenile justice: she sent recommendations several times to the Parliament and the Minister of justice, with a 'ready-made' legislative proposal;
- Bulgaria is encountering difficulties to ratify the Istanbul Convention, but the issue of domestic violence is very serious; there is a need for legislation in the meantime and she made recommendations to this end. Draft ready last June, working group. No movements since
- On Roma, her latest recommendations bore on pregnant Roma women. On the whole and during the pandemic, online education did not go well for Roma children, nor for disabled children. Roma children are victims of severe poverty, early marriages and so on.
- Issue of water supplies, bad quality for water, people pay as if these were good quality services;
- The under-funded psychiatric sector, with closed institutions living under very bad conditions, with bad medical care etc.
- Prisoner, with the related issue of social workers not being in sufficient numbers, which entails that prisoners get out without perspective for reinsertion.

**12:45 – 13:45 Meeting with the President of the Republic of Bulgaria Rumen Radev and Deputy President Iliyana Yotova**

*(RESTRICTED FORMAT, MEPs and secretariat only, due to COVID-19 limitations)*

The President of the Republic welcomed the delegation by recalling the recent political background and stressing that the visit was very timely. Indeed, it came just after strong protests rejecting the model under which Bulgaria is governed, calling for respect of the Rule of Law and fight against corruption. He recalled that people expressed a strong wish to change, visible in particular in the way they voted last April. However for the first time in history, it was not possible to form a government. A care-taker government therefore had to be appointed, in accordance with the Constitution. Unfortunately, it did not prove possible to form a government after the subsequent elections of 11 July either, therefore another round of elections had yet to be called for the autumn.

Still, in the President's view the care-taker governments managed to achieve a lot. In particular,

they started revealing a lot of corruption cases and working for more transparency and accountability. For instance substantial parts of the public budget was spent without public tender, with even motorways having been built without permission. In his view this explains why the caretaking government enjoys strong support.

The President sees however a pressing need to move forward. The government started therefore to switch on again sources of income and encourage business activity. The level of unemployment is historically low level of unemployment. There is however a need to stabilise the government now, otherwise any social or economic reform would be of small effect. Also, the President feels essential to bring back the role of the Parliament as an institution controlling government and not vice-versa. He hopes that a well-organised project to amend the Constitution can be achieved.

Amongst the priorities, the President referred to improvement of controls, both in Bulgaria and at EU level, on the way EU funding is being spent. He can understand that EU institutions are not happy that the government is not in a position to endorse the national plan for the recovery funds, but the President should not interfere here. Increasing transparency in spending funds is clearly a priority. Investments are deeply needed to modernise country, in education, healthcare, for the green economy.

On the fundamental rights side, he highlighted that a huge portion of the government's plan is dedicated to social inclusion, in particular for Roma people, with a stress on inclusion in the education system from an early age. Regarding women's rights, he turned to Vice President Yotova, who mentioned projects to strengthen rights of women and girls. Given difficulties to ratify the Istanbul Convention, the idea is to find ways to cover the gap with national legislation in the meantime. The situation of the media was also evoked.

Asked about possible external influence in the country, for instance from Russia, he felt that although Russia expresses its influence through infrastructure projects, the government is not under influence.

A worrying incident with regard to separation of powers in Bulgaria was evoked, i.e. the intrusion of Prosecutor General's services in the Presidency to arrest a President's secretary and an adviser. In the President's view, charges were rather minor compared to big cases involving billions of euros for which the prosecution is passive. More generally, the Prosecutor General's refusal to launch pre-trial procedure while going to political opponents is problematic, just like his absence of accountability.

With regard to the judiciary, EU recommendations (through the CVM) pointed to the establishment of specialised courts and specialised prosecution. These recommendations were followed, however results are poor when it comes to high political figures accused of corruption. Structures proposed via the CVM turn to be unproductive when not accompanied with enough attention or control of procedures.

In the President's view, the country is on the right track, but needs guidance, as well as more engagement and monitoring.

The President finally emphasised the need to strengthen the dialogue between Bulgaria and the EU, seeing EU support as vital for his young democracy. The youth in particular went on the streets calling for support from EU institutions.

The delegation reaffirmed its support to Bulgaria in the path to reforms and its wish to comfort the population in the feeling that Europe is not abandoning their country. It remains committed to continuous monitoring of the situation in the country.

**15:15 – 16:00            Press conference**

The press release issued at the end of the mission is available on the European Parliament website:

<https://www.europarl.europa.eu/news/en/press-room/20210923IPR13429/rule-of-law-in-bulgaria-the-european-parliament-delegation-visited>

## ***Conclusions***

**As a follow up of this mission, the Members of the delegation reached the following key findings:**

### **For Slovakia:**

Overall, the delegation felt encouraged by the progress made in the investigations and prosecution of the murders and the numerous related cases. Members acknowledged the plans of the government to address the challenges regarding media freedom, and welcomed the steps taken to reform the justice system. They strongly encouraged the legislative bodies to pursue the ambitious agenda and implement these reforms as soon as possible.

