

Slovakia

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Capital: Bratislava
Population: 5.4 million
GNI/capita, PPP: US\$22,110

Source: The data above was provided by The World Bank, *World Development Indicators 2011*.

Nations in Transit Ratings and Averaged Scores

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Electoral Process	1.75	1.50	1.50	1.25	1.25	1.50	1.50	1.50	1.75	1.50
Civil Society	1.75	1.50	1.25	1.25	1.25	1.50	1.50	1.75	1.75	1.75
Independent Media Governance*	2.00	2.00	2.25	2.25	2.25	2.25	2.50	2.75	3.00	3.00
National Democratic Governance	2.25	2.25	2.25	n/a						
Local Democratic Governance	n/a	n/a	n/a	2.00	2.00	2.25	2.50	2.75	3.00	2.75
Judicial Framework and Independence	n/a	n/a	n/a	2.25	2.00	2.00	2.25	2.50	2.50	2.50
Corruption	2.00	2.00	2.00	2.00	2.00	2.25	2.50	2.75	3.00	2.75
Democracy Score	3.25	3.25	3.25	3.00	3.00	3.25	3.25	3.25	3.75	3.50
	2.17	2.08	2.08	2.00	1.96	2.14	2.29	2.46	2.68	2.54

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

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.

EXECUTIVE SUMMARY

The trajectory of Slovakia's political development has changed several times since the country attained full independence in 1993. From 1993 to 1998, Slovakia was ruled by a series of coalitions between nationalist and populist parties, whose governance was repeatedly criticized by the international community for violations of minority rights, misuse of the secret service, and corruption. Many negative trends of this era were reversed after the 1998 parliamentary elections brought to power a broad coalition of pro-democratic political forces committed to addressing Slovakia's democratic deficit and setting Slovakia back on the path to European membership. Two consecutive, pro-reform administrations launched extensive structural socioeconomic reforms and secured Slovakia's accession to the European Union and NATO. Notwithstanding the successes of this eight-year period, the 2006 parliamentary elections ushered in a coalition government of a very different character. Under the pretext of building a strong "social" state, the administration led by Smer-Social Democracy (Smer-SD) Chairman Robert Fico discontinued the process of liberal-oriented economic reforms and pursued an agenda of broadened state interventionism, characterized by hostility to the independent press, clientelism in filling public service positions and spending public funds, and ethnocentrism.

In June 2010, Slovakia held parliamentary elections that once again reconfigured the country's system of political parties, with pro-reform center-right forces gaining the upper hand. A new ruling coalition of parties emerged that subsequently formed a new administration led by Iveta Radičová, the first woman prime minister in the country's history. In its program manifesto, the incumbent administration spelled out the following priorities: combating corruption, increasing transparency, restoring justice and mutual trust between government and citizens, and reducing regional disparities within the country. It also promised to tackle the most pressing economic and social problems caused by the global economic crisis and inappropriate state paternalistic and clientelist policies pursued by the previous administration.

In the first months of its tenure, the new ruling coalition's majority in parliament upheld the principle of procedural consensus, and over the course of 2010, the incumbent administration managed to change the atmosphere within society to begin alleviating tensions in Slovak-Hungarian bilateral relations. Although relations between the new ruling coalition and the parliamentary opposition remained confrontational in the latter part of the year, initial signs of overall stabilization and cooperation began to appear in the performance of democratic institutions.

National Democratic Governance. The direction of governance shifted dramatically in June 2010 with the election of a new, center-right ruling coalition. Before the parliamentary elections, the ruling coalition between Smer-SD, the radically nationalist Slovak National Party (SNS), and the populist People's Party–Movement for a Democratic Slovakia (ĽS-HZDS) used illiberal methods to marginalize the role of parliamentary opposition parties and undermine parliament's control functions vis-à-vis the executive. After a peaceful and orderly rotation of power, a new ruling coalition of four former opposition parties—the Slovak Democratic and Christian Union–Democratic Party (SDKÚ-DS), the Freedom and Solidarity (SaS) party, the Christian Democratic Movement (KDH), and the Most–Híd (“Bridge”) party—began a tenure characterized by mutual cooperation and respect for constitutional checks and balances. The incumbent administration also adopted several legislative and administrative measures aimed at strengthening the institutional system's openness. *Owing to the predominance of positive trends in the second half of 2010, Slovakia's rating in the field of national democratic governance rating improves from 3.00 to 2.75.*

Electoral Process. In 2010, Slovakia held both parliamentary and municipal elections. The incumbent national-populist parties used state administrative capacities to their advantage while campaigning, and also tried to exploit ethnic divisions to bolster their electoral support. However, the elections themselves were standard, free, and fair. Voter turnout in both the parliamentary and municipal elections increased slightly from previous elections. Six parties secured seats in the National Council of the Slovak Republic; two were new parties founded in 2009. Four center-right parties formed the new ruling coalition, and the transfer of power was smooth and effective, despite the illiberal tendencies of the previous government. Suffrage rights were also reinstated for most felons, after having been revoked in 2009. *Owing to free and fair parliamentary and municipal elections, the stability of election legislation, the continuously competitive character of the electoral system, the ability of the elected parties to form a ruling coalition, and the effective transfer of power, Slovakia's electoral process rating improves from 1.75 to 1.50.*

