Slovakia
by Grigorij Mesežnikov, Miroslav Kollár, and Martin Bútora

Capital: Bratislava
Population: 5.4 million
GNI/capita, PPP: US$25,842

Source: The data above were provided by The World Bank’s, World Development Indicators 2014.

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NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.
Slovakia’s rating for national democratic governance worsens from 2.75 to 3.00.

Electoral Process. Regional elections in November brought victory to the ruling Smer-SD in six out of eight regions. The unexpected victory of far-right candidate Marian Kotleba in the central region of Banská Bystrica sparked fears of radicalization. The Ministry of Interior submitted a draft electoral law and a bill on electoral campaigning to the parliament in September. Opposition parties criticized
several provisions of the drafts and demanded amendments to it. The adoption of the laws was postponed until 2014. *Slovakia’s rating for electoral process remains unchanged at 1.50.*

**Civil Society.** The basic conditions for Slovak civil society did not change in 2013, and the sector remained independent and diverse. Cooperation with the government was satisfactory, and nongovernmental organizations (NGOs) successfully prevented the adoption of an amendment that would have limited the scope of the freedom of information law. At the same time, NGOs have repeatedly expressed their concerns over financial sustainability, and the mobilization of extremist groups seems to be an increasingly serious issue. *Slovakia’s rating for civil society remains unchanged at 1.75.*

**Independent Media.** Press freedom in Slovakia is constitutionally guaranteed and generally respected, and there were no legislative changes in 2013. Judges and politicians have, on numerous occasions, used defamation suits to gag critical outlets. Criminal proceedings were dropped against a journalist and a filmmaker in January. The police attempted to pressure investigative journalist Tom Nicholson to reveal his sources in September, however, setting a dangerous precedent. Due to financial problems, several outlets changed hands during the year. *Slovakia’s rating for independent media remains unchanged at 2.75.*

**Local Democratic Governance.** The government continued with the reform and centralization of public administration. The October 2013 Law on Local State Administration replaced the country’s 248 local government offices with 72 district offices and 49 greater-district offices. A proposed amendment to the law on municipal councils, if approved, would strengthen the position of mayors in municipal councils. At year’s end, self-governments struggled with the central government over their share of income tax. *The country’s rating for local democratic governance remains unchanged at 2.50.*

**Judicial Framework and Independence.** The year was characterized by enduring problems in the judiciary—including a significant backlog of cases, nepotism, and low levels of trust—and continuing clashes between Supreme Court chief Štefan Harabin and other members of the judiciary. In recent years, disciplinary panels have become dysfunctional due to the reluctance of judges to serve on them. The Parliamentary Assembly of the Council of Europe (PACE) rejected all three of Slovakia’s judicial candidates to the European Court of Human Rights. *Slovakia’s rating for judicial framework and independence remains unchanged at 3.00.*

**Corruption.** Nontransparent, clientelistic, and corrupt practices persisted in 2013 due to the lack of political will to fight graft. Some of the government’s steps contributed to less transparency, including the September dissolution of a planned advisory body. Experts generally welcomed the amended Public Procurement Act
adopted in March, but some of them warned about loopholes in the law. Corruption cases attracted significant media attention and provoked harsh criticism from the public; however, they did not result in prosecutions. *Slovakia’s rating for corruption remains unchanged at 3.75.*

**Outlook for 2014.** Slovakia will hold presidential, local, and European Parliament elections in 2014. The pre-election atmosphere will probably be marked by frequent confrontations between the ruling Smer-SD and opposition parties. A potential decline in public support could encourage Smer-SD leaders to step up nationalist and populist rhetoric and eventually increase social spending, affecting the state budget. Prime Minister Fico’s candidacy in the presidential elections will likely have an effect on the government’s performance and internal politics in Smer-SD. Improvements in the area of rule of law, justice, and the fight against corruption are unlikely in 2014.
Following the 2011 collapse of the center-right government led by Iveta Radičová, the March 2012 elections brought a landslide victory for Robert Fico and his center-left Direction–Social Democracy (Smer-SD), and Fico became the prime minister of a one-party government. Since its victory, Smer-SD has increasingly concentrated power in its hands, capturing independent institutions and sidelining the parliament as a mechanism of control on numerous occasions. During the year, Smer-SD deputies obstructed the work of parliamentary committees by refusing to discuss agenda items proposed by opposition parties, blocked three extraordinary sessions convened by the opposition, and misused the interpellation procedure to highlight the positive achievements of the government.

