

# Slovakia

By Peter Učeň

*Capital:* Bratislava  
*Population:* 5.42 million  
*GNI/capita, PPP:* \$29,670

Source: World Bank *World Development Indicators*.

## Nations in Transit Ratings and Averaged Scores

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	2.75	3.00	2.75	2.75	2.75	3.00	3.00	3.00	3.00	3.00
Electoral Process	1.50	1.75	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Civil Society	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00
Independent Media	2.75	3.00	3.00	2.75	2.75	2.75	3.00	3.00	2.75	2.75
Local Democratic Governance	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
Judicial Framework and Independence	2.75	3.00	2.75	2.75	3.00	3.00	3.00	2.75	2.75	2.75
Corruption	3.25	3.75	3.50	3.50	3.75	3.75	3.75	3.75	3.75	3.75
<b>Democracy Score</b>	<b>2.46</b>	<b>2.68</b>	<b>2.54</b>	<b>2.50</b>	<b>2.57</b>	<b>2.61</b>	<b>2.64</b>	<b>2.61</b>	<b>2.61</b>	<b>2.61</b>

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. 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. The opinions expressed in this report are those of the author(s).

# EXECUTIVE SUMMARY

Continuity in economic governance and relationships among Slovakia's political actors characterized the country's politics in 2017. It was only towards the end of the year, in the aftermath of regional elections in November, that more abrupt changes in support for political alternatives came into the spotlight. What had previously been viewed as mild trends—namely, the ebb in support for the ruling coalition and growth of the opposition's popularity—transformed into a tangible opportunity for the latter to achieve a majority.

The 2016 elections produced a new tri-polar constellation of the opposition in Slovak politics, composed of the moderate opposition, the anti-system opposition movements, and parties within the ruling coalition. The success of the radical nationalist People's Party—Our Slovakia (ĽSNS) brought an anti-system stance into the Slovak parliament. Another new entrant, the anti-establishment Sme rodina—"We Are Family" party, largely sided with the moderate opposition despite certain affinities with the anti-system camp. The establishment opposition was represented by the younger, originally anti-establishment center-right parties Freedom and Solidarity (SaS) and Ordinary People (OĽaNO). Finally, the decision of the Most-Híd party to ally with the ruling coalition of Direction—Social Democracy (Smer-SD) and the Slovak National Party (SNS) caused a hitherto unknown arrangement among the ruling parties. For the first time, the ruling coalition became composed of parties belonging to both camps of the previous dominant political divide between "civic democrat" parties leaning towards the European liberal democratic mainstream, and "national-populist" parties with much less respect for liberal constraints on governing. As other members of the "civic democrat" camp disappeared, like the Slovak Democratic and Christian Union (SDKÚ), or fell out of parliament, as with the Christian Democratic Movement (KDH), the actual government-opposition configuration juxtaposed traditional parties with new parties created after 2009.

Smer-SD's strategy of economic governance since it ascended to power in 2012 has been characterized by high direct and indirect taxation and efforts to keep the deficit under control. In the area of public finance, the party leaned notably towards increasing both revenues and expenditures in the state budget, as well as a complicated balance of redistribution motivated by the preferences of political actors in applying the "Value for Money" public policy in certain areas. Revenue received a boost as the share of European Union (EU) structural funds conspicuously increased. Despite its ostensible social-democratic leanings, the governments led by Smer-SD failed to change the character of the welfare state and the labor market, which both remained largely conservative. Benefits were strongly tied to contributions, and the system tolerated differences resulting from recipients belonging to different classes and social statuses.<sup>1</sup>

The political conduct and government relationship with the opposition remained belligerent and rather vulgar during the year. This rapport was fed by the strict application of majority rule on one side and by accusations of corruption and thievery on the other. Particularly troubled was the relationship between President Andrej Kiska and Prime Minister Robert Fico. Their long-standing conflict dates back to the 2014 presidential election, in which the underdog Kiska defeated the favorite, Fico. In early 2017, upon the birth of his child, the president publicly announced that he did not intend to seek the leadership of any new or existing political party ahead of the general elections in 2020. Yet, the enmity far from ceased: the prime minister emphasized his bones of contention, from reproaching the president for using the state airplane to fly to his hometown on weekends,<sup>2</sup> to his company's decision to deduct campaign expenses from the 2014 presidential elections, which has been twice refused by the tax authority.<sup>3</sup> The information about Kiska's attempted tax deductions was clearly leaked from the tax authority in order to provide incriminating materials about the president.<sup>4</sup>