Civil Society. The formerly mistrustful relationship between NGOs and government changed with the 2010 elections, with the new, pro-reform, center-right government declaring its readiness to cooperate closely with civil society organizations. Despite the lack of financial resources caused by the financial crisis, and mismanagement of structural funds by the previous government, Slovak civil society continued to be dynamic. *Slovakia's civil society score remains unchanged at 1.75.*

Independent Media. In the first half of 2010, negative trends observed in 2009 continued, with politicians and judges applying serious pressure to Slovak independent media through defamation actions. After the June elections, pressure from the government and judiciary on media outlets appeared to decrease. The new ruling coalition named liberalization of media legislation as a priority, and

worked with media experts to draft an amendment to the controversial Press Act of 2008. Meanwhile, financial difficulties and nontransparent ownership continued to cast doubts on the quality and independence of news media. *Slovakia's independent media ranking remains at 3.00.*

Local Democratic Governance. In 2010, the greatest challenge for self-governance organs was the global economic crisis, which had adverse effects on Slovakia's GDP growth and consequently on tax revenues. This deficit was supplemented with state budget subsidies, which enabled self-governments to maintain operations at a satisfactory level. The new ruling coalition is comprised of parties that prefer a decentralized model of public administration, with greater executive powers at the local level; it indicated an eagerness to deepen the effects of the public administration reform implemented from 2001 to 2005, which should improve overall prospects in this area for years to come. *Slovakia's local democratic governance rating remains unchanged at 2.50.*

Judicial Framework and Independence. In the Slovak justice system, Supreme Court Chairman Štefan Harabin continued to concentrate and/or retain personal power and also opposed all attempts by the new administration to introduce reform measures aimed at increasing transparency of the judiciary. The new administration made efforts to amend the legislative framework in order to carry out much needed judiciary reform, illustrated by draft amendments to the Law on Judges and Assessors and the Law on the Judicial Council, both of which sought to create to increase transparency in the court system. *Owing to positive changes in attitude and openness by the new government with respect to the judiciary in the second half of 2010, Slovakia's judicial framework and independence rating improves from 3.00 to 2.75.*

Corruption. The cabinet of Iveta Radičová declared zero tolerance for corruption in public administration, and undertook several anticorruption initiatives in the second half of the year. All contracts regarding distribution of public funds from the previous government were published on the internet, and an amendment to the commercial code was drafted that would require all future contracts to be made available online, as well. The cabinet terminated or revised several unfavorable government contracts completed in previous years and published whatever background information was available about them. *Owing to the incumbent administration's significant steps toward increasing transparency and narrowing the space for corruption in public administration, Slovakia's corruption rating improves from 3.75 to 3.25.*

Outlook for 2011. The new ruling coalition has taken consensus via negotiation as its principal *modus operandi*; ideological differences between the parties should not be an obstacle to their mutual cooperation in the long term. In 2011, the ruling coalition should be able to preserve the degree of internal consolidation it achieved shortly after taking power. Public support for this administration will

depend directly upon its success in tackling social problems such as unemployment, regional disparities, state budget deficit, the “Roma” issue, and inflation—as well its ability to justify certain unpopular but necessary measures. Smer-SD is a formidable political rival that will undoubtedly use all displays of discontent to complicate the pro-reform government’s position and create favorable conditions for its own return to power. It is likely that Smer-SD will remain the party with the highest support among the electorate, being the only relevant left political force within the party system and using populist and nationalist methods of mobilization.

MAIN REPORT

National Democratic Governance

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
n/a	n/a	n/a	2.00	2.00	2.25	2.50	2.75	3.00	2.75

The Slovak Republic is a stable democracy with a generally effective system of governmental checks and balances. The cabinet reports to the legislative assembly, which has the right to dissolve it. The president can veto laws adopted by the parliament, and but vetoed laws can be passed with the support of a parliamentary qualified majority. The Constitutional Court acts as an independent judicial body protecting the constitution and citizens enjoy direct participation in the political process through elections and political party activities.

The National Council (parliament) of the Slovak Republic is a sovereign representative body, the sole legislative and constituent assembly, and is autonomous from the executive. It has sufficient resources and capacities for the creation and enactment of bills. Members of parliament (MPs) frequently question cabinet members and exercise oversight of state and public institutions. Parliamentary deliberations are open to the public and media (except for closed sessions on classified matters, such as intelligence and secret service issues). The entire legislative process—including transcripts of meetings, full text of legislative bills, and the results of assembly votes—is made available to the public via the parliament’s website. Slovakia’s constitution guarantees the right to free retrieval, collection, and dissemination of information.