On 17 January, 44 deputies from the 5 opposition parties made the first attempt to impeach a president in independent Slovakia’s history. The deputies accused President Ivan Gašparovič of intentionally breaching the constitution in order to promote Smer-SD’s interests by refusing to appoint Jozef Čentéš as prosecutor general after his election by the previous parliament in 2011. However, the motion did not collect enough parliamentary support and was voted down in March.

The saga around the election and appointment of a new prosecutor general pointed to a deep political divide and indicated worrisome tendencies in the ruling party’s approach to the separation of powers. By January 2013, the position of the prosecutor general had been vacant for a year and a half. At first, Gašparovič had argued that Čentéš’s election was unconstitutional because the Radičová government had changed the election procedure right before the vote and had elected Čentéš through an open ballot. However, after the Constitutional Court ruled in 2012 that the change in procedure had not violated constitutional norms, the president was legally obliged to make a decision in a reasonable time.

On 2 January 2013, Gašparovič officially announced he would not to appoint Čentéš as public prosecutor and called for a new election. Prime Minister Fico expressed strong support for the president’s decision, insisting there was no constitutional impediment to new elections.1 In May, Fico confirmed that Čentéš was no longer an acceptable candidate for the position and could not run as the opposition parties’ candidate.2 In new elections on 17 June 2013, Smer-SD deputies in the parliament all voted for their party’s proposed candidate, Jaromír Čižnár, the regional prosecutor of Bratislava and Fico’s former university classmate. The vote was boycotted by all opposition party deputies. Gašparovič appointed Čižnár right away, despite the fact that a complaint was pending at the Constitutional Court from Čentéš at the time.
As the election approached, critics accused the Constitutional Court of deliberately delaying its decision on Čentéš’s complaint. Endorsed by Fico, an amendment to the Law on the Constitutional Court was adopted in an accelerated legislative procedure in April, permitting the assignment of cases to judges who had previously been disqualified for lack of impartiality. Even before the amendment came into effect, Constitutional Court Chair Ivetta Macejková assigned Čentéš’s complaint to Judge Peter Brňák, who had previously been disqualified for showing bias.

Slovakia’s Military Intelligence Service (VSS) has been at the center of a number of scandals in the last several years. In May, the daily newspaper Sme published a 134-page leaked report indicating that thousands of euros in public funds had been embezzled in the 2006–10 period with the knowledge of then VSS head Juraj Šebo and the director of Military Defense Intelligence (VOS), Lubomír Skuhra. The two services were merged under Skuhra’s leadership in January 2013 after a 2011 wiretapping scandal.

Although a high-ranking former officer publicly supported the report’s accusations, Defense Minister Martin Glváč and the government as a whole dismissed the claims. Meanwhile, Smer-SD deputies voted against opening an investigation by the parliamentary committee responsible for military affairs. In June, state prosecutors charged former VSS director Roman Mikulec—who had initiated the investigation of Šebo and Skuhra under the Radičová government—and a former secret service officer, Katarína Svrcéková, with leaking classified information.

A 2013 report by Public Defender of Rights Jana Dubovcová criticized the state’s approach to the protection of fundamental rights and highlighted a number of human rights violations by the authorities, including their failure to protect the rights of Roma children. The ruling party dismissed Dubovcová’s critique and accused her of politicizing the protection of rights and abusing her office.

In October, the government rejected a local referendum in the village of Těšedikovo, where in March 2012, the ethnic Hungarian majority voted to change the village’s name to its pre-1948 version, Pered. Minister of Interior Robert Kaliňák stated that it would be “inappropriate” to return to the previous Hungarian name.
Elections held in Slovakia since the collapse of the Communist regime in 1989 have been assessed as free and fair by domestic and international monitors. Citizens freely exercise their political rights and elect representatives to the national parliament, European Parliament, regional assemblies, and city and community councils every four years. Presidential elections are held every five years.

Slovakia has a multi-party political system, where parties often had to form coalition governments in the past. There are no significant obstacles to the registration of newly established parties. According to the Law on Political Parties, new movements need to submit at least 10,000 signatures to the Ministry of Interior, petitioning the creation of a new party. In 2013, there were 62 political parties registered with the Ministry of the Interior. Parties or coalitions of parties running at the parliamentary elections must submit a candidate list to the Central Election Commission (CEC) and pay a deposit of €16,596.

Candidates to the National Council (parliament) are elected according to a proportional representation system, with a 5 percent threshold for parties running alone, a 7 percent threshold for coalitions of 2 or 3 parties, and a 10 percent threshold for coalitions of 4 or more parties. Local and regional candidates are elected according to a modified majoritarian system.

