

# Slovakia

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| <i>Capital:</i>       | Bratislava   |
| <i>Population:</i>    | 5.4 million  |
| <i>GDP/capita:</i>    | US\$6,483  |
| <i>Ethnic Groups:</i> | Slovak (85.8%), Hungarian (9.7%),<br>Roma (1.7%),<br>Ruthenian/Ukrainian (1.0%),<br>other and unspecified (1.8%) |

*The economic and social data on this page were taken from the following sources:*

**GDP/capita, Population:** *Transition Report 2006: Finance in Transition* (London, UK: European Bank for Re-construction and Development, 2006).

**Ethnic Groups:** *CIA World Fact Book 2007* (Washington, D.C.: Central Intelligence Agency, 2007).

## Nations in Transit Ratings and Averaged Scores

|                                     | 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------------------------------|------|------|------|------|------|------|------|------|
| Electoral Process                   | 2.50 | 2.25 | 1.75 | 1.50 | 1.50 | 1.25 | 1.25 | 1.50 |
| Civil Society                       | 2.25 | 2.00 | 1.75 | 1.50 | 1.25 | 1.25 | 1.25 | 1.50 |
| Independent Media                   | 2.25 | 2.00 | 2.00 | 2.00 | 2.25 | 2.25 | 2.25 | 2.25 |
| Governance*                         | 3.00 | 2.75 | 2.25 | 2.25 | 2.25 | n/a  | n/a  | n/a  |
| National Democratic Governance      | n/a  | n/a  | n/a  | n/a  | n/a  | 2.00 | 2.00 | 2.25 |
| Local Democratic Governance         | n/a  | n/a  | n/a  | n/a  | n/a  | 2.25 | 2.00 | 2.00 |
| Judicial Framework and Independence | 2.50 | 2.25 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.25 |
| Corruption                          | 3.75 | 3.75 | 3.25 | 3.25 | 3.25 | 3.00 | 3.00 | 3.25 |
| Democracy Score                     | 2.71 | 2.50 | 2.17 | 2.08 | 2.08 | 2.00 | 1.96 | 2.14 |

\* 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 of this report. The opinions expressed in this report are those of the author. 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

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After the collapse of the Communist regime in 1989, Slovakia embarked on a long and complicated path of transition to democracy. The principal milestones included systemic changes within the former Czechoslovakia between 1990 and 1992, the emergence of independent Slovakia in January 1993, a struggle to preserve the country's democratic political regime under nationalist and populist forces between 1994 and 1998, the elimination of authoritarian deformations, and pro-democratic and pro-market reforms implemented between 1998 and 2006. