

Slovakia

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Capital: Bratislava
Population: 5.4 million
GNI/capita, PPP: US\$22,300

Source: The data above were provided by The World Bank's, *World Development Indicators 2013*.

Nations in Transit Ratings and Averaged Scores

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Electoral Process	1.50	1.25	1.25	1.50	1.50	1.50	1.75	1.50	1.50	1.50
Civil Society	1.25	1.25	1.25	1.50	1.50	1.75	1.75	1.75	1.75	1.75
Independent Media	2.25	2.25	2.25	2.25	2.50	2.75	3.00	3.00	2.75	2.75
Governance*	2.25	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	2.00	2.00	2.25	2.50	2.75	3.00	2.75	2.75	2.75
Local Democratic Governance	n/a	2.25	2.00	2.00	2.25	2.50	2.50	2.50	2.50	2.50
Judicial Framework and Independence	2.00	2.00	2.00	2.25	2.50	2.75	3.00	2.75	2.75	3.00
Corruption	3.25	3.00	3.00	3.25	3.25	3.25	3.75	3.50	3.50	3.75
Democracy Score	2.08	2.00	1.96	2.14	2.29	2.46	2.68	2.54	2.50	2.57

* 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

After a series of coalitions between nationalist and populist parties, two consecutive, pro-reform administrations launched extensive structural socioeconomic reforms and secured Slovakia's accession to the European Union and NATO in 2004. The social impact of reforms in this period reinvigorated nationalist, anti-reform parties, which gained enough support to form a ruling coalition from 2006 to 2010. The coalition led by Direction–Social Democracy (Smer-SD) pursued an agenda of broadened state interventionism, characterized by hostility to the independent press and clientelism in filling public service positions and spending public funds. Parliamentary elections in 2010 once again reconfigured the balance of power between political parties, with center-right forces gaining the upper hand. During the tenure of Prime Minister Iveta Radičová, Slovakia's parliament approved key legislation aimed at increasing transparency in public procurement and the judiciary and reducing political pressure on journalists. However, Radičová's government collapsed in October 2011 after the ruling coalition's failure to reach consensus on the expansion of the eurozone rescue fund—the European Financial Stability Facility (EFSF)—resulted in a vote of no confidence. Early parliamentary elections in March 2012 brought victory to former opposition party Smer-SD, which formed a one-party government with an absolute parliamentary majority. High-profile corruption scandals further eroded support for the incumbent ruling parties, which fared poorly at the polls.

Relations between left-leaning Smer-SD and the now-opposition center-right remained confrontational throughout 2012. The new government began quite early to dismantle or amend the previous government's reforms affecting the economy, social welfare, the pension and health care systems, and the judiciary. While declaring support for necessary austerity measures, the state also sought to decrease public debt through increased revenues, replacing Slovakia's flat tax with a progressive one that will raise the burden on corporations and higher-earning individuals. Anticorruption efforts stagnated throughout the year, with the year's most high-profile investigation making no visible progress. In September, the government proposed a draft amendment to the law on public procurement that would restrict the application of control mechanisms in the procurement process.

National Democratic Governance. Following the disintegration of the center-right ruling coalition in October 2011, the Radičová government played a caretaker role, with reduced powers, until the March 2012 elections. The new government led by Prime Minister Robert Fico continued dialogue with civil society organizations, while at the same time reversing many of the previous administration's liberal socioeconomic measures. Throughout the year, opposition MPs accused the

ruling party of deliberately ignoring codified parliamentary procedures and blocking them from defining the parliamentary agenda. Several key positions in public administration were not filled during the year as a result of political actors' inability to compromise. *Slovakia's rating for national democratic governance remains unchanged at 2.75.*

Electoral Process. The collapse of the center-right ruling coalition in fall 2011 led to early parliamentary elections in March. Voter turnout was 59.1 percent, slightly higher than in 2010. Center-left Smer-SD won 83 out of 150 seats, leaving five center-right parties, including the newly formed Ordinary People and Independent Personalities (OLaNO), in the opposition. *The country's rating for electoral process remains unchanged at 1.50.*

Civil Society. Slovakia's civic sector remains independent, vibrant, and diverse. It is treated with respect by the media and operates in a favorable legal and regulatory environment. Its greatest challenge is sustaining itself financially. The new government entered into dialogue with the civic sector and preserved a general framework for communication, including continuing the work of the plenipotentiary for civil society. *Slovakia's rating for civil society remains unchanged at 1.75.*