The most recent parliamentary elections were held in March 2012 and resulted in a substantial shift in the configuration of Slovakia’s parliament. Following the sweeping victory of Smer-SD—which won 44.41 percent of the vote and received 83 seats in parliament, enabling it to form the country’s first non-coalition government since 1990—the dominant left is facing a fragmented right in the parliament. The rest of the seats went to five parties: the conservative Christian Democratic Movement (KDH); the new populist formation Ordinary People and Independent Personalities (OLaNO); Most-Hid, one of the parties representing ethnic Hungarians living in Slovakia; the center-right Slovak Democratic and Christian Union–Democratic Party (SDKÚ-DS); and the liberal Freedom and Solidarity party (SaS).

Since the elections, three parties’ parliamentary representation changed as a result of internal conflicts and splits. Two members of parliament (MPs) who had left KDH established a new party called Nová včasina (New Majority) in October 2012, while a third former MP became independent. In June 2013, five SaS deputies joined New Majority, increasing the number of parties without a parliamentary caucus to two. With the two other MPs that left OLaNO during the year, the total number of independent MPs reached 16, accounting for more than 10 percent of all MPs at year’s end.

Regional elections were held in November 2013. Gubernatorial candidates supported by Smer-SD won the elections in six out of eight regions, while in the remaining two regions, a broad right-wing coalition led by an SDKÚ-DS member...
and a candidate of the extremist party LS-NS (People’s Party—Our Slovakia) succeeded.\footnote{Far-right candidate Marian Kotleba’s success in the Banská Bystrica region sparked fears of radicalization in the country.}

Political party membership in Slovakia is low, and citizens who count themselves as members of parties currently represented in the parliament number less than 40,000 out of more than 4 million eligible voters. Of those, 16,376 belong to Smer-SD; 13,024 are registered members of KDH; 4,868 are members of SDKÚ-DS; 4,642 are members of Most-Híd; and 292 belong to SaS. The new movement OĽaNO has only 4 officially registered members. As far as bigger extra-parliamentary parties are concerned, the Peoples’ Party–Movement for a Democratic Slovakia (ĽS-HDZS) has 4,175 members; the Party of Hungarian Community (SMK-MKP) has 9,800 members; the Communist Party of Slovakia (KSS) has 5,250 members; and SNS has 2,335 members.\footnote{The Hungarian minority is represented by two political parties: Most-Híd, an interethnic party that entered parliament in 2012 for the first time, and SMK-MKP, which had been a member of the government between 1998 and 2006 but lost its parliamentary representation in 2012. The country’s second largest ethnic minority, the Roma, is underrepresented in party politics and public administration. The three officially registered Romany political parties are weak and politically insignificant.}

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In September 2013, parliament approved the first reading of a draft electoral law that would replace specific laws on local and national elections. The draft did not contain significant changes to the existing legal framework, although the fact that the country consists of one electoral district had been criticized on numerous occasions before.\footnote{The government also prepared a draft law on electoral campaigns. The bill included a provision prohibiting the release of opinion polls three weeks prior to the elections and introduced a 48-hour preelection moratorium, banning campaigning before the vote. It also introduced limits on campaign spending and required the establishment of a transparent account for parties and candidates running in municipalities with over 5,000 inhabitants. The bill, however, did not set up an independent supervisory organ to oversee compliance with the rules.} The government also prepared a draft law on electoral campaigns. The bill included a provision prohibiting the release of opinion polls three weeks prior to the elections and introduced a 48-hour preelection moratorium, banning campaigning before the vote. It also introduced limits on campaign spending and required the establishment of a transparent account for parties and candidates running in municipalities with over 5,000 inhabitants.\footnote{Both drafts received criticism from opposition parties, who complained that Smer-SD MPs did not accept any of their amendment proposals in parliament. The Ministry of Interior agreed to hold consultations with opposition deputies; however, no compromise was reached by the end of November, and the adoption of the laws was postponed until 2014.}

Civil Society

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The basic conditions for Slovak civil society did not change in 2013—the sector remains independent and diverse, operating in a favorable legal environment and respected for challenging the authorities and advocating public interest. Besides
registered nonprofit organizations, many new informal initiatives and projects, often of limited scope, have emerged and become more visible.