Slovak polity has also been tense from the debate over the country's adherence to the "core of Europe,"<sup>5</sup> which Prime Minister Fico featured prominently on his government's agenda following the March publication of the European Commission's white paper on the Future of Europe.<sup>6</sup> SaS leader Richard Sulík challenged the wisdom of rushing to the core,<sup>7</sup> thus enraging strongly pro-EU elements of the political class.

Corruption continued to polarize politics and enrage civil society. Faced with public pressure, the government changed its attitude from denying corruption charges to admitting the need for strong anticorruption mechanisms. Nevertheless, the main demand from the opposition and anticorruption organizations—the resignation of Interior Minister Robert Kaliňák—remained unfulfilled during 2017 due to the government’s reluctance to address clientelism within its ranks.

The media scene underwent further changes in the structure of media ownership, yet the true impact of these changes remained to be seen in 2017. Nevertheless, the tendency for local oligarchs and financial groups to obtain media outlets—often at exaggerated prices—to use primarily as political tools was confirmed during the year. A new model of independent journalism, *Denník N (N Daily)*, managed to achieve a degree of financial sustainability during the year.

The judiciary continued to experience troubling government influence over the function of some of its elements, spurring energetic demands by civil society to halt such practices. Political conflicts regarding the composition of the Judicial Council and Constitutional Court need to be viewed in the context of very low popular trust in the justice system. In fact, the judiciary’s independence may be endangered more by the extreme degree of public mistrust and lack of regard for the institution than by actual political interference.

The results of the November elections for governors and members of regional assemblies brought a certain level of political renewal, namely, mobilization of the anti-extremist vote in Banská Bystrica region and losses by Smer-SD-backed incumbents in a number of regions. As a consequence of such mobilization, the 2017 elections witnessed record-high turnout in practically all eight self-governing regions of the country.

### **No Score Changes in 2017.**

**Outlook for 2018:** Slovak politics are entering what should be an uneventful middle period of the government’s mandate. However, the reality of 2018 may be very different. While the opposition is gradually gaining ground as an alternative to the government, the ruling Smer-SD clearly signaled a belligerent determination to fight back. The year may therefore witness unscrupulous confrontations between the government and the opposition, possibly resulting in a race to the bottom in order to attain power or to stay in power, without an emphasis on policies or improvement of the lives of constituents.

