

## SLOVAKIA'S ILLIBERAL MALAISE



By Max Steuer

**While Hungarian democrats hope to restore constitutional values, Slovakia continues to descend into the illiberal abyss—but signs of resistance are growing. In his op-ed, Max Steuer explains current threats to the rule of law in Slovakia and analyzes what a pro-democratic response must entail.**

With more than a decade of Hungarian Prime Minister Viktor Orbán's advertisement of his regime as an 'illiberal democracy', it becomes easy to forget that he did not coin the term. Its pre-Orbán use, at least in the European context, was to [describe](#) the regime of Vladimír Mečiar in Slovakia between 1994 and 1998.

This illiberal, or even semi-authoritarian, government in the 1990s [pushed](#) Slovakia on the brink of exclusion from the accession process to the European Union, reigned in the parliament, attempted to tinker with the electoral system and, perhaps most seriously, [abused public power](#) through misconduct in the secret service that led to the kidnapping of the son of the head of state, who opposed Mečiar, and the murder of a witness of this abuse.

In the mid-2020s, Slovakia is, once again, experiencing illiberalization. The chief protagonist of this process is Robert Fico, the longest-serving prime minister in Slovakia's history.

During Mečiar's premiership, Fico was a centre-left opposition politician who made himself visible by protesting Mečiar's illiberalizing policies. He is even known to have defended freedom of speech and media when Mečiar attempted to gain control over the main private television channel—a career trajectory that might well ring a bell for observers of Viktor Orbán's personal and political turns.

## What's on the Illiberal Menu

Fico radicalized after he had lost the premiership and subsequently the elections in the aftermath of the [murder](#) of an investigative journalist and his fiancée, which unearthed linkages of corruption leading up to the highest echelons of Fico's party. A few months into his fourth term, Fico was [shot](#) by a deluded critic of his policies—a rare assassination attempt on a 21<sup>st</sup>-century party leader.

At this time, the governing majority had begun assaulting independent institutions. Prime targets were law enforcement agencies that investigated suspicions of criminal conduct, even if the suspects came from among the partisan elite.

The National Criminal Agency and the Special Prosecution Office were effectively dismantled. Beyond these, however, the targets appeared random and uncoordinated. Public broadcasting was subjugated gradually, and independent voices in the judicial self-administration—the Judicial Council—were silenced; the latter was made possible by an [illiberal change](#) to the Constitution by the preceding coalition, which allowed recalling nominees in the Judicial Council by the parliament and the executive before the end of their terms without justification.

Some institutions, however, were spared from assaults. Whilst the government [enacted](#) a new [Higher Education Act](#) in late 2025, this did not mark a substantial change, beyond cementing some long-term inefficient administrative practices and raising questions regarding the limited capacity for intervention should a particular group capture university leadership.

Another institution that had not been attacked was the Constitutional Court. Admittedly, the institutional design and the large number of judges, including the President, endorsed also by the votes of some of the ruling parties, made it a difficult target. Moreover, the Constitutional Court did not appear in need of subjugation in the first place, because during the first years of the illiberal coalition, it pronounced no major judgments inconvenient to that coalition.

## The Constitutional Court and Rule of Law Minimalism

The Slovak—independent and formally powerful—Constitutional Court has a legacy to build on from the struggle of its predecessor against Mečiar in the 1990s. However, its first steps in countering illiberalization in 2023 were rather hesitant. In a 2024 ruling, it did not challenge the practice of accelerated legislative proceedings.

In an attempt to appear as a 'non-political' institution, the Court embraced [rule of law minimalism](#)—challenging only the most blatant violations, even if this entails lending a free hand to illiberal actions.

In 2025, the Constitutional Court became more active. It [invalidated](#) a law that undermined NGO autonomy and suspended the effectiveness of others, including an amendment aimed at eliminating the Office for Whistleblower Protection. The combination of the Court's efforts and pressure from EU institutions led the government to withdraw the amendment altogether.