Cooperation between the government and the civic sector made some formal progress under the Radičová administration, which created a new office to facilitate communication between the state, civil society organizations, and the general public. As Slovakia’s first governmental plenipotentiary for the development of civil society, Filip Vagač organized an ongoing dialogue between government and nongovernmental organization (NGO) representatives, contributed to the approval of a law on volunteering, and prepared a strategy for civil society development approved by the government at the end of February 2012. At the end of 2013, Vagač handed in his resignation, although he agreed to continue his work as an adviser to Deputy Prime Minister and Minister of Interior Robert Kaliňák. His achievements, as well as two government initiatives—the Strategy for the Development of Civil Society and the Open Government Partnership Initiative—were praised at the annual conference of nonprofit representatives in October.16

Vagač’s departure and the resignation of the Governmental Plenipotentiary for National Minorities László Nagy in June, however, prompted concerns about the government’s commitment to minority rights. Nagy left the office after the government rejected his report on the situation of minorities in March and after Smer-SD deputies voted down his amendment to introduce bilingual signs at railway stations in June. Also in March, Prime Minister Fico attacked ethnic and other minorities and accused them of “blackmail,” adding that “the state was established for Slovaks, not for minorities.”17 Several days later, NGO representatives in the Council of the Government for Human Rights, National Minorities, and Gender Equality prepared a resolution condemning the statement, which the council adopted with the votes of governmental officials present at the meeting.18

NGOs and civil society activists were successful in preventing changes to Slovakia’s progressive Freedom of Information Act as well. At the end of October, several NGOs launched an initiative calling for preserving the current act and blocking any attempts that would limit the public’s right to information. Their petition was signed by 8,000 people, including prominent public figures.19 The Ministry of Justice, responsible for drafting the amendment, decided to postpone its adoption until March 2014.

At the same time, NGOs continue to struggle with limited financial resources and have repeatedly expressed their concerns over cooperation with the government and inclusion in the policymaking process. Several NGO leaders claimed that communication with the state administration is often only a matter of formality, and although government officials invite NGOs to participate in drafting and discussing legislative initiatives, their proposals are repeatedly ignored in the end.20 Private donations constitute a substantial source of revenue for the sector, although the government has been planning to introduce an amendment that would reduce potential tax benefits for corporations donating to NGOs. After 2012, the adoption of the amendment was postponed in November 2013 for the second time. The legal and regulatory environment places nonprofit organizations
providing services in various sectors (health, education, social care) at a disadvantage when competing with the state.\textsuperscript{21}

Extremist rhetoric and the mobilization of far-right groups were visible throughout 2013, and the rights of the country’s Roma minority continued to be violated. For months, the government delayed the investigation of a June 2013 police raid that had resulted in 30 injuries at a Romany settlement in Moldava nad Bodvou, despite calls from civil society, the Public Defender of Rights, and the UN Commissioner for Human Rights to investigate possible human rights violations committed by the police.\textsuperscript{22} Although a Slovak court ruled segregation unlawful in 2012, Romany children were still being placed in segregated schools in 2013.\textsuperscript{23} Dissatisfaction with corruption and local politics resulted in a protest vote and the surprising victory of far-right candidate Marian Kotleba—notorious for his extremist views on Roma—at the November local elections in the Banská Bystrica region.

The year also saw heightened public mobilization and verbal clashes between supporters of LGBT rights and the increasingly numerous pro-life community.\textsuperscript{24}

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Press freedom in Slovakia is constitutionally guaranteed and generally respected, and independent media outlets freely disseminate diverse views. There were no legislative changes in 2013, although the government prepared an amendment to the Freedom of Information Act, limiting of the scope of the law.\textsuperscript{25} Following significant protest from civil society, the Ministry of Justice postponed the amendment until March 2014.

The 2008 Press Act offers protection to journalists in Slovakia. However, some experts claim that a number of its provisions are outdated. In February, Canadian-born investigative journalist Tom Nicholson published a transcript on his website of an alleged conversation between Stanislav Jankovič—Interior Minister Robert Kalinač’s former advisor—and Libor Jakšík, the suspected leader of a criminal organization. In connection with the ensuing police investigation, the authorities deposed Nicholson and pressed him to reveal his sources. The police argued during the deposition that Nicholson is not protected under the Press Act, which defines journalists as people employed by or in contract with media outlets.\textsuperscript{26} Press freedom NGOs criticized this interpretation of the act, and the International Press Institute published a statement in September, claiming that Nicholson is entitled to the protection of journalistic sources and content according to Slovak and international law.\textsuperscript{27} In 2009, Nicholson came into possession of an alleged secret-service file related to a major wiretapping operation (the so-called Gorilla file) that revealed widespread corruption between top officials and the financial group Penta during the 2002–06 period. Nicholson published a book about the file in 2012.
The pressure grew on Nicholson when tapes containing phone conversations between him and Slovak organized crime figures leaked in November. Police said that the conversations had been intercepted in connection with the 2010 murder of prominent lawyer and former Constitutional Court justice Ernest Valko, whom he had taught English. The source of the leaks was unknown at year’s end, and Nicholson argued that they were an attempt to discredit him.28