# MAIN REPORT

## National Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.75	3.00	2.75	2.75	2.75	3.00	3.00	3.00	3.00	3.00

- In 2017, Slovak politics continued to adjust to altered patterns of cooperation and conflict resulting from the 2016 general elections. Institutional relationships remained characterized by a rather strict application of majority rule. As for economic policy, the government continued its proven strategy of transforming the advantages of a relatively robust economy and increasingly efficient tax collection into “social packages,” a series of financial and social handouts to certain constituents.
- Throughout the year, opinion polls registered a mild decline in support for the ruling coalition and all three of its member parties, and equally mild growth in popularity for the opposition. Popular support for the largest party, Smer-SD, fell from around 28 percent in early 2017 to approximately 25 percent, while SNS and Most-Híd each recorded a decline of about 3 to 4 percent, pushing the latter dangerously close to the electoral threshold. The moderate opposition registered an overall uptick of approximately 15 percent for both SaS and OĽaNO. The remaining two opposition parties, ĽSNS and Sme rodina, each enjoyed support of approximately 8.5 percent.<sup>8</sup>
- Two groups of politicians registered new parties with potential political relevance. The first, Progressive Slovakia (PS), was established by younger, previously politically unorganized cadres with progressive/liberal-leaning views, albeit views not loudly advertised.<sup>9</sup> Together–Civic Democracy (SPOLU) was created around two relatively seasoned politicians: Miroslav Beblavý (previously SDKÚ-DS and #SIEŤ) and Jozef Mihál, a founding member of SaS.<sup>10</sup> Despite expectations that PS would be more left-wing and SPOLU more center-right, both parties defined their niche in the system with strong Europeanism and evidence-based policymaking.
- Government-opposition relations continued to be aggressive, even vulgar, with accusations of corruption and thievery—and even drug abuse—coming from both sides.<sup>11</sup> Prime Minister Robert Fico and his party Smer-SD used the existence of “two opposition” camps to present them as the same, tarring SaS and OĽaNO with the same kind of anti-system politics as ĽSNS.<sup>12</sup>
- In January, the ruling coalition approved an amendment to parliamentary procedures to increase its control over the chamber.<sup>13</sup> The amendment restricted the speaking time of members of parliament (MPs) to streamline debate, and forbade MPs from using visual aids while speaking in the chamber, largely as a reaction to several events staged by OĽaNO leader Igor Matovič in his intense effort to decry the ruling coalition as thieves. The opposition labeled the law a “muzzle bill.”<sup>14</sup>
- SNS leader and Parliament Speaker Anton Danko continued to pressure “nonstandard” opposition parties through sponsoring a draft bill that would require political parties to have a minimum of 500 members—a stipulation none of the younger anti-establishment parties, including OĽaNO and SaS, met.<sup>15</sup> The opposition has rejected membership requirements for party organization as a form of harassment, although they have taken measures to increase their membership should the bill become law. Another proposed measure in the draft law aimed to prevent cadres from dissolved parties from engaging in political life by, for example, founding another party.<sup>16</sup> This was a reaction to ĽSNS, which is facing a dissolution case in the Supreme Court filed by the Prosecutor General and has already prepared a reserve political party should the ban materialize.<sup>17</sup>
- In 2017, the government committed to the fourth “social package” of measures aimed at stimulating higher salaries, including motivations for employers to voluntarily pay so-called 13<sup>th</sup> and 14<sup>th</sup> salaries in the summer and in mid-December, free from the obligatory social contribution payments. The government further promised to increase the minimum wage and extra payments for night and weekend work, as well as to introduce financial stimuli to support the mobility of the labor force.<sup>18</sup>

- The government also proposed exceptions to the constitutionalized debt brake mechanism for certain kinds of state investments in such a way that roads and highways would not be included in the calculation of public debt. The opposition refused to participate in amending the Constitutional Law on Fiscal Responsibility, which ensured that the draft law would not meet the three-fifths threshold to pass, but in September the government confirmed that the reform remains a priority.<sup>19</sup>
- In June, the parliament passed a law removing the president’s prerogative to appoint the chairman of the Office of Regulation of the Networked Industries (ÚRSO), who is responsible, among other duties, for approving changes in the price of utilities. This power was given, in turn, to the cabinet.<sup>20</sup> The move was a consequence of the chaotic increases in utility prices in January, which the prime minister blamed on the sitting ÚRSO chairman, and the resulting public uproar when PM Fico declared the utility bills invalid and recommended that people destroy them.<sup>21</sup> The change enabled the government to appoint a compliant candidate.

## Electoral Process

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.50	1.75	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