At the same time, other petitions remain unresolved by the Court for a long time. In [public communications](#), the President of the Slovak Constitutional Court lamented a vacancy at the Court, which the coalition has been unwilling to fill. As a result, the number of justices is even, and gridlocks in split decision-making emerge because the support of seven judges is required for key plenary decisions to pass. In the last selection round, no candidate applied for the post. PM Fico, in March 2026, [confirmed](#) that the coalition has no agreement on the candidates. This sends a message that anyone applying would be wasting their time, as they would not receive the necessary majority support.

Under these circumstances, contextual factors appear conducive to the Court's more robust engagement. For example, the growing time its sitting judges—most of whom were appointed in

2019—spend on the bench might make them more accustomed and self-confident in exercising their mandate. With most judges scheduled to leave the Court in 2031, concerns over post-mandate careers are at least a full electoral term away.

The growing discontent with Fico's policies, especially his failure to address material grievances and societal inequalities, might also encourage the Court to become more assertive.

### **Signs of Institutional Resistance – Broadening the Concept of the Rule of Law**

How is the deterioration in material conditions tied to more decisive action in protecting the rule of law?

An answer can be found, paradoxically, in Fico's own views. In a 2013 interview, he [decried](#) that Slovakia is not a 'standard rule-of-law state'. This statement appears strange from a then-prime minister of a single-party government, having celebrated major success in the 2012 elections. Fico made it with reference to material inequalities. For example, he argued that those with sufficient means can afford higher-quality legal services and enjoy greater freedom of movement. People need the 'economic foundations to be able to assert their human rights'.

This points to a robust understanding of the rule of law, which recognizes its material, socio-economic underpinnings and transcends mere technical criteria. Fast-forward thirteen years, and Slovakia's economic performance relative to the regional average [is deteriorating](#), as is its [adherence to the rule of law](#). If we are to embrace a more [robust conception](#) of the rule of law, these two trends are related; the unresolved economic grievances amplify inequalities underpinned by the absence of effective law enforcement and accountability for misconduct in public office.

The missing justifications for the use of elite privilege—such as the one-time significant [increase](#) in compensation for the PM and high-level government officials, including ministers—buttress the sentiment that rules do not apply in the same way to elites as to 'ordinary' people.

Amidst these feelings, opposition to the governors mushrooms. Yet, not all of Slovakia's opposition is democratic. Increasingly popular is the (currently) extra-parliamentary [extreme right party](#) *Republika (Republic)*, which includes politicians such as the current Member of the European Parliament, Milan Mazurek, who was [convicted](#) for extreme speech.

### **The Need for Holistic Values**

Defending the rule of law in Slovakia thus requires [simultaneously](#) defending democracy, equality, and substantive justice. This entails calling out the violations triggered not 'merely' by shortcomings in procedural standards and discrimination against particular minorities or inconvenient opposition elites, but also by enacting public policies which broaden the gap between the haves and the have-nots.

Supranational allies to a project of renewing the rule of law in Slovakia would do well to keep in mind—in line with Fico's 2013 sentiments—this material aspect of the rule of law. The European Parliament's call to [activate](#) the EU conditionality mechanism against Slovakia is an important signal to the illiberal elites, who benefit from EU funding. It needs to be taken seriously by the general public in the context of the planned 2027 general elections, for which Robert Fico [announced](#) the campaign start on May 1.

However, EU institutions would do well to recognize the connections between attempts at illiberal capture of public institutions and the well-being of 'ordinary' Slovak Europeans—it is also their taxpayers' money that goes down the drain. For example, the European Parliament [resolution](#) from May 20 [highlights](#) relevant concerns. Yet, its largely technocratic language focuses on sanctions and prioritizes an [exclusionary reading](#) of the 2025 amendment to the Slovak Constitution, with only occasional exceptions when highlighting how EU funds need to 'deliver concrete benefits for citizens'

(point 14) or when advocating minority rights. Several formulations can thus easily be misread as bringing no benefits to the ‘ordinary people’ in Slovakia, whose living standards are already being hampered by the Fico government’s actions.

Focusing on the material consequences of the erosion of the rule of law may help prevent the Hungarian scenario—a Prime Minister accusing the EU of depriving poor people of their chance at progress—from repeating itself in Slovakia. Otherwise, such arguments might boost anti-integrationist sentiments.

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