Politicians have frequently used defamation suits to punish media and to discourage critical journalists. Supreme Court Chairman Štefan Harabin and Prime Minister Fico have collected hundreds of thousands of euros in civil cases in recent years. In 2013, several members of the judiciary sued the newspaper Nový Čas and its publisher for damages totaling €940,000, while another judge was seeking €150,000 from the daily newspaper Sme.29

In May, Organization for Security and Cooperation in Europe (OSCE) media freedom representative Dunja Mijatović criticized high fines in defamation cases and reiterated that public officials have to endure a higher threshold of criticism.30 In his reply to Mijatović, Minister for Foreign Affairs Miroslav Lajčák mentioned the possibility of a cap on damages in defamation cases; however, no such steps were taken by year’s end.31

Public figures have sometimes used criminal suits to deter critical journalists. In January, criminal charges were dropped in two cases: one against journalist Zuzana Petková and the other against filmmaker Zuzana Piussi. Petková’s prosecution started in 2011, after she had published an article about the salary of Supreme Court Chairman Harabin’s wife. Following a complaint from Harabin, the district prosecutor’s office in Bratislava sued Petková for unauthorized use of personal data. The filmmaker Piussi was charged in relation to her critical documentary about the Slovak judiciary; a judge featured in the documentary claimed that she had not authorized the use of footage.

Except for public television and radio and the few local journals and TV stations owned directly by local governments, Slovak media outlets are in private hands. In recent years, investigative and analytic pieces have been replaced by more sensationalist journalism. Television remains the main source of information for the majority of Slovaks.

Due to economic pressures, a number of key outlets changed hands in 2013, with the changes resulting in some layoffs. TV Markíza appointed a new director in September 2013, and the managers of TV JOJ became co-owners of the outlet in October 2013. In addition, in April, leader of the Czech political party ANO 2011 and billionaire Andrej Babiš announced the acquisition of the publishing house Ecopress, which publishes the daily Hospodárske noviny.

The Slovak Syndicate of Journalists (SSJ), the oldest and largest professional journalistic association in Slovakia, was suffering from financial problems following a change in its management in November 2013. SSJ currently represents only a small percentage of journalists active in Slovakia. Apart from SSJ, the Slovak National Committee of the International Press Institute (IPI) has also been representing the interests of journalists. Even though it does not have a large membership base, several media managers and editors of key Slovak outlets sit on the board of the Slovak branch.
Access to the internet is not restricted in Slovakia; the number of households with broadband internet connection increased to 75 percent in 2013. According to the Institute for Public Affairs (IVO), the digital literacy rate also increased, up to 79 percent from 76 percent in 2011.

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The Slovak Constitution and other applicable laws provide an adequate framework for self-governance at the regional and local levels. Public administration is based on the principle of subsidiarity, and there are three levels of elected bodies: central (parliament), regional (regional assemblies), and local (municipal councils). Self-governments join forces in various associations, such as the Association of Slovakia’s Towns and Villages (ZMOS), the Union of Slovakia’s Towns (ÚMS), and the Association of Regional Capitals (K–8), to lobby at the central level.

The constitution and relevant laws allow citizens to exercise their right to vote at regional and local levels. Representatives of self-governments (deputies of municipal councils and regional assemblies, mayors of villages and towns, and regional governors) are elected in direct, free, and democratic competitions, which are open to political party candidates as well as independent candidates. Candidates represent a broad spectrum of opinions, and political parties play an important role in local elections. Slovakia’s last municipal elections were held in November 2010, while the last regional elections took place in November 2013.

Center-right parties in Slovakia traditionally favor a decentralized model of governance with stronger powers for elected municipal authorities, while left-leaning and nationalist parties prefer a centralized model with a stronger position for state institutions. As part of a public administration reform in 2001–2005, significant powers were transferred from the central organs to local and regional self-governance bodies, including in the field of education, healthcare, social affairs, transportation, and environmental protection.

Following Smer-SD’s electoral victory in March 2012, the party began implementing policies aimed at strengthening the state’s positions in key sectors, including public administration. In 2013, Prime Minister Fico repeatedly expressed his support of the idea of creating three “higher territorial units” instead of the existing eight regions. He also called for a stronger state presence in regional self-governments. The former government plenipotentiary for decentralization Viktor Nižňanský warned that Fico’s plans could lead to the demise of the decentralized model of public administration introduced in 1990.