Independent Media. Press freedom in Slovakia is constitutionally guaranteed and generally respected, and independent media outlets freely disseminate diverse views. Media coverage of political scandals early in the year influenced the 2012 election campaign, focusing mostly on the "Gorilla" corruption scandal. In June, Slovakia's parliament voted to dismiss the general manager of Slovakia's main public broadcaster, Miloslava Zemková. The opposition boycotted the vote, calling the accusations against Zemková politically motivated. *Slovakia's Independent Media rating remains unchanged at 2.75.*

Local Democratic Governance. Municipal self-governments continued to struggle financially in 2012. In October, the parliament approved a law replacing the system of so-called "specialized" state administration with a more centralized, integrated system. One association of municipalities (ZMOS) agreed to support proposed spending cuts intended to help bring the state budget deficit below 3 percent, while another association (ÚMS) put forth numerous objections. *The country's rating for local democratic governance remains unchanged at 2.50.*

Judicial Framework and Independence. The new government entered office promising to "review" reform measures initiated by the previous minister of justice, some of which had increased the transparency and efficiency of the court system. Supreme Court Chairman Štefan Harabin made repeated attempts to influence the election of judges to the Judicial Council, the principal organ of self-governance within the judiciary. In September, the government prematurely replaced three

members of the Judicial Council with its own appointees. A few months earlier, the minister of justice recalled two of Harabin's longtime opponents from chairman positions in Bratislava and Žilina regional courts, without explanation. Throughout the year, the Constitutional Court was criticized for its lengthy processing of complaints, especially in connection with the appointment of Jozef Čentéš as prosecutor general. *Slovakia's rating for judicial framework and independence worsens from 2.75 to 3.00.*

Corruption. Although Slovakia's new government declared its intention to fight corruption, it presented no serious legislative measures to improve transparency during the year. Investigations of high-profile political corruption cases, like the notorious "Gorilla" case, were not completed despite clear public concern. Government-backed legislative proposals under discussion include a draft amendment to the law on public procurement that would restrict the application of control mechanisms in the procurement process and possibly jeopardize future EU funding. Due to a clear lack of forward momentum on anticorruption efforts in the face of mounting pressure for reform, *Slovakia's rating for corruption worsens from 3.50 to 3.75.*

Outlook for 2013. The ruling party's reliable majority in parliament will enable it to push through any planned legislative and administrative measures. Socioeconomic policies will continue to be marked by state interventionism, potentially lowering the enthusiasm of foreign investors. Smer-SD's promises to improve the living standards of different citizen groups may conflict with commitments to pursue financial discipline and consolidate public finances in accordance with EU rules. The response to this discrepancy may come in the form of social discontent and worker protests. Existing opposition parties may seek closer mutual cooperation in order to offer more a robust political alternative to Smer-SD. Alternatively, the degree of fragmentation may remain high, resulting in new political formations.

MAIN REPORT

National Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	2.00	2.00	2.25	2.50	2.75	3.00	2.75	2.75	2.75

The center-right government led by Iveta Radičová collapsed in October 2011 when the prime minister tied a parliamentary vote on the expansion of the European Financial Stability Facility (EFSF) bailout fund to a vote of confidence in her own government. The plan had been to force the hand of coalition partner SaS, which argued that Slovakia's struggling economy was in no position to bail out Greece and other indebted EU members. After the no-confidence vote, early elections were scheduled for March 2012, with Radičová and her cabinet serving in a caretaker capacity—with reduced powers—until then. As a result of the government's curtailed powers and the disintegration of the ruling coalition, the five months before the elections were characterized by bureaucratic inefficiency. A number of important draft laws were set aside or abandoned, and severe problems with the tax system went unaddressed.

March elections brought a landslide victory to Robert Fico's Direction–Social Democracy (Smer-SD) party, which had led a coalition government from 2006 to 2010 in partnership with the People's Party–Movement for a Democratic Slovakia (HZDS) and the Slovak National Party (SNS). This time, Smer won enough seats to form Slovakia's first-ever one-party parliamentary majority, falling just seven seats short of the three-fifths majority required to unilaterally amend the constitution.

The transition of power in April followed constitutional procedures, without inhibiting the stability and functionality of state institutions. The new parliament's internal bodies were constituted in accordance with the principle of proportional representation. At the same time, a number of personnel changes in state institutions followed the transition, many of which appeared politically motivated. In some cases, important posts in the state administration were filled by persons with track-records of unethical performance in office, or business and personal ties constituting a clear conflict of interest.

