



Property confiscations *based on the principle of collective guilt*

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Key recommendation: *The European Union should condemn ongoing property confiscations based on the principle of collective guilt.*

SUMMARY FOR POLICYMAKERS

Slovakia continues to confiscate property from present-day owners based on the German or Hungarian ethnicity of their predecessors, applying post-war laws (commonly referred to as Beneš decrees), violating several norms of international human rights law, EU law and the Slovak Constitution.

To silence critics, Slovakia amended its Criminal Code in December 2025 to punish by imprisonment any “calling into question” of the Decrees. The European Commission, aware of the problem, has so far failed to condemn this practice.

KEY MESSAGES

- **Ongoing confiscations:** These confiscations have been confirmed by the European Court of Human Rights, and approved by the Slovak Supreme Court and Slovak Constitutional Court.
- **EU Law:** The Beneš decrees were examined at the time of EU accession.

At this time, they were found not to breach EU law – *if* they are no longer applied.

- **Collective guilt:** Recent evidence of current confiscations raises concerns about the European Union’s tolerance of measures based on collective guilt.

WHAT THE DATA SHOWS

Researchers at University of Galway conducted detailed research into ongoing land confiscations in Slovakia. They found evidence of the following practices:

- The Slovak Land Fund (SPF) initiated hundreds of property **confiscations** since 2018 on the basis of the owner’s **Hungarian or German ethnicity**. Some properties are of little value; others became valuable due to highway constructions.
- Property was also confiscated through lawsuits of the Forests of the Slovak Republic **state enterprise**, and in **inheritance** proceedings.
- Recently, the basis for confiscation has become the **list of expelled persons** from **1947**, despite the fact that half of listed persons were ultimately never expelled.
- Slovak courts have an **inconsistent record** of dealing with confiscations. Lower-level courts reject some confiscation requests, while the Supreme Court consistently approves them, influencing lower court decisions.
- The vast majority of confiscations never reach the courts because the owners are not informed about the confiscations, contrary to **Slovak administrative law**.



- The European Court of Human Rights' decision of *Bosits v. Slovakia* confirms that confiscations are taking place **currently**. On 20 March 2025, the Slovak Supreme Court declined to implement this decision.
- The confiscations were stopped in 2022 due to political decision. They were **renewed** in 2023 following changes in the management of the Slovak Land Fund.
- Several citizens of **other EU countries** are affected by the confiscations.

- The confiscations are violating the freedom of movement of capital in the EU, and several provisions of the **EU Treaty** and the **EU Charter of Fundamental Rights**.

Only the Slovak authorities have information about the full extent of the confiscations. Instead of establishing investigative committees as promised, in December 2025, the government amended the Criminal Code to **criminalise** the critique of the confiscations.

TRENDS & CONCERNS

- Confiscations, based on collective guilt linked to ethnicity, raise serious concerns about the **European Union's** commitment to human rights.
- The European Commission had opportunities to condemn current confiscations when faced with citizens' petitions but declined to do so, declaring them a historical issue. While the decrees clearly have a historical origin, they are undoubtedly a **current human rights concern**, which the Commission failed to notice.

- This unwillingness to condemn these confiscations leads to **disillusionment** among European minority communities and contributes to perceptions of inconsistency and double standards in the European Union, whereby some human rights issues are acknowledged while others are neglected.
- There is a significant danger that governments interested in undermining the credibility of the EU will **exploit this issue politically**.

POLICY RECOMMENDATIONS

- The European Parliament should **condemn** the confiscations to help restore trust in the rule of law and the European Union's commitment to human rights.
- The European Commission should treat this matter as a **priority** in Slovakia's **Rule of Law Report**.

- The European Commission should call on the Slovak authorities to **repeal** the relevant sections of the **Criminal Code**, to discontinue the confiscations and to establish **investigative committees** to assess the extent of the problem and propose compensation for confiscations that have taken place.



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