After replacing specialized offices with a centralized, integrated system in January, the government continued the reform of local and regional administration. According to the Law on Local State Administration, which came into force on 1 October, the country’s 248 local government offices were replaced with 72 district
offices and 49 greater-district offices. The new law strengthened the position of the Ministry of Interior by giving the interior minister the power to propose new heads of district offices. The government argued that the new system is cheaper and makes access to government services easier. The critics of the law, however, claimed that the reform aims to further centralize power in the hands of the ruling party.

In June, the parliament approved the first reading of an amendment that aims to strengthen the position of mayors in municipal councils. If passed, the law would give mayors the power to appoint or remove directors of organizations financed form public funds without the approval of municipal councils. Since a large number of mayors elected on a Smer-SD ticket face municipal councils where the opposition is in majority, the ruling party could potentially benefit from the changes.

According to a 2004 law on fiscal decentralization, municipalities receive 70.3 percent of personal income tax yield. The Radičová government, however, reduced this amount to 65.4 percent in 2011 due to the necessity of fiscal consolidation during the financial crisis. At the end of 2013, ZMOS started negotiations with the government, demanding to return to the previous level of 70.3 percent in 2014. The association underlined that low funding hindered local development, deterred investments, and reduced the scope and quality of public services offered to citizens. UMS also criticized the situation, pointing out that the government required self-governments to cut budget deficits but at the same time expected them to cover an increase in teachers’ salaries. After negotiations with ZMOS, Prime Minister Fico agreed in October to increase the share of taxes for municipalities to 67 percent starting from 2014. Some municipalities expressed disappointment with the compromise.

Self-governments are subject to internal as well as external supervision. Internal control is entrusted to chief controllers, who are appointed to six-year terms. Externally, the Supreme Audit Office (NKÚ) controls all funds expended by self-governance organs and supervises the financial management of legal entities established by them. Most self-governance organs have adequate capacities to manage their operations; employee training continues to improve due to various education projects that have been initiated and implemented by the government, self-governance associations, nongovernmental organizations, and international partners. The situation is significantly better in cities and large towns than in smaller towns and rural areas. Meetings of local and regional self-government bodies are held regularly and are open to the public.

**Judicial Framework and Independence**

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Slovakia’s constitution guarantees all citizens equality before the law and prohibits discrimination on the basis of status, including gender, race, color, language, religion, political affiliation, nationality, or ethnic origin. The constitution ensures
the independence of the judiciary, and the country has a three-tiered judicial system consisting of the Supreme Court, regional courts, and district courts. The president appoints judges based on the proposal of the Judicial Council, the principal organ of self-governance within the judiciary. The Minister of Justice appoints the chairmen and vice chairmen of courts.

Despite constitutional guarantees, the Slovak court system has long suffered from corruption, intimidation of judges, and a significant backlog of cases. The public’s sense of legal certainty is undermined by the court system’s inefficiency, and trust in the judiciary is low. According to a 2013 opinion poll by the FOCUS polling agency and NGO VIA IURIS, only 31 percent of Slovakia’s citizens trust the courts.38

A series of reforms in 2010–11 sought to increase the transparency and accountability of the judiciary despite resistance from then opposition party Smer-SD and from Supreme Court head Harabin, in office since 2009. Upon entering office in 2012, the new Smer-SD government declared its intention to continue with measures increasing the overall efficiency and independence of the judicial system. However, no tangible improvement was reached in 2013, and many existing problems persisted. Prime Minister Fico, in response to criticism of the judiciary, argued in May that in order to improve the situation of the branch, significant funds would have to be transferred from other areas, such as social spending.39

One of the most pressing problems that undermine the independence of the judiciary is the nepotistic selection of new judges. According to a study by Transparency International Slovakia (TIS), every fifth judge has close relatives employed in the judiciary (either in the court system or in the Ministry of Justice).40 TIS used publicly available data that courts have been obliged to disclose since 2011.

In 2013, clashes between judges and Harabin, who is also head of the Judicial Council, continued. Harabin—who served as justice minister from 2006 until 2009, when he became chairman of the Slovak Supreme Court with a term ending in 2014—is a controversial figure in Slovak politics, and his performance has been frequently criticized by opposition leaders, NGOs, and judges. In August, in an interview with the daily Sme, Supreme Court Justice Peter Paluda spoke about Harabin’s influence over the judiciary and his personal responsibility for the current state of the court system.41 The members of the association For an Open Judiciary (ZOJ) have attributed to Harabin a great deal of personal and political responsibility for existing problems in the judiciary and blamed his resistance to reforms for the judiciary’s credibility crisis.