At the same time, they noted that most recent indictments of journalists and prosecutors, as well as reports of hate speech, were raising sincere concerns that harassment and intimidation are still being used to silence critical voices and to undermine investigations into corruption and serious crimes. The delegation called on the government to do everything in their power to end the persisting inter-institutional conflicts between (and within) law enforcement agencies and to overcome the resistance against reforms and investigations, which persists in Slovakia.

### **For Bulgaria:**

Overall, the delegation declared having found a country in challenging times, but also in transition. They felt that effective and equitable law enforcement, especially in the fight against corruption, formed one of the most pressing issues in Bulgaria, with the prosecution of high level corruption remaining problematic. The delegation also expressed concern about reported cases of police brutality in summer 2020 not being properly investigated. They regarded the challenge with the accountability and criminal liability of the Prosecutor General as still needing to be addressed in the context of a broader judicial reforms as soon as the political situation allows for it.

With regard to media freedom and pluralism, they felt that the situation remained worrying. In their view, the authorities have to step up the efforts to improve the working environment and safety of journalists. The delegation called on the authorities to ensure the protection of

journalists at all times and safeguard their independence. They saw the high degree of media concentration and the lack of transparency in the allocation of EU and public funding as needing to be high up on the political agenda, and proper monitoring and implementation needing to be ensured. They expressed concern regarding the fundamental rights situation in Bulgaria, in the light of reports about hate speech and discrimination against people of Romani origin, LGBTI+ people and persons belonging to other minority groups as well as violence, including domestic violence.

While the delegation recognised the limited powers of the caretaker government to address the numerous challenges, it felt encouraged by its commitment to effectively use the tools at its disposal. At the same time, the delegation called on the European Commission to tighten the monitoring and the audit of EU funds including of the Recovery and Resilience Facility. The delegation indicated that the LIBE DRFMG would stay vigilant and continue to monitor the developments in Bulgaria closely in the future and stand on the side of citizens that they are monitoring. It expressed its confidence that there is enough determination in the Bulgarian society to find solutions.

In light of this, additional questions will be sent to the Bulgarian authorities and in particular, to the Prosecutor General for further clarification of the work performed on high-level corruption cases and other cases of public interest.

## Annex I

### Committee on Civil Liberties, Justice and Home Affairs (LIBE)

#### Mission to Slovakia and Bulgaria Draft programme

**Tuesday, 21 September 2021**

<b>13.45</b>	<i>Arrival at the hotel, individual lunch arrangement</i>
<b>14:15</b>	<i>Bus pick up from hotel and transfer</i>
<b>14:30 - 15.15</b>	<b>Meeting with the families of Jan Kuciak and Martina Kusnirova</b>  <b>Peter Kubina, lawyer of the family of Jan Kuciak</b> <b>Roman Kvasnica, lawyer of the family of Martina Kusnirova</b>  <i>Venue : EP Liaison Office, Palisády 29, Bratislava</i>
<b>15.15 - 16.15</b>	<b>Meeting with civil society organisations, including:</b> <ul style="list-style-type: none"><li>• <b>Via Iuris</b> - Civil society organisation in the field of justice, rule of law and democracy (<a href="https://viaiuris.sk/en/">https://viaiuris.sk/en/</a>). <b>Katarína Batková</b>, Executive Director</li><li>• <b>Aliancia Fair Play</b> - Civil society organisation in the area of transparency and anti-corruption (<a href="http://fair-play.sk/abouts">http://fair-play.sk/abouts</a>). <b>Mr Peter Kunder</b>, Director</li><li>• <b>Transparency International Slovakia</b> (<a href="http://transparency.sk/sk/">http://transparency.sk/sk/</a>). <b>Peter Demčák</b>, Senior Lawyer</li><li>• <b>Stop Corruption Foundation</b> – Foundation in the field of fight against corruption (<a href="https://zastavmekorupciu.sk/">https://zastavmekorupciu.sk/</a>). <b>Zuzana Petková</b>, Director</li><li>• <b>Aliancia žien Slovenska</b> (<a href="https://alianciazien.wordpress.com/">https://alianciazien.wordpress.com/</a>). <b>Katarína Farkašová</b>, Director</li><li>• <b>Slovak National Centre for Human Rights, N.N.</b> , <b>Silvia Porubánová</b>, Executive Director</li></ul> <i>Venue : EP Liaison Office, Palisády 29, Bratislava</i>
<b>16.15 - 16.45</b>	<b>Virtual meeting with Europol representative - Mr Lecouffe</b> , Deputy Executive Director for Operations and <b>Mr Liukku</b> , Head of the European Serious and Organised Crime Centre  <i>Venue : EP Liaison Office, Palisády 29, Bratislava and visiotransmission</i>
<b>16.45 - 17.45</b>	<b>Meeting with journalists</b> <ul style="list-style-type: none"><li>• <b>Vahram Chuguryan</b>, Director of news section, RTVS - Radio and Television Slovakia</li></ul>