Upon entering office, the new government began revising liberal socioeconomic measures introduced by the previous administration, strengthening the position of the state in the economy, tightening market regulation, and making plans to abolish private health insurance. While declaring support for necessary austerity measures, the new cabinet also sought to decrease public debt through increased revenues, replacing Slovakia's flat tax with a progressive one that will raise the burden on corporations and higher-earning individuals.¹

Throughout the year, opposition MPs accused the ruling party of deliberately ignoring codified parliamentary procedures. In November, Smer-SD MPs violated the principle of procedural consensus by refusing to approve the agenda of an

extraordinary session of parliament, convened by request of the opposition to discuss the situation in the judiciary. Smer-SD also prevented an extraordinary session of parliament whose aim was to discuss a proposed recall of Justice Minister Tomáš Borec on the grounds of poor job performance.

A few times during the year, Smer-SD deputies also opposed parliamentary inquiries into accusations against members or allies of their party. In May, Smer-SD deputies used their majority in the Committee for Education, Science, Youth, and Sport to prevent a parliamentary inquiry into the authenticity of Labor and Social Affairs Minister Jan Richter's undergraduate degree. In July, Smer-SD members blocked the Committee on Conflicts of Interest from investigating a complaint lodged against longtime Smer supporter and court chairman Štefan Harabin by the committee's chairman, SDKÚ MP Miroslav Beblavý. Beblavý accused Harabin of abusing his position to get a 44 percent discount on an apartment.²

After a period of serious gridlock before the March elections, lawmaking accelerated in the remainder of 2012. However, the increased speed and efficiency of legislation was accompanied by unjustified use of the expedited legislative procedure and indirect amendments to laws that reduced the transparency of the legal system. The amendment of laws to include provisions only tangentially related to their stated purpose has created a chaotic situation for lawyers or everyday citizens following specific issues, who may easily miss a relevant change.³

Throughout 2012, the position of prosecutor general remained vacant as a result of President Ivan Gašparovič's refusal to appoint Jozef Čentéš, the candidate elected by parliament in June 2011. Dobroslav Trnka, who vacated the post in February 2011, was backed by Smer-SD in the election. In 2012, the Constitutional Court ruled that the president is obligated to appoint the elected prosecutor general within a reasonable timeframe, and that a decision not to do so must be formally explained. However, at year's end Gašparovič had yet to officially explain his reason for keeping Čentéš from office.

The chairmanship of the Supreme Audit Office (NKÚ), another key position in public administration, also remained vacant for the majority of 2012. Prime Minister Robert Fico had promised that the opposition would be allowed to nominate the officeholder and that his Smer party would support the opposition's joint candidate. However, three separate elections in July, September, and December all failed to bring opposition nominees the 76 votes required for a win. In July and September, Smer-SD withheld support for joint opposition nominee Kamil Krnáč (SaS), without giving any reason. The candidate put forth in December, Vladimír Klimeš, was endorsed by only four of five opposition parties (all but OĽaNO) and the ruling party insisted he must have undivided support from all opposition lawmakers before they would vote for him.

In September, the parliament approved an amendment to the Law on Military Intelligence, which merged two special military services—the Military Defense Intelligence (VOS) and Military Intelligence Service (VSS)—into one single Military Intelligence (VS) unit. The government says increased control over military intelligence is necessary to prevent possible political abuse.⁴ In the past, persons

employed in the military services have misused surveillance or leaked politically sensitive information, which was then used for political blackmail.

One long-awaited and significant accomplishment during the year was the introduction of a constitutional amendment, approved in July by all party caucuses, limiting parliamentary immunity. As of September 2012, only voting records and statements made during parliamentary sessions are automatically safe from being used as grounds for criminal prosecution. The ability of law enforcement organs to take MPs into custody during criminal proceedings is still conditioned upon approval by a simple parliamentary majority and by the parliamentary immunity and mandate committee. There have been numerous past attempts to abolish parliamentary immunity, always opposed by Smer-SD and its allies.

Electoral Process

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1.50	1.25	1.25	1.50	1.50	1.50	1.75	1.50	1.50	1.50

Every election held in Slovakia since the collapse of the Communist regime in 1989 has been assessed as free and fair by domestic and international monitors. Twenty-six of the 63 political parties registered with the Ministry of the Interior in 2012 competed in early parliamentary elections in March.⁵

In 2011, Slovakia’s Interior Ministry drafted a new electoral code to unify rules for all elections and introduce changes such as standardization of ballot design and guaranteed mail delivery of ballots to voters’ homes ahead of each vote. The fall of the Radičová government in October preempted public review of the draft code in late 2011 or early 2012. After the March elections, Prime Minister Fico announced that his party would propose more substantial changes to electoral rules, including increasing the number of electoral districts and replacing the proportional electoral system with a mixed one. Fico added that these changes would be made only with the support of other parties in parliament.⁶ New Interior Minister Robert Kaliňák reported that his ministry planned to submit a new version of the draft electoral code by the end of 2013.