Reportedly, judges who criticized the judicial system and the Supreme Court chairman were subjected to pressure and disciplinary sanctions, while judges loyal to Harabin were quickly promoted. For instance, in the past, disciplinary proceedings started against justices Miroslav Gavalec and Robert Urban, widely known for their criticism of Harabin’s performance. Harabin also sued his critics from the general public, such as the psychiatrist Renata Papšová, who was charged with defamation in May for statements she had made at a public hearing.42 The Supreme Court chief, however, allegedly rewarded judges loyal to him with temporary positions at the Supreme Court and annual scholarships in the Judicial Council.43
Harabin’s alleged meddling with disciplinary actions and a generally hostile atmosphere resulted in low interest in membership on disciplinary panels. After several judges revealed that in some cases the disciplinary proceedings had been abused to punish judges for their critical comments, many others avoided participating in the work of the panels. This caused huge delays in processing complaints and handing out decisions and resulted in a dysfunctional tribunal. In 2013, there were 37 disciplinary cases pending, and some of them had been ongoing for more than three years. Harabin proposed to ameliorate the lack of interest in disciplinary panels by suggesting the introduction of bonuses in May. A number of judges criticized the proposal, fearing it would only help expand clientelistic networks loyal to Harabin and strengthen his position in disputes with other judges. Such bonuses were abolished by former justice minister Lucia Žitnanská during the previous government.

In June 2013, the Parliamentary Assembly of the Council of Europe (PACE) was unable to elect a new judge to replace Slovakia’s outgoing Ján Šikuta at the European Court for Human Rights (ECHR) in Strasbourg. PACE refused all three candidates nominated by the Judicial Council on the grounds of lacking qualifications. Although the election was first postponed until September, the Judicial Council managed to nominate new candidates only in December, and Šikuta remained acting judge at year’s end.

The parliament passed several laws affecting the court system in 2013, including an amendment to the Code of Civil Procedure. The April amendment expanded the powers of prosecutors to obtain court files in cases where they are not part of the proceedings. Opposition deputies expressed concerns over the amendment and suggested to limit prosecutors’ access to cases where the state is also part of the proceedings. However, their proposal was not accepted. The parliament also approved an amendment to the Penal Code in May that expanded the list of extremist criminal offenses to include Holocaust denial and the denial of crimes committed by totalitarian regimes. The amendment also adopted a provision on the prohibition of hate crimes based on sexual orientation. LGBT rights organizations welcomed the amendment and characterized it as a step forward in the struggle against homophobia.

Corruption

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Corruption ranks among the most pressing societal problems in Slovakia. Corrupt practices have deep roots and are tolerated by a relatively large share of the population. Since the end of the 1990s—when pro-reform political forces adopted a number of important anticorruption measures, such as specialized courts and offices for curbing organized crime and corruption—Slovakia has developed a progressive institutional framework for fighting graft and improving transparency in the public sphere.
A constitutional law on conflict of interest bars the president, cabinet members, constitutional court justices, and other top officials from pursuing any business activities, receiving pay for brokering deals between the government and private entities or corporations, or receiving income generated by a side job or contract that exceeds the minimum wage. Other bills adopted during the last decade have sought to introduce the principle of zero tolerance of corruption among notaries and marshals, compulsory disclosure for customs officers, protection of whistleblowers in the workplace and witnesses in court cases, and the creation of the post of controller for local and regional self-governance bodies. All Slovak institutions financed from public funds are subject to the supervisory authority of the NKÚ.

In 2010–11, the cabinet led by Iveta Radičová implemented an impressive number of legislative and administrative measures designed to increase transparency and public oversight of government spending and to crack down on corrupt activities. Although the new government led by Robert Fico declared its intention to follow through with the fight, it has not yet proposed any comprehensive anticorruption strategies or legislation, and nontransparent practices continue to persist in the public sector, business, and judiciary.

Some steps taken by the government even pointed in the opposite direction and contributed to less transparency. The cabinet canceled the establishment of a council for transparency and open government in September after claiming that there are already “too many” existing advisory bodies. The council, which would have included NGO representatives and members of an intergovernmental working group, was originally proposed by the Radičová government. The Fico government also removed a page that listed the party affiliations of people working in the prime minister’s office. The list was published in 2010 by the previous government in order to inform the public about party nominations in the state administration.