	<ul style="list-style-type: none"> <li>• <a href="#">Matúš Kostolný</a>, Editor in chief, Denník N</li> <li>• <b>Beata Balogová</b>, Editor-in-chief of SME</li> <li>• <b>Peter Bárdy</b>, Editor-in-chief, Aktuality.sk</li> <li>• <b>Lukáš Diko</b>, Editor, Investigatívne centrum Jána Kuciaka</li> </ul> <p><i>Venue : EP Liaison Office, Palisády 29, Bratislava</i></p>
<b>18:30 - 19.30</b>	<p><b>Meeting with Daniel Lipšic, Special Prosecutor</b> (delegated by Maros Zilinka, Public Prosecutor General)</p> <p><i>Venue: EP Liaison Office, Palisády 29, Bratislava</i></p> <p><i>Bus transfer to the hotel</i></p>

### Wednesday, 22 September 2021

<b>7:30</b>	<i>Bus pick up from hotel and transfer</i>
<b>8:00 - 8:45</b>	<p><b>Meeting with Roman Mikulec, Minister of Interior,</b> Accompanied by <b>Stefan Hamran, Acting President of the Police</b> <b>Eva Kurrayová, Director of Slovak National Criminal Agency</b> <b>František Sailer, Director of Slovak Financial Intelligence Unit</b></p> <p><i>Venue: EP Liaison Office, Palisády 29, Bratislava</i></p>
<b>9:00 - 9:45</b>	<p><b>Meeting with Eduard Heger, Prime Minister of Slovakia,</b> Accompanied by <b>Roman Mikulec, Minister of Interior, Natália Milanová, Minister of culture</b> and <b>Mária Kolíková, Minister of Justice</b></p> <p><i>Venue: Námestie slobody 1, Bratislava</i></p>
<b>10:15 - 11:00</b>	<p><b>Meeting with Members of the National Council Committee on Culture and Media</b> <i>(RESTRICTED FORMAT, MEPs and secretariat only, due to COVID-19 limitations)</i></p> <ul style="list-style-type: none"> <li>• <b>Kristián Čekovský</b>, Committee Chair</li> <li>• <b>Dušan Jarjabek</b>, Vice-Chair</li> <li>• <b>Monika Kozelová</b>, Member</li> <li>• <b>Vladimira Marcinková</b>, Chair EU Committee</li> </ul> <p><i>Venue: National Parliament, Bratislava</i></p>
<b>11:30 - 12:30</b>	<p><b>Meeting with Mária Kolíková, Minister of Justice</b></p> <p><i>Venue: Račianska 71, 813 11 Bratislava.</i></p>
<b>12:45 - 13.15</b>	<i>Lunch at EP Liaison Office, Palisády 29, Bratislava (individual payment)</i>
<b>13:30 - 14:30</b>	<p><b>Meeting with Members of the Supreme Court</b> <i>(RESTRICTED FORMAT, MEPs and secretariat only)</i></p>

	<ul style="list-style-type: none"> <li>• <b>Ján Šikuta</b>, President of the Supreme Court</li> <li>• <b>Andrea Moravčíková</b>, Vice-President of the Supreme Court</li> <li>• <b>Peter Paluda</b>, Chair of the Senate of the criminal college</li> <li>• <b>Zuzana Flaková</b>, Head of Cabinet</li> </ul> <p><i>Venue : EP Liaison Office, Palisády 29, Bratislava</i></p>
<b>15:00 - 16:15</b>	<p><b>Meeting with</b></p> <p><b>Stefan Hamran, Acting President of the Police</b></p> <p><b>Eva Kurrayová, Director of Slovak National Criminal Agency</b></p> <p><b>František Sailer, Director of Slovak Financial Intelligence Unit</b></p> <p><i>Venue: Račianska 45, Bratislava</i></p>
<b>16:30 - 17:15</b>	<p><b>Press conference (Chair)</b></p> <p><i>Venue : EP Liaison Office, Palisády 29, Bratislava</i></p>
<b>17:40</b>	<i>Bus pick up to airport - travel to Vienna - Sofia</i>

