

Joint open letter on new Constitutional amendments adopted in Slovakia

To:

**President of the European Commission, Ursula von der Leyen
EU Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection,
Michael McGrath**

16 October 2025

Dear President Ursula von der Leyen,
Dear Commissioner McGrath,

We, the undersigned 56 civil society organisations, express our profound concern regarding the recently adopted Constitutional amendments¹ in Slovakia, and urge the EU to take urgent action.

On 26 September 2025, the National Council of the Slovak Republic approved a number of amendments to Slovakia's Constitution that threaten the EU's legal order and will have wide-reaching detrimental impacts on fundamental rights protections and the rule of law in Slovakia.

These amendments, which will come into force on 1 November 2025, effectively declare that Slovakia retains sovereignty over what are described as "national identity" matters, with the stated aim of ensuring that Slovak domestic legislation may take primacy over all international law, including EU law and the European Convention on Human Rights in these areas. The constitutional amendments aim to strip away the human rights to private and family life, education, and healthcare from children, women, and LGBTI people.

The amendments affirm that: "(t)he Slovak Republic shall recognize only the biologically determined sex of a man and a woman," and that "(t)he parents of a child are the mother and the father; the mother of the child is a woman and the father of the child is a man."

In addition, the amendments also stipulate that only married heterosexual couples may adopt a child and that parental approval will now be required for learners to access comprehensive sexuality education in schools.

We are seriously concerned that these Constitutional amendments contravene foundational principles of international law and violate the right to non-discrimination, the right to equality before the law, and equal protection of the law without discrimination. The amendments deny the fundamental rights of LGBTI persons, violate reproductive rights, and would lead to restrictions on access to essential reproductive healthcare and age-appropriate, comprehensive sexuality education.

The recognition of only two sexes (biologically-determined male and female) embedded into the Constitution as a result of one of these amendments will also render legal gender recognition impossible under domestic law and effectively erase the existence of non-binary people. In addition, forced sex assignment at birth without flexibility has been found to increase the risk of intersex genital mutilation – a serious human rights violation suffered by intersex children and infants.

¹ Government Draft Constitutional Law Amending the Constitution of the Slovak Republic No. 460/1992 Coll. of Laws, as amended (Print No. 733, March 2025)

The constitutional amendments breach EU law and Slovakia's obligations under international human rights law and standards, and threaten the principle of the primacy of international and EU law concerning a wide range of human rights issues.

The Slovak government is attempting to legitimise these breaches of the EU legal order through the weaponisation of anti-LGBTI and anti-equality rhetoric and policies. This development is deeply alarming, and we call on the European Commission to act urgently. The Council of Europe Commissioner for Human Rights,² the Venice Commission,³ the Fundamental Rights Agency of the European Union,⁴ and multiple UN Special Rapporteurs in the fields of education, health and privacy expressed their concern⁵ regarding the amendments, and prior to their approval in Parliament, called for withdrawal or rejection of the proposed changes.

These grave concerns are also shared by the European Parliament, as expressed following the LIBE mission to Slovakia of 2-3 June 2025, the plenary debate of 10 September on "the Rule of law and EU funds management in Slovakia", and the open letter⁶ which over 50 MEPs sent to the Slovak National Council on 16 September. The European Parliament is clear that the proposed changes to the Constitution are not compatible with Article 2 of the TEU, the Charter of Fundamental Rights and the principle of the primacy of EU law and international human rights treaties.

We welcome the Commission's efforts to engage with the Slovak authorities and the acknowledgement in the Rule of Law⁷ report of the concerns the amendments would give rise to.

Now that the amendments have been adopted, we urgently call on the European Commission to start infringement proceedings in response to the EU law breaches resulting from these Constitutional amendments. Commissioner McGrath has already stated as early as January this year that the primacy of EU law has been firmly established within the EU's case law and is non-negotiable.⁸ We also call for the urgent consideration of freezing EU funds and other political measures to address this serious attack on the rule of law and fundamental rights in Slovakia.

Yours sincerely,

Amnesty International
Araminta
ASPEKT
Atrium BB
Bez sexizmu
Bilitis Resource Center Foundation - Bulgaria

² Available from: <https://www.coe.int/en/web/commissioner/-/slovak-republic-parliament-should-not-adopt-constitutional-amendments-that-undermine-human-rights>

³ Available from: <https://www.coe.int/en/web/portal/-/slovak-republic-venice-commission-issues-urgent-opinion-on-the-draft-amendments-to-the-constitution>

⁴ Available from: <https://fra.europa.eu/en/news/2025/fra-statement-recent-developments-affecting-fundamental-rights-eu>

⁵ Available from: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30299>

⁶ Available from: <https://maria-noichl.eu/workspace/media/static/mep-letter-constitutional-amen-68c9604f91298.pdf>

⁷ Available from: https://commission.europa.eu/document/download/44d5d5ba-27d1-4797-b412-83ad2cc4cb57_en?filename=29_1_63964_coun_chap_slovakia_en.pdf

⁸ Available from: <https://audiovisual.ec.europa.eu/en/media/video/l-266367>

Caminar Intersex
Center for Reproductive Rights
Centrum pre filantropiu n.o.
Centrum pre výskum etnicity a kultúry - CVEK
Diera do sveta
Education for Equality and Ecology - EDEQEC
EDUMA, n.o.
eduRoma - Roma Education Project
EL*C - Eurocentralasian Lesbian* Community
ENP- European Network of Parents of LGBTI+ Persons
EPF – European Parliamentary Forum for Sexual and Reproductive Rights
European Sex Workers Rights Alliance (ESWA)
Freedom of Choice/Možnosť voľby
Healthy City Community Foundation/Komunitná nadácia Zdravé mesto
International Planned Parenthood Federation - European Network (IPPF EN)
Intersex Esiste Aps
IGLYO
ILGA-Europe
Iniciatíva Inakosť
Dúhový PRIDE Bratislava
Inokraj
InterAction Switzerland
International Commission of Jurists (ICJ)
International Federation for Human Rights (FIDH)
Intersex Greece
Intersex Iceland
Intersex Ireland
Intersex Sverige
inTYMYta
koleKTIRV | Za prava trans, interspolnih i rodno varijantnih osoba
kolektív neon
NNID, Expertise centre for sex diversity
Nomantinel
Občianske združenie Odysseus
OII Europe
Partners for Democratic Change Slovakia
Post Bellum SK
Roma advocacy and research centre
Round o.z.
Sapling, o.z.
Spolka, o.z.
Spolok LIGHT*, o.z.
Tabačka Kulturfabrik n.o.
Transgender Europe (TGEU)
VIMÖ/OII Austria
World Organisation against Torture (OMCT)
Intersex Danmark
XY Spectrum
Záhrada - Centrum nezávislej kultúry
Ženské kruhy