- Slovakia’s electoral rules underwent a major consolidation in 2014, when scattered legislation for various types of elections was concentrated into a single law (Act 181/2014, known as the Election Codex).<sup>22</sup> The consolidation itself did not result in changes in key electoral rules, including the previously contested regulations, such as a single, nationwide district for parliamentary elections.
- In a surprising move, in 2017, the governing coalition initiated an amendment to the Election Codex altering the electoral rules for regional governors, which the parliament adopted in February. The first change included a one-off measure to prolong the tenure of regional assemblies from four to five years, in order to match the mandates of municipal councils and mayors. Therefore, the next elections to the regional assemblies, and for regional governors, will take place in 2022, coinciding with municipal elections.<sup>23</sup>
- The changed rules for electing governors replaced the existing two-round run-off majoritarian system with a single-round, first-past-the-post vote.<sup>24</sup> This change greatly impacted the Banská Bystrica region, where an anti-system, extreme-right candidate, Marián Kotleba, was elected governor in 2013. It was assumed that an anti-Kotleba coalition in the second round would oust the radical politician from office. Yet, whatever reasoning had motivated the ruling coalition to introduce the controversial change remained unclear; some pundits theorized that the new law was an effort to prevent anti-Smer-SD coalitions in the second round, with Kotleba’s reelection as potential collateral damage.
- Regional elections were held on 4 November and displayed a few distinct trends. In a break with past practice, opposition parties in the regions followed configurations at the national level. The ruling coalition ran joint lists and supported joint candidates for governors. Similarly, opposition lists were based on the OĽaNO-SaS-KDH alliance. ĽSNS, which had been unable to form a coalition, presented a “candidacy offensive” around the country in which it ran the third biggest group of candidates after the ruling coalition and opposition.<sup>25</sup>
- High mobilization and heated public debate spurred a 7 to 16 percent increase in voter turnout in all regions, compared to 2013. In Banská Bystrica, turnout reached 40 percent, well above the 24 percent of constituents who voted in the region in 2013.<sup>26</sup>
- The election of governors also brought a number of tight races, victories for opposition or independent underdogs, and a disappointing performance for seasoned candidates who started their careers in the Mečiar era but ran with open or tacit support from Smer-SD. Overall, the ruling coalition, and particularly Smer-SD, lost four of their six incumbent governors in Košice, Trnava, Žilina, and Prešov. The opposition pulled three posts away from the coalition (OĽaNO won Trnava and Žilina, and KDH won Prešov). The additional post lost by Smer-SD in Košice was taken by an independent underdog

considered close to the opposition, Rastislav Trnka. Also, SaS won the governorship in the capital Bratislava previously held by an SDKÚ-DS nominee.<sup>27</sup>

- In the regional assembly elections, independent candidates were the most successful group (161 out of 416 seats). Opposition and ruling coalition alliances ended roughly on par, with slightly more than a hundred seats each. In terms of parties, after the independents, Smer-SD gained 89 councilors, followed by KDĽ (46), SMK (33), and OĽaNO (23). SNS and SaS each won 15 seats, while Most-Híd claimed 10 seats.<sup>28</sup> The elections did not yield a clear majority for either the coalition or the opposition in any of the regional assemblies.

## Civil Society

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00

- Slovakian civil society continued to adjust to declining foreign donations and insufficient domestic support in 2017, continuing trends from the previous year.<sup>29</sup> The sector remained dependent on political alignments and lacked the institutionalism needed to secure its autonomous existence and shield it from the influence of political configurations. The sector also faced demonization campaigns from anti-system media outlets, as well as from some members of the government. However, on the positive side, a 2016 ĽSNS-proposed bill to register nonprofit organizations financed from abroad as “foreign agents” in a special register failed to find support in 2017.
- Friction between progressive/liberal and conservative civil society organizations (CSOs) has occurred since at least 2014, when the conservative Alliance for the Family initiated a failed referendum campaign on family values that has embittered the relationship between liberal and conservative CSOs ever since. In 2017, this trend continued with a clash over ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention.<sup>30</sup> While progressive organizations called for its ratification, segments of the church, some political parties, and conservative CSOs opposed the convention as a Trojan horse for the perceived “gender ideology” they feared would be smuggled into Slovak law and society.<sup>31</sup> The ruling coalition’s attitude was to put ratification of the convention on the back burner until it ceases to be such a polarizing issue.<sup>32</sup> Only SNS publicly opposed ratifying the convention.<sup>33</sup>
- In late 2016, trade unions in Volkswagen’s Bratislava plant parted ways with the major metal workers’ trade union, OZ Kovo, after the latter tried to undermine the incumbent union leadership in the factory. The new union established itself as the “Modern Trade Union Volkswagen,” becoming the single biggest union in Slovakia, in early 2017.<sup>34</sup> Major industrial action in the Bratislava plant soon followed. In June, the new trade union commenced a wage strike in the country’s most prosperous industrial plant.<sup>35</sup> After six days, the strike concluded with an agreement on a systematic and long-term plan for wage increases for factory employees.<sup>36</sup> Overall, trade-union actions remained rare in Slovakia, and union leaderships tended to cooperate with company management rather than inspire contention. Similarly, the success of the Volkswagen strike failed to inspire a significant following.
- In January, the parliament overrode a presidential veto and amended the law on the registration of churches and religious organizations.<sup>37</sup> SNS successfully pushed for an increase of the minimum number of members required for registration from 20,000 to 50,000. The official argument was to prevent “speculators” from registering bogus churches in order to access state subsidies. In reality, the intention was to make it harder for the Muslim community to be registered as an official religious organization, ostensibly to stave off an increase in the number of Muslims in the country in the future.<sup>38</sup> President Kiska argued that the new law constituted an infringement on the constitutional rights of people. As a result of the legislative changes, only 4 of the 18 previously registered churches would pass the new threshold had it been applied during their period of registration.<sup>39</sup>