March 2012 parliamentary elections brought a sweeping victory to Smer-SD, which won 44.41 percent of the vote and received 83 seats in parliament, enabling it to form the country’s first non-coalition government since 1990. The rest of the seats went to five parties: The conservative Christian Democratic Movement (KDH) won 8.82 percent and 15 seats, one fewer than the new populist formation Ordinary People and Independent Personalities (OLaNO), which received 8.55 percent of the vote. Most-Híd received 6.89 percent of the vote and 13 seats, giving it a significant presence in the parliament for the second time since its formation in 2009.

Disappointed with the failure of the last center-right coalition and disgusted by evidence of corruption in previous, center-right governments, the voters who brought the Radičová government to power in 2010 proved difficult to mobilize.

The center-right Slovak Democratic and Christian Union–Democratic Party (SDKÚ-DS) won just 6.09 percent and 11 seats, while the liberal Freedom and Solidarity party (SaS) won 5.88 percent and 11 seats. The radical nationalist Slovak National Party (SNS), which had been part of the previous Smer-SD–led coalition, received only 4.55 percent of votes, not enough to win a seat in parliament. With just 4.28 percent of the vote, the Party of Hungarian Coalition (SMK) also fell short of the 5 percent minimum threshold for parliamentary representation.⁷

Voter turnout in 2012 increased slightly compared to 2010 (from 58.83 percent to 59.11 percent), continuing a moderate upswing after a dramatic decline in voter participation from 2002 to 2006.⁸ Political party membership in Slovakia is low, overall, and citizens who count themselves as members of parties currently represented in the parliament number less than 50,000 out of more than 4 million eligible voters. Of those, 18,817 belong to Smer-SD; 14,704 are registered members of KDH; 6,481 are members of SDKÚ-DS; 4,642 are members of Most-Híd; and 281 belong to SaS. The new movement OĽaNO has only 4 officially registered members. As far as bigger extraparlimentary parties are concerned, the Peoples’ Party–Movement for a Democratic Slovakia (ĽS-HDZS) has 19,709 members; SMK has 10,950 members; the Communist Party of Slovakia (KSS) has 5,050 members; and SNS has 2,412 members.⁹

Civil Society

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1.25	1.25	1.25	1.50	1.50	1.75	1.75	1.75	1.75	1.75

Slovakia’s civic sector is a uniquely vibrant, diverse, and flexible network, operating in a favorable legal and regulatory environment. Slovakia’s nongovernmental organizations (NGOs) and associations foster dialogue and research, propose alternative public policies and social reforms, monitor government activities, and defend the interests of various citizen groups. There are around 40 different platforms, federations, and ad hoc coalitions of civic organizations operating in the country. Among more than 37,000 officially registered non-governmental organizations, there are nearly 33,000 civic associations. In addition, there are almost 3,000 of church-affiliated organizations.¹⁰ The number of people engaged in public affairs appears to be increasing, with greater participation in community and urban activism, more formal and informal volunteerism, more engagement in the work of professional associations, greater civic mobilization through social networks, and greater frequency of protests and strikes.

Cooperation between government and the civic sector made some formal progress under the Radičová administration, which created a new office to facilitate communication between the state, civil society organizations, and the general public. As Slovakia’s first governmental plenipotentiary for the development of civil society, Filip Vagač organized an ongoing dialogue between government and NGO representatives, contributed to the approval of a law on volunteering, and prepared

a strategy for civil society development approved by the government at the end of February 2012. He was also commissioned to oversee Slovakia's entry into the Open Government Partnership Initiative, an international organization that seeks to increase the transparency of public institutions by supporting free and easy access to information and greater public participation in policymaking.

At year's end it was unclear whether the change of government would affect the momentum for more systematic communication between the cabinet and civil society actors. Throughout 2012, representatives of the third sector continued to participate in the government's Council of the Government for Nongovernmental Nonprofit Organizations and its Council of the Government for Human Rights, National Minorities, and Gender Equality. They also attended meetings of the Council of Solidarity and Development, which includes the cabinet's social partners (trade and pensioners' unions, churches, associations of employers or small enterprises, etc.).

Watchdog organizations, think tanks, and individual civic activists continue to monitor and react to the activities of the government and public institutions. In September 2012, a conference of nonprofit sector representatives agreed on 10 demands addressed to the government, calling for changes in securing the sector's financial sustainability, in legislation, and in improving control over EU-based structural funds.

In recent years, particularly after entry into the European Union, NGOs in Slovakia have struggled with insufficient financial resources. An amendment reducing the potential tax benefits to corporations who donate to nonprofits was expected to take force in 2013, but a negotiation between representatives of the third sector and the Ministry of Finance in November 2012 ended with the date being pushed back to 2014.

In September, Slovakia's parliament approved an amendment to the Competence Act, abolishing the office of deputy prime minister for human rights, ethnic minorities and gender equality and redistributing the position's responsibilities among several ministries and government offices. The decision was controversial for symbolic reasons—Slovakia is a multiethnic society with a history of human rights violations and problematic treatment of minority groups, and some fear that dividing responsibility for these issues among disparate offices could weaken their focus and influence in government. Meanwhile, the Fico government has appointed a nominee of Most-Híd, the primary party representing ethnic Hungarians and ethnic Hungarian–Slovak cooperation, to serve as Slovakia's plenipotentiary for ethnic minorities. It has also replaced the longtime plenipotentiary for Roma communities with a member of OĽaNO.

Tensions between Slovakia's ethnic majority and Roma minority populations increased in 2012. This was evident in more strident expressions of xenophobic rhetoric by extremist groups, as well as some city mayors who organized petition drives and marches calling for the defense of the rights of so-called "decent people" and for stricter legislation and punishment of those they called "socially inadaptable individuals."¹¹ Several NGOs asked politicians to stop using populist rhetoric and

encouraged the government to implement comprehensive measures that would improve the poor social, health and educational situation of Roma communities in accordance with the respect for human and civic rights.

Independent Media

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2.25	2.25	2.25	2.25	2.50	2.75	3.00	3.00	2.75	2.75

Press freedom in Slovakia is constitutionally guaranteed and generally respected, and independent media outlets freely disseminate diverse views. Slovakia’s media hold significant sway over public opinion, which political parties use to their advantage where possible. The existence of the so-called “Gorilla file,” a purported intelligence document whose emergence in December 2011 implicated numerous high-level politicians in corrupt dealings with one of Slovakia’s leading investment groups in 2005–06, had actually been known to insiders for at least two years before it was posted online. It had even been made available to some media, who refused to publish its findings or investigate out of fear of political and legal repercussions.¹² The scandal went viral only in the run-up to the 2012 parliamentary elections, when it became the focus of most campaign coverage.¹³

In general, the media report freely on corruption and other issues, though the popularity of civil defamation suits remains a deterrent to criticism of public figures. Under the first Fico government, politicians of Smer-SD and SNS regularly filed defamation suits against the media, often demanding sums that could bankrupt small periodicals. The number of such cases decreased under the Radičová government, which also eliminated the so-called “right of reply” for officials in cases where the disputed facts pertain to their public lives.

In 2012, Prime Minister Fico withdrew of all but one of his own pending libel suits and maintained respectful relations with the media.¹⁴ By contrast, Supreme Court Chairman Štefan Harabin continued using the legal system to punish criticism by media and other public figures. As of December 2011, Harabin had personally won an estimated €181,000 from defamation lawsuits.¹⁵ In 2012, Harabin sued the public broadcaster Radio and Television of Slovakia (RTVS) for €400,000 over a statement featured in a documentary broadcast by the RTVS one day before the elections of Judicial Council members in May 2012.¹⁶

In August 2011, reporter Zuzana Petková published an article in the popular daily *SME*, revealing the onetime salary of Harabin’s wife, a judge, when she worked at the Ministry of Justice. In response to a complaint by Mr. Harabin, the district prosecutor’s office in Bratislava filed a criminal suit against Petková for unauthorised use of personal data. The case against Petkova continued throughout 2012, despite the fact that Justice Minister Tomáš Borec, former Attorney General Dobroslav Trnka, and even Harabin himself have said that Petkova was not to blame for the breach in privacy.¹⁷

The main legislative development affecting the media in 2012 was the decision to continue financing RTVS through direct payments by households, rather than from the state budget, as the previous administration had intended. In any case, low revenues from households will leave RTVS partly dependent on state financing, leaving room for political pressure on the broadcaster's management.

Less than three months after the new parliament came to power, RTVS general manager Miloslava Zemková was removed from her position after 82 MPs voted in support of a motion from parliament's media committee. The opposition boycotted the vote, saying the action was a political move by Smer-SD to take control of the public broadcaster. The official grounds for dismissing Zemková were that she had announced a tender to rent out premises owned by RTVS without first informing the RTVS Council, the broadcaster's governing body. Zemková filed two complaints with the Constitutional Court, alleging that her basic rights had been violated by parliament. The first motion was rejected on procedural grounds, while the second was still under consideration at year's end. The removal of Zemková before the end of her five-year term was criticized by representatives of international organizations such as the European Broadcasting Union (EBU) and the International Press Institute.¹⁸ Zemková was replaced by an experienced television professional, Václav Mika, who managed the largest private television station in Slovakia for many years.