Government authority remains solid and undisputed throughout the country, neither supported nor challenged by displays of dominance by the military, foreign powers, or other power groups. Political party activities within the armed forces and other state institutions are forbidden. All state agencies are subject to control by the Supreme Audit Office (NKÚ), which regularly publishes violations of laws and bylaws and orders the offending agencies to remedy their deficiencies. The parliament elects the NKÚ chairman and vice chairmen for seven-year terms. Though funded by the state budget, the NKÚ is widely regarded as being free from political influence.

Between 2006 and mid-2010, the ruling coalition of Smer-SD–SNS–ES–HZDS pursued policies that generally undermined parliament and parliamentary oversight of the executive branch, marginalized the opposition in parliament in a manner contradicting the spirit of modern liberal democracy, and made party clientelism its basic *modus operandi*. In the run-up to the June 2010 parliamentary elections, Smer-SD and its coalition partners exercised their control over state administrative structures to reach and influence voters. Leading Smer-SD officials, including Prime Minister Robert Fico, made appearances at the “openings” of new

sections of highway, soccer fields, and airport terminals, and unveiled various public monuments—all while trumpeting campaign messages.

Nevertheless, the election results changed the basic configuration of political forces and paved the way for a rotation of power. A new ruling coalition between SDKÚ-DS, SaS, KDH, and Most-Híd gained an absolute majority of seats (79 out of 150) in the assembly. In early July, PM Fico submitted his resignation and President Ivan Gašparovič appointed Iveta Radičová (SDKÚ-DS) the first woman in Slovakia's history to lead the cabinet. The handover of executive power took place in the manner stipulated by the constitution, without impeding the functioning of executive institutions. The distribution of leading positions within parliamentary committees followed the terms of an agreement between the ruling coalition and the opposition based on proportional representation. The program manifesto of the newly elected government aims to enhance the country's democratic character, cement operational stability of public institutions, strengthen independence of the judiciary, and promote transparency.

Shortly after the new ruling coalition took power, top officials at several ministries published information revealing that the outgoing Fico administration had taken moves immediately after the elections to complicate the new administration's performance in office. Members of the Fico cabinet introduced measures with serious implications for distribution of public funds, and many signed large-scale contracts before and after the elections on supplying goods and services to the government. Subsequently, the new cabinet published information on the corrupt background of certain government projects, nontransparent public procurement projects, and numerous cases of mismanagement of public funds. These cases involved the ministries of defense, labor, economy, foreign affairs, justice, education, culture, transport, social affairs, and post and telecommunications.

Relations between the cabinet, parliament, and president were virtually free of confrontation in the second half of the year. The only notable exception to the atmosphere of peaceful cooperation was a conflict between the Ministry of Finance and the Supreme Court that dragged from July until November 2010, creating tensions between the Ministry of Justice and the Supreme Court. The principal cause was the refusal by Supreme Court Chairman Štefan Harabin to allow finance ministry employees to inspect the Supreme Court's financial records. In doing so, Harabin clearly violated a law that entitles the Ministry of Finance to perform financial inspections in all institutions that are financed from the state budget.

The incumbent administration drafted several legislative and administrative measures aimed at strengthening the institutional system's openness. The most significant among these were amendments to the Civil Code and the Law on Free Access to Information (aimed at increasing transparency in public procurement), and draft amendments to two laws affecting the judiciary. The government also attempted to limit the immunity of MPs, but in this case did not secure the requisite number of votes.

Electoral Process

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
1.75	1.50	1.50	1.25	1.25	1.50	1.50	1.50	1.75	1.50

The authority of the Slovak government is based on freely exercised universal suffrage. The legislative framework provides for free and democratic competition, equal campaigning and transparent voting and vote tabulation practices. In February 2010, parliament passed an amendment to the law on elections to the National Council of the Slovak Republic and to the European Parliament. The amendment allows persons serving prison terms (except for perpetrators of particularly serious crimes) to cast ballots in both elections.

Parliamentary elections in Slovakia are based on a proportional system that stipulates the following thresholds to qualify: 5 percent for single running parties, 7 percent for coalitions of two or three parties, and 10 percent for coalitions of four or more parties. The electoral rules in Slovakia also include a system of preferential votes. A candidate who receives more than 3 percent of preferential votes of a party (voters can select a maximum of four “preference boxes” on the ballot) is treated preferentially in the allocation of mandates. Elections to the European Parliament use a proportional system. The minimum threshold to qualify for the assembly is 5 percent of the popular vote, which applies to both individual parties and party coalitions. Elections to local and regional self-governments use a modified majority electoral model. Slovakia’s president and regional governors are elected using a majority model with two rounds, mayors of towns and communities are elected in one-round elections.

In 2010, 53 political parties were reregistered with the Ministry of the Interior. The total membership in political parties is approximately 100,000 out of 4.36 million eligible voters. Political parties represented in the parliament operate at all levels of public administration—central, regional, and local.