#### **Thursday, 23 September 2021**

<b>8:15</b>	<i>Bus pick up from hotel and transfer</i>
<b>8:30 - 10:00</b>	<p><b>Meeting with civil society organisations</b></p> <ul style="list-style-type: none"> <li>• <b>Bulgarian Helsinki Committee, Krasimir Kanev</b>, Chair of the Board</li> <li>• <b>Open Society Institute Sofia, Marin Lessenski</b>, Programme Director, European Programmes</li> <li>• <b>Amnesty International Bulgaria, Zahari Yankov</b>, coordinator "Freedom of Expression"</li> <li>• <b>Anti-Corruption Fund (NGO), Andrey Yankulov</b>, Senior Legal Advisor</li> <li>• <b>Roma Standing Conference, Miglena Mihaylova</b>, co-founder</li> </ul> <p><i>Venue : EP Liaison Office, Sofia</i></p>
<b>10:00 - 11:15</b>	<p><b>Meeting with journalists</b></p> <ul style="list-style-type: none"> <li>• <b>Genka Shikerova</b>, Journalist, "Free Europe" and TV1</li> <li>• <b>Nikolay Stoyanov</b>, Journalist, Capital Media group</li> </ul> <p><i>Venue : EP Liaison Office, 124 G. S. Rakovski Str. BG-1000 Sofia</i></p>
<b>11 :30 - 12 :00</b>	<p><b>Meeting with journalist</b></p> <ul style="list-style-type: none"> <li>• <b>Petyo Blaskov</b>, Chief Editor of "Trud"</li> </ul> <p><i>Venue: EP Liaison Office, Sofia</i></p>

12:15 – 13:30	<i>Lunch in the area of the Ministries (individual payment)</i>
13:45 - 14:45	<b>Meeting with the Minister of Interior Boyko Rashkov</b> <i>Venue: 29 “6-ti septemvri” str., Sofia</i>
16:15 - 17:15	<b>Meeting with the Minister of Justice Yanaki Stoilov and the Deputy Prime Minister in charge of managing the European funds Atanas Pekanov</b> <i>Venue: Council of Ministers, 1 Dondukov Blvd</i>
17:30 - 18:30	<b>Meeting with the Minister of Culture Velislav Minekov</b> <i>Venue: 17 Alexander Stamboliyski Blvd., Sofia</i>
18:30	<i>Transfer back to hotel</i>

### **Friday, 24 September 2021**

8:45	<i>Bus pick up from hotel and transfer</i>
9.15 - 9.45	<b>Meeting with journalist</b> <ul style="list-style-type: none"> <li>• <b>Emil Koshlukov, General Director of the Bulgarian National Television</b></li> </ul> <i>Venue : EP Liaison Office, 124 G. S. Rakovski Str. BG-1000 Sofia</i>
10.00 - 11.15	<b>Meeting with the Public Prosecutor Ivan Geshev,</b> accompanied by <b>Daniela Masheva,</b> Deputy general prosecutor; <b>Krasimira Filipova,</b> Deputy general prosecutor; <b>Desislava Pironeva,</b> Deputy general prosecutor; and <b>Siyka Mileva,</b> prosecutor at Supreme cassation prosecutor`s office and spokesperson of Prosecutor General <i>Venue : Court palace in Sofia –bul. Vitosha 2 in meeting room</i>
11.30 - 12.30	<b>Meeting with the Ombudsperson Diana Kovacheva,</b> accompanied by <b>Katia Hristova-Valtcheva,</b> Head of Cabinet and <b>Emilia Karaabova,</b> Head of PR directorate <i>Venue : EP Liaison Office, 124 G. S. Rakovski Str. BG-1000 Sofia</i>
12.45 - 13.45	<b>Meeting with the President of the Republic of Bulgaria Rumen Radev and Deputy President Iliyana Yotova</b> (Restricted format due to COVID measures - MEPs only, listening room for staff) <i>Venue: Presidency is 2 Dondukov Str. Sofia</i>
14:00 - 15:00	<i>Lunch (individual payment)</i>



<b>15:15 - 16.00</b>	<b>Press conference (Chair)</b>
<b>16:30</b>	<i>Bus pick up to airport - travel back to Brussels</i>

**Annex II**

**Committee on Civil Liberties, Justice and Home Affairs (LIBE)**

**Mission to Slovakia and Bulgaria  
Participants List - Protocol order of MEPs**

<b>No.</b>	<b>Name</b>	<b>Group</b>	<b>Full Member/ Substitute</b>	<b>Country</b>
1.	<b>Sophia IN 'T VELD, Chair of the LIBE-DRFMG and of the delegation</b>	Renew	Member	Netherlands
2.	<b>Elena YONCHEVA</b>	S&D	Member	Bulgaria
3.	<b>Clare DALY8</b>	The Left	Member	Ireland
4.	<b>Vladimír BILČÍK</b>	EPP	Member	Slovakia
5.	<b>Annalisa TARDINO</b>	ID	Member	Italy
6.	<b>Patryk JAKI</b>	ECR	Member	Poland
7.	<b>Sergey LAGODINSKY</b>	Greens/EFA	Substitute	Germany

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8 Bulgarian part of the mission only, 23-24 September 2021