In March 2013, the parliament approved an extensive amendment to the Public Procurement Act. The initial draft of the amendment, introduced by Interior Minister Robert Kaliňák in September 2012, was criticized by opposition parties, experts, and NGOs for not doing enough to prevent clientelistic practices. Although the minister of interior pledged to incorporate civil society comments into the draft, the government submitted the bill to the parliament without them. Some problematic parts of the amendment, which would have, for example, made two-thirds of public procurement exempt from obligatory public tenders, were modified during the review process.

The amendment, which was adopted in two stages in February and March, introduced an electronic “marketplace” for the purchase of goods and services under a certain limit. The limit ranges from a few thousand euros to €130,000 depending on the purchase and excludes services provided by lawyers and consultants. Over-the-limit goods and services will still be procured centrally through the Ministry of Interior. The law also established a new body to assess appeals by applicants—the Council of the Public Procurement Office (ÚVO). Its members include the chairman and vice-chairman of ÚVO and seven other people appointed by the government based on the suggestions of municipalities and NGOs. According to
its supporters, the amendment promotes transparency by making procurements public and facilitating the comparison of prices and tender criteria. Others, however, criticized the large number of exemptions available for procuring certain goods and services.51

Corruption cases attracted significant media attention during the year and confirmed the persistence of clientelist practices in the allocation of public funds. In January, the daily Sme reported about the acquisition of two L-410 planes without a tender. The Ministry of Defense claimed there had been no irregularities in the €9.8 million acquisition.52 Sme also reported about luxury rentals at the Ministry of Education; the short-term rental of a limousine from the company of former minister of economy Jirko Malchárek cost taxpayers a whopping €10,017.53 In April, media outlets broke the story of a previously unknown procurement agency located in the tiny village of Horné Plachtince, which had announced a tender worth €130,000.54 More than 20 state institutions participated, including four ministries and the state-run lottery. In September, the government bought back a minority stake in the country’s main gas importer, the Slovak Gas Industry (SPP). The opposition claimed the official documentation on the acquisition was drafted by J&T, an investment company with close ties to the ruling Smer-SD, and initiated a no-confidence vote in September. The government survived the vote.55

As in the judiciary, nepotism and cronyism have been a problem in the state administration, including in ministries, as well. An October scandal involving Minister of Agriculture Ľubomír Jahnátek revealed that his ministry was employing several of his relatives and friends from his native village in senior positions. Smer-SD rejected a motion in the parliamentary committee on conflicts of interest and refused to investigate the case. Jahnátek was also at the center of attention earlier, when he failed to list an agricultural plot on his property declaration.56

According to Transparency International’s 2013 Global Corruption Barometer survey, 1 in 5 households admitted to paying a bribe to public institutions from September 2011 to September 2012. The most affected sectors included healthcare, law enforcement, the judiciary, and registry and permit services. 56 percent of the respondents claimed that corruption had increased in the last two years, and 63 percent of them considered government anticorruption activities inefficient. 40 percent of respondents were afraid of reporting corruption, and another 37 percent believed that reporting corrupt practices would have no impact. The most corrupt institution, according to Slovak citizens, was the judiciary (69 percent), followed by public servants (66 percent) and political parties (64 percent).57

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and a coeditor of the Global Report on the State of Society in Slovakia. He writes frequently about the media, culture, and the church. Martin Bútora is the founder of IVO and the author of several books and many articles. He writes on civil society, foreign policy, and democratic transformation.


10 According to current laws, eight MPs are needed to form a parliamentary caucus.


15 The spending limit would be €3 million per party or coalition in the parliamentary elections, €500,000 per candidate in the presidential elections, and €250,000 per candidate in election of regional governors and mayors of Bratislava and Košice.


19 “Iniciatíva Za dobrý zákon o slobodnom prístupe k informáciám vyhlašuje” [Initiative for a good Freedom of Information Law challenges government], net.sk, 28 October 2013, http://www.change.net/sk/?section=forum&x=737165.


“EÚ sa chváli 100% pokrytím širokopásmovým Internetom, Slovensko opäť na lavičke hanby” [The EU commends the 100% coverage of broadband, Slovakia once again on the bench of shame], Dsl.sk, 21 October 2013, http://dsl.sk/article.php?article=14782.


“Kto je s kým rodina na našich súdoch” [Who is family with whom in our courts], Sme Blog, 24 July 2013, http://transparency.blog.sme.sk/c/342665/Kto je s kým rodina na našich súdoch.html.


Holocaust denial has been a crime in Slovakia since 2001.