- On 11 December, President Kiska became the first president in Slovakia’s history to officially receive representatives of the LGBT community.<sup>40</sup> In a debate, President Kiska expressed concerns that Slovakian laws do not cover many life situations of LGBT people, and called for a resolution to this situation. As a response, the Forum of Christian Organizations sent an open letter to the president expressing their opinion that the Slovak legal system satisfactorily covers all aspects of same-sex couples’ lives.<sup>41</sup>

## Independent Media

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.75	3.00	3.00	2.75	2.75	2.75	3.00	3.00	2.75	2.75

- In 2017, the Slovakian media environment conformed to the regional trend of Western media owners withdrawing from the market and passing ownership into local hands. While Westerners had run their media businesses primarily for profit, the same could not be said about the new owners. The election of a new, government-friendly head of Slovakia’s public broadcaster—Radio and Television of Slovakia (RTVS)—also marked a watershed moment during the year. The opposition criticized the Smer-SD decision to appoint a party acolyte to RTVS’s top job as a break with the hitherto moderate amount of subservience shown by the public broadcaster to the incumbent government (as compared to neighbors Poland or Hungary).
- Ever since 2014, when the private equity group Penta bought a share in the national daily newspaper *SME*, the paramount question was whether this development was an exception or a trend—and what consequences the purchase would have for the wider Slovakian media. New developments in 2017 confirmed that oligarch media buyouts were, in fact, a trend. The year also confirmed that the new owners were less interested in making a profit than deploying their new media acquisitions as weapons in conflicts with other oligarchs, or with the government.<sup>42</sup> However, the direct interference of owners in editorial policy remained far from threatening throughout the year.
- During 2017, Penta’s News and Media Holding (NMH) yielded its previously acquired majority in the *SME* publishing house, Petit Press; sold 5 percent of its shares to the original owner, PSIS;<sup>43</sup> and obtained in exchange control over the Hungarian language daily *Új Szó* and weekly *Vasárnap*.<sup>44</sup> Penta also bought all lifestyle magazines from the media holding Ringier Axel Springer, with the exception of the influential tabloid *Nový čas*, which was sold to Anton Siekel, a Slovak entrepreneur reportedly close to SNS.<sup>45</sup> Finally, Penta, along with their Chinese partners, expressed aspirations to purchase the regional CME group from TimeWarner. While this is primarily related to Penta’s effort to balance the media dominance of Andrej Babiš in the Czech Republic through obtaining TV Nova, the deal would also result in the popular commercial Slovak TV station Markíza changing owners.<sup>46</sup>
- Importantly, the daily *Denník N*, which was created by the *SME* editorial staff opposed to the Penta deal in 2015, balanced its budget for two consecutive quarters for the first time in 2017. Its business model was based on a strong online presence and reliance on paid digital subscriptions, allowing the outlet to achieve a degree of sustainability during the year. In an email to subscribers, the daily admitted to having spent approximately half of its €1.2 million (\$1.47 million) subsidy provided privately by owners of the Eset antivirus company before going in the black.<sup>47</sup> Other traditionally serious press outlets, such as *SME* and *Hospodárske noviny* of Andrej Babiš’s MAFRA publishing house, have stagnated. In particular, *SME* seemed to lean towards the model of the remaining national daily, *Pravda*, which rested on a clever cohabitation of tabloid stories and serious content in a largely tabloid format—even though *SME* still retains its “broadsheet” image.
- In June, the parliament denied a second mandate to the relatively successful director of the Slovak public broadcaster, RTVS, Václav Mika, and replaced him with Jaroslav Rezník, an experienced media manager—including stints at Slovak radio and the state press agency—with a proven record of loyalty