About 15 percent of Slovak citizens belong to various ethnic minorities. Ethnic Hungarians form the largest ethnic minority, making up nearly 10 percent of the total population, and traditionally have a very high rate of political mobilization. As a result, this minority is effectively represented in organs of legislative and executive power. The situation is very different for the country’s second largest ethnic minority, the Roma, who are inadequately represented in political processes due to the Roma population’s social marginalization, low average education level and consequent shortage of political leaders, and the inability of ethnic majority, mainstream political parties to cooperate with Roma organizations. In order to participate in political processes, members of Slovakia’s smaller ethnic minorities and groups (i.e., Czechs, Ruthenians, Ukrainians, Germans, Poles, Croats, Bulgarians, and Jews) use opportunities provided by non-ethnically-based political formations.

The most recent parliamentary elections in Slovakia were held on June 12, 2010. During the campaign, the incumbent coalition parties used administrative resources and opportunities to bombard the population with their campaign message. Smer-SD and SNS also pandered to ethnic divisions in an effort to

polarize the electorate. Elections were judged to be free and fair, and although a small number of vote-buying cases emerged, it was not as large and divisive an issue as it had been in the previous year.

Smer-SD (Direction–Social Democracy), which portrays itself as a social-democratic political formation, received 34.79 percent of the popular vote and secured 62 seats in parliament. The center-right, moderately conservative SDKÚ-DS (Slovak Democratic and Christian Union–Democratic Party) won 15.42 percent of votes and 28 seats. The liberal SaS (Freedom and Solidarity) party got 12.14 percent and 22 seats. The conservative KDH (Christian Democratic Movement) received 8.31 percent of votes and 15 seats, while Party Most-Híd (Bridge), which represents a substantial part of ethnic Hungarians, received 8.12 percent of the vote and gained 14 seats. The radical nationalist SNS (Slovak National Party) won 5.07 percent of votes and 9 seats. Two previous parliamentary parties—ĽS-HZDS (People’s Party–Movement for a Democratic Slovakia), a populist party of unclear ideological orientation, and the SMK (Party of Hungarian Coalition) that represents ethnic Hungarians—did not qualify for the assembly. Smer-SD failed to transform its electoral victory into a ruling coalition with majority support in the parliament, as the center-right parties refused to form an alliance with them. The election results led to the creation of the center-right ruling coalition of SDKÚ-DS–SaS–KDH–Most-Híd. Iveta Radičová, party list leader and vice-chairman of SDKÚ-DS, was appointed prime minister of the cabinet. The transition of power from the Smer-SD coalition to Radičová’s newly formed coalition was effective and smooth.

Two ruling coalition members are relatively new on the Slovak political scene. The Most-Híd party was established by former members of SMK (an ethnic Hungarian party) and characterizes itself as the party of cooperation between the Slovak majority and ethnic minorities, including the Hungarian minority. The SaS party is a new liberal political formation that has gained strong support from voters in a short period of time due to its effective use of the internet-based social networks.

In the last decade there has been an overall decline in voter participation in Slovakia compared to the first decade after the collapse of the Communist regime. Traditionally, the highest turnout is recorded in parliamentary elections, which in 2010 was 58.8 percent, a four percent improvement over the 2006 parliamentary elections.

Municipal and regional elections typically show lower voter turnout than national elections, yet like the parliamentary elections, saw a slight increase in 2010. The November municipal elections drew a 49.7 percent turnout, a two percent increase since the previous municipal elections in 2006. The mayor’s office for Slovakia’s two biggest cities, Bratislava and Košice, went to Smer-SD endorsed candidates. The elections also saw a rise in representation of Roma, with 22 Romani municipal mayors and 102 councilors elected.¹ Ethnic Hungarian candidates also won a number of seats, although votes were split because two ethnic Hungarian parties (Most-Híd and SMK) supported different candidates in many districts.

The most recent presidential elections in Slovakia were held in March–April 2009. In the second round, Ivan Gašparovič—a joint candidate of two ruling parties, Smer-SD and SNS, and pro-governmental extra-parliamentary party HZD (Movement for Democracy)—obtained 55.5 percent of the popular vote and was elected president. Six parties from Slovakia are represented in the European Parliament as of the most recent elections (June 2009), with Smer-SD receiving five seats.

Civil Society

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
1.75	1.50	1.25	1.25	1.25	1.50	1.50	1.75	1.75	1.75

In Slovakia, the independent civic sector and its rights are protected by the state. This protection is the result of societal and legislative changes in the 1990s, and all governments since have respected the position of NGOs in the country. The differences year on year have been seen mostly in regard to the level of cooperation. While the previous government of former Prime Minister Robert Fico had tried to minimize the influence of NGOs through legal and political means, the new government led by Prime Minister Iveta Radičová declared its readiness in 2010 to cooperate closely with the NGO sector. The distrustful atmosphere changed with the creation of the new government, seen most vividly in the new administration's trusting approach toward NGOs working in public policy and advocacy.

Slovakia's third sector continues to be dynamic and vibrant, in spite of a lack of financial resources caused by the financial crisis and mismanagement of structural funds by the Fico government. The Ministry of Interior registers and records all figures on Slovak NGOs; some data on the NGO sector are also kept at the Statistical Office of the Slovak Republic and the Ministry of Culture. In October 2010, the Ministry of Interior listed 31,446 organizations that could be considered NGOs in a broad sense. The public image of civil society organizations in Slovakia is predominantly positive, though opinion is divided in perceptions of various types of NGOs. The most negatively perceived are public-policy oriented institutions, advocacy groups, and environmental organizations that are the most visible in public discourse.