The public news agency TASR continued to suffer financially in 2012. TASR's state budget subsidy was reduced from €2.3 million in 2010 to €1 million in 2011, but was again increased to €1.7 million in 2012 after the agency recorded a loss of €474,000 for the 2011 fiscal year.¹⁹

A court decision in April 2012 set a notable precedent on regulation of online discussions and website operators' liability for their content. A participant in an anonymous discussion on a small portal described a certain entrepreneur as "a thief," prompting the entrepreneur in question to sue the portal operator and demand €5,000 in compensation, as well as an apology. The court ordered the internet portal's operator to remove all expressions that were found illegal by the court, but also rejected the demand for a fine and apology, reasoning that "the operator of the internet portal cannot be held responsible for contributors' anonymous comments and therefore has not interfered in privacy rights."²⁰ The decision effectively prevents potential future attempts at collecting damages from internet portals or online discussion forums in Slovakia.

Local Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	2.25	2.00	2.00	2.25	2.50	2.50	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. 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. Slovakia's last municipal elections were held in November 2010. Most new mayors were elected off the candidate list of Smer-SD.

Slovakia's mainstream center-right parties favor a decentralized model of governance with stronger powers for elected municipal authorities, while left-leaning and nationalist parties prefer a centralized model with a stronger position for state institutions. After Smer-SD's electoral victory in March 2012, it began implementing policies aimed at strengthening the state's positions in key sectors, including public administration. In October, the parliament approved a law replacing the system of so-called "specialized" state administration introduced at the regional level as a result of radical public administration reforms in 2001–05 with a more centralized, integrated system. As of January 2013, the new law abolishes regional offices for education, construction, environment, land, transportation, and other areas, transferring their responsibilities to newly created district regional state offices. These are to be funded by the Ministry of Interior, which will consequently become more powerful than other ministries. The model of a single integrated government office at the local level was used during the 1994–98 coalition government of the HZDS, SNS, and Workers' Association of Slovakia (ZRS). The central government says the changes are a necessary step toward reduction in the number of civil servants and reduction in public spending.

Several additional laws on self-governed authorities were approved in 2012. In February, the parliament approved an amendment to the law on the transfer of real estate administered by the defense ministry to municipalities or higher territorial units. The amendment states that any surplus state property worth €3,300 or less that is not claimed by a state organization shall eventually be offered to the municipality in which the property is located. If no municipality wants the property, the defense ministry is obliged to offer it to the self-governed region in which it is located.

In October, the parliament also approved an amendment expanding the powers of mayors in Slovakia's two largest cities, Bratislava and Košice. Mayors of these cities may now appoint deputy mayors and determine their powers without formal approval from city council members. Mayors, rather than city council members, now have the authority to establish municipal organizations and approve salaries for their employees. The current mayors of Bratislava and Košice are Smer-SD nominees elected in the 2010 municipal elections.

In October, the central government signed a memorandum on cooperation with the Association of Towns and Communities of Slovakia (ZMOS), the largest and the most representative organization of municipalities in the country, which exists to promote the rights and interests of local entities by actively participating in advocacy and policymaking processes. ZMOS agreed with the government's proposal to cut municipal authorities' expenditures by 10 percent in 2013, and salaries of their employees by 5 percent—measures intended to help bring the state

budget deficit below 3 percent. However, Slovakia's second major association of local self-governments, the Union of Slovak Towns (ÚMS), refused to endorse the memorandum, claiming it would adversely affect cities that had saved resources in previous years for development projects the memorandum would now preclude them from implementing. ÚMS also criticized the ineffectiveness of public procurement procedures for disbursement of finances from EU funds, demanding an amendment to the law on public procurement.