to incumbent governments.<sup>48</sup> The choice was criticized by the opposition as well as media professionals for installing a subservient candidate sensitive to the preferences of Smer-SD as well as SNS, which has been aggressively pushing for a change that would give the party a voice in influencing the strategy of the public broadcaster.

## Local Democratic Governance

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50

- Doubts continued to linger about the appropriateness of the country’s administrative division into eight self-governing regions—with their related powers and properties—in the wake of the 2013 victory of the extreme right candidate, Marián Kotleba, in Banská Bystrica region.<sup>49</sup> The year 2017 was also marked by a preoccupation with the possibility of Kotleba’s reelection, and uncertainty as to whether LSNS might make inroads in other regions, namely Nitra. Such concerns were aggravated by the legislative changes to the system for electing governors (see “Electoral Process”).
- Since Slovakia’s introduction of its new administrative division in the late 1990s, there have been a number of recurring criticisms of the new arrangement. The main argument is that the Slovak public never accepted and identified with the new division and do not consider it an improvement in their lives. In this view, the self-governing regions are flawed also because they do not correspond with the historical regions originating in the medieval ages, the original number being 16 rather than the current 8. (Another kind of nostalgia prefers the Communist-era division into three districts and the capital Bratislava.) Also, the design of the new arrangement was influenced by political considerations, namely, preventing the Magyar-speaking minority in the south from holding a political majority in the new regional assemblies, hence the eccentric design of the Trnava and Nitra regions, which divided the territory inhabited by ethnic Magyars into additional parts. Another criticism relates to the fact that regional governors are directly elected, allowing a whole range of potentially damaging impacts of majoritarian competition on politics in the regions.
- Newer criticisms claim that the regions are incapable of efficiently performing their powers, and that they represent a superfluous layer of bureaucracy—rather than self-government—and that their (artificially created) powers should be re-allocated between the state and municipalities. Finally, another major denunciation is that regions have become a nexus of corruption, which is more widespread and much less preventable or prosecutable than corruption at the national level.
- All of these criticisms were overshadowed in 2017 by the fear of extremist ascent in regions and the need for anti-extremist mobilization. It remains to be seen, however, whether the increased turnout in regional elections can be interpreted also as the growth of popular (and elite) identification with self-governing regions.
- During the year, an anti-system incumbent—the far-right politician Marián Kotleba—was defeated in Banská Bystrica by an independent candidate, entrepreneur Ján Lunter. While independent at the outset of his candidacy, Lunter over time became de facto supported by a political and civic coalition of actors interested in ousting Kotleba. The laborious construction of such a coalition may be considered an accomplishment for the Slovak democratic sphere. Namely, Kotleba’s failure to defend the post was preceded by a persistent campaign aimed at raising public awareness to the wider ramifications of a political extremist holding such an important public office. This movement, which in one form or another persisted since the aftermath of the 2013 election, included political parties, activists, and nongovernmental organizations. And thanks to its work, no voter in 2017 could claim a lack of information on the candidate, as was possible in 2013.