The legal and regulatory environment for civil society is free of excessive state pressures, and state bureaucracy does not excessively limit the activities of NGOs. The basic legislative framework for their work is provided by the constitution. NGO registration is easy, and both legal entities and private persons may establish nonprofit organizations, which are required to work for the fulfillment of the purposes for which they were established. The Ministry of the Interior acts not only as the registry of NGOs but also as the supervising institution.

In 2010 the Ministry of Interior, after many years of effort, included the Law on Volunteerism (which defines the legal framework for voluntary activities) into its legislative plan and announced its intent to adopt the law as soon as possible. The

draft is being prepared in consultation with NGOs. The NGO sector in Slovakia has a well-developed infrastructure, training and research base. Most NGOs have access to the technical equipment they need to function, which is comparable with equipment available in the state sector but less advanced than standard equipment in the business sector. Numerous NGOs provide training for the civic sector.

The 2-percent tax deduction was an important source of funding for nonprofit organizations in Slovakia in 2010. Assistance from Western democracies on the private and public level was instrumental in developing the country's vital civil society, at least until 2004; by 2010 these funds comprised a small part of NGO budgets. Structural funds and other possibilities from the EU brought new opportunities and new challenges to domestic NGOs. The prevailing opinion of most is that the European Commission, despite the significant amounts of money available, does not possess a sustainable model for supporting the activities of civil society. The problem has increased with clientelism and corrupt practices in the EU funds distribution process.

Most newsmedia treat civil society groups as independent and reliable sources of information, particularly think tanks. Slovak NGOs received extensive and predominantly positive coverage from public and private media in 2010. Blogs and information servers established by NGOs and public entrepreneurs play an increasingly important role in mobilizing the public for civic participation. By contrast, the image of trade unions remains rather negative in the media and in all segments of the population. Trade unions operate freely, but they are not perceived by the public as part of the broader civil society. The membership of such organizations shrinks from year to year.

Interethnic relations in Slovakia experienced problematic developments during the four years of the Fico administration, as the government adopted legislation intended to strengthen the state's ethnic character. Measures presented to the public as a reaction to policies of the Hungarian government discriminated against Slovakia's ethnic Hungarian minority in the fields of education, culture, and use of mother tongue. Relations between Slovaks and Hungarians were further aggravated in 2010 by legislation a ban on dual citizenship (enacted in May) and various commemorations of politically-charged historical events (e.g., the 90th anniversary of the Trianon Treaty) for propaganda purposes. The new Radičová administration promised in its program manifesto to eliminate all restrictive legislation in the field of minority rights passed by the previous government, particularly amendments to the State Language Act and Citizenship Act. Amendments to both laws were submitted to parliament in October and November 2010.

An amendment to the Law on State Symbols proposed by the Fico administration and signed by President Gašparovič in May 2010 remained in effect through the end of the year. Among other provisions, the so-called Patriotic Act requires public schools to display state symbols and the preamble of Slovakia's constitution in all classrooms. The law is controversial, associated with the Fico government's broader emphasis on "patriotism" in the public life and particularly in the school system (the SNS party—then a ruling coalition member—also advocated changing school

curriculums in order to strengthen “Slovak national identity”). Critics of the Patriotic Act believe forced civic pride actually encourages nationalism. After the parliamentary elections of 2010, the rhetoric of patriotism significantly subsided, while the Ministry of Education continued its slow introduction of multiculturalism into primary and secondary school curriculums.

Slovakia’s Roma minority endures socioeconomic hardships, job descrimination, social marginalization, and racially motivated violence by extremist groups. In some eastern municipalities with above-average concentrations of Roma population, there have been attempts to build fences and walls around Roma settlements. According to their builders, the barriers were supposed to prevent persons of Roma origin from perpetrating criminal activity against non-Roma citizens.

Extremist and racist organizations are illegal in Slovakia, and during 2010 Slovak police continued to monitor neo-Nazi, right-wing, and left-wing extremist groups, conducting preventive actions against them. Nevertheless, the year witnessed numerous displays of racist propaganda and physical violence against the Roma by neo-Nazi groups. For some time, Slovakia’s unsatisfactory response to the plight of the Roma has been criticized by international human rights organizations, but the recent appointment of Roma expert Miroslav Pollák as government plenipotentiary for the country’s Romani communities has increased expectations.

A radically xenophobic political party, People’s Party Our Slovakia (Ľudová strana Naše Slovensko), took part in the parliamentary elections expressing anti-Roma rhetoric, but with negligible success.

Independent Media

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2.00	2.00	2.25	2.25	2.25	2.25	2.50	2.75	3.00	3.00

Slovak journalists and editorial departments remained vulnerable to interference from government and private stakeholders throughout 2010, though under the post-June administration these pressures appear to subside.