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

Judicial Framework and Independence

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2.00	2.00	2.00	2.25	2.50	2.75	3.00	2.75	2.75	3.00

Slovakia's constitution provides for an independent judiciary and an independent Judicial Council oversees the assignment and transfer of judges. However, the court system has long suffered from corruption, intimidation of judges, and a significant backlog of cases. A series of reforms in 2010–11 sought to increase the transparency and accountability of the judiciary, despite resistance from then-opposition party Smer-SD and the controversial head of Slovakia's Supreme Court, Štefan Harabin, in office since 2009. In 2012, however, areas targeted for further reform stagnated; the government prematurely replaced three members of the Judicial Council with its own appointees; and the indecisiveness of the Constitutional Court allowed President Gašparovič to continue delaying the appointment of a prosecutor general. According to a 2012 opinion poll by the Institute for Public Affairs, only 28 percent of Slovakia's citizens trust the courts.²¹

Upon entering office, the new government declared its intention of implementing measures to increase the overall efficiency and independence of the judicial system. It declared the necessity to re-codify some laws, such as the Code of Civil Procedure, Notary Code, Execution Code, and the Arbitration Act. However, the government manifesto (the official programme approved by the parliament) also includes a commitment to review "interference in the judicial system and prosecution system made in the years 2010–11,"²² which many interpret as a promise to revise reforms and legislative changes implemented under former justice minister Lucia Žitňanská. In 2011, a revision of the Act on Judges and Judicial

Assistants allowed Žitňanská to remove 14 judges for failing to process cases in a timely manner—a common grievance among the public. Harabin accused Žitňanská of “political cleansing.”²³ Žitňanská is also responsible for legislation that requires prosecutors to publish their decisions on the internet, limits their service to a single term, and reforms the selection process for new prosecutors.

Harabin himself wields significant personal influence in the judiciary. Under the first Fico administration, he concentrated power within this position as Supreme Court chairman by manipulating nominations and disciplinary proceedings to protect his supporters and punished his opponents, among other practices. Under the short-lived Radičová administration, Harabin continued to bring libel actions and provoke conflicts with judges who criticized his leadership or drew attention to problems in the judiciary; he also generously rewarded those who supported him, offering them career growth opportunities and other remuneration. Harabin was an outspoken critic of the Radičová government and remains a vocal supporter of Smer-SD. A documentary film criticizing Harabin’s dominance of the judiciary was released in 2012; at year’s end the film’s director, Zuzana Piussi, was facing two years in prison for allegedly having used recognizable shots of one judge’s face without her permission.²⁴ In October, Harabin won €150,000 plus interest in compensation from the Attorney General’s Office in connection with an unauthenticated recording of an alleged conversation between Harabin and Albanian drug mafia boss, Baki Sadiki.²⁵

As Supreme Court chairman, Harabin presides over the 18-member Judicial Council, the principal organ of self-governance within the judiciary, which appoints all judges save those of the Constitutional Court. The council consists of 8 members elected by judges; 3 members elected by the parliament; 3 members appointed by the president; and 3 members appointed by the government. In February 2012, the Judicial Council, acting on Harabin’s initiative, tried to prevent newly elected member Dušan Čimo from taking office on the grounds of an alleged technical error by the parliament. Harabin also attempted to postpone elections to the Judicial Council in May on the basis of a technicality; when these efforts failed, he tried to influence the other judges voting in the election by sending them the list of candidates he planned to vote for and publishing their names on his blog. Ultimately, four of the eight candidates elected in May were Harabin’s choices. In June, the parliament elected Smer-SD–endorsed replacements for two council members whose terms had finished. In September, the government appointed three more members, this time replacing the incumbents before their terms had expired. The three recalled members—one judge and two academic experts on constitutional law—had all been criticized by Harabin throughout their tenures in connection with efforts to reform the judiciary. Prime Minister Fico said the replaced members had been “political appointees.”²⁶

June 2012 brought more surprising personnel changes when Slovakia’s new justice minister, Tomáš Borec, suddenly replaced the chairmen of regional courts in Bratislava and in Žilina, without explanation. Both recalled court officials had faced pressure from Harabin during his tenure as justice minister from 2006 to 2009.

In November, the Judicial Council decided to make appointments to court chairman positions based on the advice of selection commissions created by new justice minister, rather than those formed by Minister Žitňanská. Shortly thereafter, opposition parties tried to convene an extraordinary session of parliament to discuss the situation of the judicial system, but could not do so without the support of Smer-SD MPs, who refused to approve the session agenda.

The Constitutional Court is an independent element of the judicial system, and its verdicts are legally binding. In 2012, the Constitutional Court was heavily criticized for the lengthy processing of some complaints, particularly the case filed by parliamentary deputies in February regarding the appointment of Jozef Čentíš as prosecutor general. MPs asked the court to rule whether President Gašparovič had violated the constitution by refusing to appoint Čentíš after he was elected by the parliament in June 2011. When the court finally submitted its ruling in October, a majority of judges ruled that Gašparovič must either appoint Čentíš or clearly explain his reasons for not doing so. However, four judges submitted dissenting opinions, resulting in an ambivalent verdict that allowed Gašparovič to continue delaying the appointment of a new prosecutor general.