## Judicial Framework and Independence

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2.75	3.00	2.75	2.75	3.00	3.00	3.00	2.75	2.75	2.75

- According to the 2017 EU Justice Scoreboard, Slovaks were the most skeptical among EU nations regarding the quality and independence of their judicial system. Respondents pointed to political interference in the work of the courts as the main motivator for this lack of trust.<sup>50</sup> Most of the influence, however, was not institutionalized, instead being carried out through personal relationships. Little was done in 2017 to change this atmosphere.
- Smer-SD and SNS nominees continued to occupy the office of the Prosecutor General, Special Prosecutor, and leadership of the police force. These law enforcement agencies have been heavily criticized for being too lenient in investigations possibly leading to senior politicians of the ruling party and allied businessmen.<sup>51</sup> In February, the opposition—namely, SaS and OĽaNO—argued that Special Prosecutor Dušan Kováčik had failed to initiate a single prosecution out of 61 cases he supervised during his 8 years in office. The opposition alleged that rather than being a prosecutor, Kováčik served as “liquidator” of sensitive cases making sure they were not prosecuted and demanded his resignation.<sup>52</sup>
- Since the 2016 elections, the Minister of Justice post has been held by Lucia Žitňanská of Most-Híd, who has tried to implement incremental and largely technical reforms.<sup>53</sup> She also entered into the conflict with Smer-SD regarding the nomination of her ministry’s state secretary, Monika Jankovská, to the Judicial Council, the highest body of judicial oversight. Žitňanská opposed the nomination of Jankovská, the Smer-SD nominee, arguing that she was ineligible for the position because she was not a judge. The minister refused to break the rule that the council should be composed exclusively of judges and hinted that she would resign should the nomination be forced.<sup>54</sup> By the end of the year, Smer-SD stopped pushing for Jankovská’s nomination, part of a settlement following the small coalition crisis over unfreezing MP salaries.<sup>55</sup>
- In March, the parliament abrogated amnesties that then-acting president Vladimír Mečiar had granted in the late 1990s—a move related to the abduction of the son of his political rival and former president, Michal Kováč. The abrogation was preceded by an unexpected change of heart from Prime Minister Fico, who for almost two decades had refused the abrogation as an extraconstitutional attack on rule of law in the country.<sup>56</sup> The issue had embittered relations between the political actors ever since, ensuring that Fico’s ultimate concession came as a surprise for many.<sup>57</sup> However, the prime minister refused a plain abrogation through the parliament, instead presenting it as an amendment of the constitution, enabling the parliament to pass the resolution and refer it to the Constitutional Court.<sup>58</sup> In May, the court approved the cancellation of amnesties, thereby enabling the case of abduction—and the related murder of the key witness—to be prosecuted.<sup>59</sup>
- The Slovak Constitution was amended three times in 2017: once to synchronize the municipal and regional elections, then again to abrogate the Mečiar amnesties. The third amendment introduced constitutional protection of Slovakia’s soil and forests, which was on the SNS agenda,<sup>60</sup> and marked a continuation of the accelerating trend of pushing political agendas as constitutional issues. Six of the 17 constitutional amendments passed since 1993 were adopted between 2014 and 2017.<sup>61</sup> This tendency was on show in a number of vying attempts to push party policy into constitutional law: for example, SNS considered amendments to enshrine the right to carry a gun, while Smer-SD suggested that the country’s minimum wage should also be constitutionally protected against the potential threat of cancellation by future right-wing governments.<sup>62</sup>
- The lingering conflict between the president and the parliament—in particular, the ruling coalition—regarding vacant positions on the Constitutional Court was resolved, albeit technically, in 2017. For two years, President Kiska had refused to appoint any candidate selected by the parliament, claiming that its nominees lacked the expertise and moral integrity required for the country’s top judicial body. In December, the Constitutional Court ruled that the president was obliged to proceed with the appointments. While the ensuing composition of the court was criticized, on grounds of legal expertise

and political bias, the president, in fact, did comply with the decision and appointed three candidates to fill the vacancies.<sup>63</sup> The issue sparked debate about the need to reform the mechanism for selecting Constitutional Court judges, due to the impending termination, in 2019, of the mandate of a majority of the court’s judges; any new judges theoretically may sit until 2031.<sup>64</sup> The opposition fears an attempt by the ruling coalition to embed their nominees in the court to serve political purposes, possibly long after the parties at issue are out of power.