The first months of the year witnessed a flurry of activity by public officials, politicians, and judges who sued print media over published information and demanded exorbitant indemnification that would have threatened the media outlets’ survival. Newspapers also struggled under the burden of the controversial Press Act of 2008, which places restrictions on content and grants powers of intervention to the state executive. The law also stipulates the right of public officials to respond to any allegation, true or false, in the publication where it was made—a costly and time-consuming requirement for editors that effectively encourages self-censorship.

In some 2010 cases, members of the judiciary were plaintiffs in defamation suits. In others, Slovak courts came to the defense of embattled newspapers, issuing groundbreaking rulings. In April, the Slovak Constitutional Court ruled that lower courts had violated the free speech rights of *Plus 7 Dní* by ordering the magazine to pay roughly €8,800 in damages to judge Pavol Polka for alleged defamation.

Print journalists were not the only reporters subject to penalties for endangering the political interests of their sponsors. In January, the public broadcaster Slovak Television (STV) refused to renew the contract of a reporter whose 2009 article on fraudulent use of financial EU structural funds had resulted in an EC investigation and subsequent cuts to aid funding. In the summer, TV Markíza, Slovakia's largest private TV station, announced that it would cease to produce *Pa ba* (Battery of Questions), the last regular television broadcast in the country devoted to investigative journalism.

In its program manifesto, the administration formed after the June elections announced its intention of liberalizing Slovakia's media environment, beginning with changes to the Press Act. An amendment modifying the so-called right of response had been drafted by the end of the year, but not yet passed. The amendment would allow officials to respond in cases where the information published pertains directly to their performance in office. It would also abolish fines for failure to publish reactions.²

Although judgments against newspapers in defamation cases began to decrease in June, Slovakia's media and advertising market continued to suffer from effects of the global economic crisis, reflected in a slump in advertising, cost-cutting measures, and a decrease in the total number of journalists. Transparency in media ownership remained a serious concern, as unofficial cross-ownership of private media contributed to increasingly monopolistic conditions in the distribution of the terrestrial television signal. In 2010, buyouts of several nationwide dailies also affected editorial content and personnel, with legislative loopholes making it impossible to identify the new owners.

Public service media, particularly STV, continue to suffer under ineffective financial models and inefficient management. By the end of the year, STV was on the brink of economic collapse. The incumbent administration tried to rescue the broadcaster by drafting a new law that should merge it with the Slovak Radio effective in 2011 and transfer power to appoint the STV chairman from the STV council back to parliament, as was the case before 2004. Apart from STV and Slovak Radio (SRo), which are both controlled by parliament-appointed councils, all major media in Slovakia are privately funded. The former state news agency TASR became a public service institution in 2009; however it is financed from the state budget, and thus undermines the competitiveness of the news agency market.

At the end of the year, the largest professional organization of journalists in the country—the Slovak Syndicate of Journalists (SSN)—changed its leadership for the first time in many years and adopted a new code of ethics. These changes are interpreted as a final attempt to reverse the declining influence of this organization, which has long lost its attractiveness for young journalists and representatives of influential media. Although SSN representatives are still invited to participate in amending media legislation, their proposals rarely make the final drafts, as was the case with the proposed amendment to the Press Act.

Throughout 2010, the range and diversity of online information sources continued to expand. Internet-based social networks are becoming an increasingly

effective tool for disseminating information and mobilization support, and played an important role in some parties' 2010 parliamentary campaigns. One recently established party emerged in third place at the polls after using social networking to mobilize potential voters.

Local Democratic Governance

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
n/a	n/a	n/a	2.25	2.00	2.00	2.25	2.50	2.50	2.50

The Slovak constitution and other applicable laws provide an adequate framework for self-governance at the regional and local levels, with a dual system of public administration—state administration (organs of executive power) and self-governments (elected bodies). There are three levels of elected bodies: central (parliament), regional (regional assemblies), and local (municipal councils). 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. On November 27, 2010, Slovakia held municipal elections. Most new mayors were elected off the candidate list of Smer-SD.

As part of public administration reform, a large block of powers was transferred in 2001–05 from central government organs to local and regional self-governance bodies. However, the Fico-led administration championed the concept of a strong, centralized state and made no significant efforts to strengthen the executive powers of local self-governance organs. When drafting and approving legislative proposals concerning their status, the ruling coalition of Smer-SD–SNS–LS–HZDS favored measures aimed at cementing the positions of ruling parties in self-governance organs.

A February amendment to the Law on Municipal System of Government entitled mayors to handpick their deputies, which had previously been elected by members of municipal councils. The amendment also transferred additional powers from municipal council to mayors with respect to the organization and financing of self-governance organs. Strengthening the position of mayors vis-à-vis municipal councils could be interpreted as an effort to grant greater powers to representatives of then ruling parties, particularly Smer-SD, as municipal councils are often controlled by non-ruling parties.