Corruption

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
3.25	3.00	3.00	3.25	3.25	3.25	3.75	3.50	3.50	3.75

Corruption in Slovakia is longstanding and widespread. In 2010–11, the cabinet led by Iveta Radičová implemented an impressive number of legislative and administrative measures designed to increase transparency and public oversight of government spending and crack down on corrupt activities. However, a series of high-level corruption scandals overshadowed the incumbent government's anticorruption accomplishments. The new government declared its intention to fight corruption, but did not suggest any comprehensive anticorruption strategy or legislation during the year. Investigation of the so-called “Gorilla” case continued, without result.

A constitutional law on conflict of interest bars the president, cabinet members, constitutional court justices, and other top officials from pursuing any business activities, receiving pay for brokering deals between the government and private entities or corporations, or receiving income generated by a side job or contract that exceeds the minimum wage. Other bills adopted during the last decade have sought to introduce the principle of zero tolerance for corruption among notaries and marshals, compulsory disclosure for customs officers, protection of whistleblowers in the workplace and witnesses in court cases, and the post of controller for local and regional self-governance bodies. All Slovak institutions financed from public funds are subject to the supervisory authority of the Supreme Audit Office (NKÚ).

Nevertheless, nontransparent public procurement processes provide ongoing opportunities for high-level graft. A 2009–12 study by Transparency International

Slovakia reports that the three Slovak state hospitals with the biggest procurement volumes receive on average only 1.1 bids per tender.²⁷ *According to the same report, many state-owned companies still do not publish basic information online in accordance with 2011 legislation.* The same study finds that state-owned companies' board members are very often replaced after national elections.²⁸

After a series of investigations and smaller corruption scandals in 2011, it was a corruption case from 2005–06 that most weakened the already-struggling ruling center-right parties before the March 2012 parliamentary elections. The “Gorilla file,” purportedly a leaked intelligence document, raised allegations of secret privatization deals involving millions of euros in bribes paid to Slovak politicians by associates of the country's largest private equity firm, Penta, during former prime minister Mikuláš Dzurinda's second term. The leaked parts of the file, published online in December 2011, contained an analytical summary of transcripts of wiretapped conversations between Penta representatives and then minister of economy Jirko Malchárek, Chairperson of the Executive Board of the National Property Fund Anna Bubeníková, and other high-ranking politicians. Robert Fico, who at that time was an opposition MP, was also implicated. The file's disclosure caused public outrage, which manifested itself in rallies in several cities in early 2012.

Another notable aspect of the Gorilla case has been its duration. If the file is authentic, the investigation into government dealings with Penta began a full six years ago. At the beginning of 2012, Interior Minister Daniel Lipšic established a special investigation team for the case, but the investigation had made no visible headway by the end of 2012. Other high-profile investigations progressed slowly during the year, including the case against Radičová's former advisor, Martin Novotný, who in 2011 was accused of accepting a bribe to arrange a €300,000 state subsidy for the completion of the Osrblie national sports facility. The trial was just beginning in December 2012.²⁹

New corruption cases involving public officials attracted attention throughout the year. In May, the vice-governor of the Nitra region, Vladislav Borík, was accused of manipulating public tenders. In July, police arrested Václav Krajník, rector of the police academy in Bratislava, for allegedly taking bribes for admission to the college. In September, police began to investigate possible misuse of funds from the Norwegian Financial Mechanism (the Norwegian equivalent of EU funds), under the first Fico government. The funds were allegedly misallocated toward the financing the construction of a football center in Senec.³⁰

The Fico government has declared its commitment to fighting corruption, but did not suggest any comprehensive anticorruption measures or legislation. In September 2012, Interior Minister Robert Kaliňák introduced a revision to the public procurement law requiring large deals deemed to be of societal significance to go through a special procurement process. Critics from the opposition and NGOs claim that the subjectivity of this process would actually increase opportunities for corruption, allowing for government manipulation.³¹ The draft amendment restricts the use of control mechanisms in the procurement process and selection

committees will be given the option to reduce the number of candidates at their own discretion. According to TI Slovakia, if the proposed amendment is adopted, two-thirds of public procurement in Slovakia would no longer be subject to obligatory public tenders.³² If the legislation passes, there is a risk that the country could lose funds provided by the European Union, which has strict conditions for allocating subsidies through open tenders. The draft amendment provoked opposition from the ministries of justice, labor, social affairs and family, economy, agriculture, environment, and transportation. Minister Kaliňák, however, refuses to withdraw the proposal from preliminary deliberation.

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