## Corruption

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
3.25	3.75	3.50	3.50	3.75	3.75	3.75	3.75	3.75	3.75

- Corruption has been an extremely polarizing issue in Slovak politics since the emergence of the new anticorruption parties SaS and OĽaNO in 2009. The opposition has defined its mission almost exclusively through the prism of the fight against corruption, rather than other policy concerns, and accusations of corruption have been the major source of the opposition’s criticism of the government. The October 2017 Eurobarometer focusing on corruption<sup>65</sup> revealed that 85 percent of Slovaks thought corruption was very frequent in their society, and 48 percent believed that corruption had increased during the past three years.<sup>66</sup>
- SNS established strict measures in the ministries under its control, focusing on managing EU structural funds and public procurement. During the summer, a scandal broke out in the Education Ministry regarding the first draft of a decision on the distribution of EU funds for research and innovation. Universities, which have been criticized in the past for mishandling the funds,<sup>67</sup> raised the alarm after they were denied direct access to almost €300 million (\$370 million) in EU funds. Instead, private companies with an often-nonexistent research record were named as the proposed beneficiaries.<sup>68</sup> Critics of the funding allocation alleged that the distribution appeared to be a carefully devised scheme to redirect funds to select—and politically connected—recipients. Given the amount of money involved, the scandal resulted in the resignation of the SNS-nominated minister.
- In 2017, the opposition and civil society continued their struggle against what they consider a ruling-party-sponsored system of patronage. This mutually beneficial system allegedly links senior politicians and “stakeholders” of Smer-SD, namely, Interior Minister Robert Kaliňák, with the group of entrepreneurs, including Ladislav Bašternák and Marian Kočner, who were accused of colluding and providing favors to politicians in exchange for privileged access to information, contracts, toleration of VAT-related fraudulent schemes, and political protection from prosecution.<sup>69</sup> While the opposition attempted to expose the political backing of such clientele, civil society focused on dismantling the system of influence in the police, judiciary, and the prosecution—underlying factors that had prevented investigation of this collusion.
- In June, Filip Rybanič, a bank clerk and assistant to SaS MP Jozef Rajtár, published records of transactions between Kaliňák and Bašternák, which he acquired through the bank system.<sup>70</sup> The Interior Minister described these transactions as legitimate, and Rybanič was prosecuted for leaking financially sensitive information. While the investigation remained unresolved at year’s end, in December, Rybanič approached the European Court of Justice in Luxembourg for a determination as to whether his situation complies with the definition of a whistleblower.<sup>71</sup>
- Between April and September, a group of high-school students organized a series of anticorruption marches in Bratislava to protest the systemic protection of politically connected fraudsters.<sup>72</sup> The marches were attended by several thousand protesters, who demanded swift investigation of cases involving Bašternák as well as the resignations of Interior Minister Kaliňák, Police Chief Tibor Gašpar, and Special Prosecutor Dušan Kováčik.

- The evolving public mood toward corruption was reflected by Prime Minister Fico, who changed his tune in 2017 from outright denial of corruption in the highest echelons of politics, to pledges of support for anticorruption efforts, to active proposals to establish effective anticorruption institutions.<sup>73</sup> In June, the Corruption Prevention Department was created in the Prime Minister’s Office, helmed by an experienced police investigator who launched a “charm offensive” to persuade the public—namely, Slovak youth—of the sincerity of the government’s anticorruption intentions.<sup>74</sup> The prime minister also visited the International Anti-Corruption Academy in Austria and agreed on cooperation and training for a number of Slovak high-school and university students.<sup>75</sup> Finally, the prime minister raised the possibility of passing a constitutional amendment requiring public officials and politicians to declare their assets, as well as creation of the Office for Protection of Public Interest.<sup>76</sup>
- The year witnessed the first court ruling involving jail sentences for national politicians on corruption charges. Former SNS-nominated environment ministers Marian Janušek and Igor Štefanov were sentenced to 12 and 9 years in prison, respectively,<sup>77</sup> for enabling a public procurement scheme at their ministry in 2007.<sup>78</sup> While there is a widely held view that the convicted ministers were enablers rather than initiators of the scheme—and the real political masterminds remained unpunished—the case represents unprecedented progress in fighting corruption in Slovakia.

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