The new ruling coalition of SDKÚ–DS–SaS–KDH–Most-Híd comprises parties that are vocal advocates of decentralization and self-governance. It is therefore widely expected that the coalition will strengthen the executive powers of self-governance organs and gradually implement a reform allowing small communities to merge their self-governance bodies and increase their effectiveness. In October 2010, the Radičová administration submitted draft amendments to the Law on

Municipal Property and the Law on Property of Regional Self-governments that seek to create a legislative framework for self-government involvement in public-private partnerships.

The global economic crisis adversely affected not only Slovakia's overall economic development (resulting in a substantial drop in GDP growth) but also the financial stability of self-governments. At the end of 2009, the central government approved a special subsidy of €100 million (US\$135 million) for self-government administrations to cover deficits in income-tax revenues; however, the actual scale of deficits exceeded the subsidy. Municipality tax revenues declined by 19 percent in the first half of 2010 (compared to the same period in 2009). The situation was further complicated by an 11-percent rise in self-government operating costs in 2010.

Self-governments are subject to internal as well as external supervision. Internal control is entrusted to chief controllers who are appointed for six-year terms. Externally, the NKÚ (Supreme Audit Office) controls all funds expended by self-government organs and supervises the financial management of legal entities established by self-government organs. Meetings of local and regional self-governance bodies are held regularly and are open to the public; the results of their deliberations are posted on public notice boards, via the media, and increasingly on the Internet.

Most self-governance organs have adequate capacities to manage their operations; employee training continues to improve thanks to various education projects initiated and implemented by the government, self-governance associations, nongovernmental organizations, and international partners. The situation is significantly better in cities and larger towns.

Judicial Framework and Independence

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2.00	2.00	2.00	2.00	2.00	2.25	2.50	2.75	3.00	2.75

The Slovak Constitution, the Bill of Fundamental Rights and Freedoms, and other laws provide a framework for the protection of human rights. The constitution guarantees all citizens equality before the law. Slovakia has a three-level judicial system, consisting of a Supreme Court, 8 regional courts, and 45 district courts, all of which are administered jointly by the president, parliament, Ministry of Justice, Judicial Council, and Supreme Court. The president appoints judges on the basis of proposals from the Judicial Council, which is the principal organ of self-governance within the judiciary. The Ministry of Justice appoints the chairmen and vice-chairmen of particular courts.

The Constitutional Court is an independent element of the judicial system, and its verdicts are legally binding. The right to appeal to the Constitutional Court regarding the constitutionality of laws, government regulations, and other legal

rules applied by the public administration rests with parliamentary deputies (at least 30 are required to launch an appeal), as well as the president, the cabinet, courts, the attorney general, and the ombudsman for human rights; in certain cases, self-governments also invoke this right. Citizens are free to turn to the Constitutional Court if they believe their constitutional rights have been violated by a state institution. In recent years, the Constitutional Court was accused of deliberately delaying the adjudication of motions filed by opposition members of parliament, allegedly to the advantage of the Smer-SD–SNS–ĽS–HZDS coalition.

As a member of the Council of Europe, Slovakia has also ratified all major international human rights documents; citizens may therefore turn to the European Court of Human Rights (ECHR) if they believe their rights have been violated and Slovak judicial institutions have been unable to take action or provide a remedy. Slovakia's constitution guarantees the presumption of innocence, and the state is obliged to provide a defender to every person facing a criminal prosecution if the accused cannot afford one. Investigation of criminal offenses is conducted under a prosecutor's supervision. An accused person may be detained and arrested only if a judge has issued a written warrant.

In recent years, the judiciary has become the target of harsh criticism by numerous social players, including judges themselves. In March 2010, 21 justices—including 11 Supreme Court judges, nine regional court judges and one Specialized Criminal Court judge—launched the initiative *Za otvorenú justíciu* (For an Open Judiciary), which advocates for improved transparency within the judiciary. The initiative's signatories criticized political meddling with judicial power, problems in public competitions, deliberate delays in adjudication, violation of ethical principles, unjustified disciplinary actions, and generally reduced transparency.

One of the most controversial issues has been the performance of Štefan Harabin, who served as justice minister from 2006 until 2009, when he became chairman of the Slovak Supreme Court. Under the Fico-led administration, Harabin worked to concentrate power within his position, and did so with the full support of the ruling coalition. Harabin's performance has been criticized by opposition leaders, NGOs, and a number of individual judges. 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.

The Radičová administration's promise to increase transparency in state institutions included preliminary efforts to resolve problems in the judiciary. By October, the new government had drafted two amendments aimed at making judicial bodies more transparent and accountable. A draft amendment to the Law on the Judicial Council changed the mechanism of appointing Judicial Council members in order to prevent court officials from concentrating power in their hands. The amendment prevents chairmen and vice-chairmen of district and regional courts from being appointed to the Judicial Council. A second amendment (to the Law on Judges and Assessors) would release all court rulings for online publication. The amendment also seeks to introduce mandatory public competitions for

posts of judges and court chairmen as well as public judicial examinations. Both amendments were vetoed by President Gašparovič in December, but the Judicial Council amendment veto was overruled. The debate initiated by the Law on Judges and Assessors continued, with the ruling coalition vowing to override the veto in the following year.

By the close of the year, relations between Harabin and the Radičová administration had become overtly confrontational. Following the parliamentary elections, a conflict between the Ministry of Finance and the Supreme Court dragged from July until November 2010, with subsequent tensions between the Ministry of Justice and the Supreme Court. The principal cause was the apparent refusal by Harabin to allow Finance Ministry employees to inspect the Supreme Court's financial management. In doing so, Harabin clearly violated a law that entitles the Ministry of Finance to perform financial inspections in all institutions that are financed from the state budget. However, the new coalition's actions towards the Supreme Court under Harabin sent a clear signal that the government is no longer willing to tolerate a partial and inconsistent application of Slovak law in the country's highest judiciary body.

A secret ballot was held in parliament at the end of the year on the election of a prosecutor general. The incumbent candidate, Dobroslav Trnka, whose tenure expires in February 2011, missed re-election by one vote. In spite of the ruling coalition's absolute majority in parliament (79 mandates of 150), their agreed-upon candidate Jozef Čenteš gained only 73 votes compared to Trnka's 75. Some deputies from ruling parties express their views (however not offering any factual confirmation) that bribery can be behind the decision of at least six MPs from ruling coalition parties to vote for opposition candidate. Trying to prevent possible re-election of Trnka (Prime Minister Radičová threatened to resign in the case of this outcome), ruling coalition parties came to political agreement to change the standing order of parliament and to introduce public voting alongside the secret ballot in 2011.

Corruption

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
3.25	3.25	3.25	3.00	3.00	3.25	3.25	3.25	3.75	3.50

Corruption in Slovakia is long-standing and widespread. Rather than building on the anticorruption legislation of the preceding government, the administration led by Prime Minister Fico created new opportunities for corruption and clientelism. Policies pursued by the administration in the first half of 2010 continued the three-year trend of strengthening government's role in the economy and obscuring, rather than bringing to view, the allocation of public funds and public procurement contracts. In May 2010, the Group of States against Corruption (GRECO), the Council of Europe's body for monitoring compliance of member states' anti-corruption legislation with recommended standards, observed that Slovakia had

satisfactorily introduced only one out of its sixteen recommendations—a piece of legislation related to transparency of party financing and penalties for corruption into the criminal code.

Two high-profile cases from 2009 illustrated both the scope of corruption in the Fico-led government and the lack of resolve among officials to bring perpetrators to justice. The first scandal involved the government's sale of unused CO₂ emission quotas to Interblue Group—a firm with unclear ownership and suspected ties to the SNS party—at 50 percent below market-price. For months, the prime minister defended officials at the Ministry of Environment before finally dismissing them and barring the SNS party from choosing their replacements. Despite clear indications of embezzled public funds, government officials failed to offer any plausible interpretation of the affair until the end of the Fico government's tenure, when the outgoing administration effectively dissolved the ministry and transferred its duties to the Ministry of Agriculture.

Another example of clientelism involved the so-called bulletin-board tender at the Ministry of Construction and Regional Development. Regulations for this 2009 public tender were never properly published but, instead, allegedly pinned for one week on a bulletin board in a ministry hallway, inaccessible to ordinary citizens. The subsequent "tender" was won by two private firms with ties to the SNS, whose nominee Marián Janušek led the ministry, and resulted in great financial losses for the government. After the scandal broke, the European Commission announced that it would neither recognize nor refund any items that had been paid as part of the project. Prime Minister Fico reacted by removing Janušek from his post and replacing him with Igor Štefanov, a high ministry official who had directly participated in designing the tender as tender commission chairman. For many months, Štefanov received political support from the former prime minister and was not removed until March 2010.

When the new administration took power in July 2010, several ministries released reports on rampant abuse of power in the distribution of public funds by former administration officials which in some cases had led to negative macroeconomic effects. In addition to underscoring the depth of clientelism under Prime Minister Fico, this unprecedented release of information was viewed as an indication of the Radičová administration's determination to combat corruption and nontransparency on a systemic level. The new government defined combating corruption as its top priority, embarking on a program of increasing transparency and strengthening public control over the administration of public funds. In August 2010, the government started to publish online information on all contracts completed by state administration organs under the previous administration. Subsequent amendments to the Commercial Code and the Law on Free Access to Information introduced a new rule that business contracts between the government (central and local) and private companies cannot take effect before being released on the Internet for ten days.

Compared to its predecessor, the current administration has demonstrated a much greater willingness to release information concerning its nominees. In some

cases it suspended the process of appointing government representatives in order to investigate the published information; in others it completely abandoned plans to appoint a candidate.

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¹ "Successful Roma candidates in Slovak municipal elections: 22 mayors, more than 100 councilors," *Romea.cz*, 28 November 2010, http://romea.cz/english/index.php?id=detail&detail=2007_2043.

² "Amendment to Press Code is ready," *Slovak Spectator*, 8 November 2010, http://spectator.sme.sk/articles/view/40682/2/amendment_to_press_code_is_ready.html.

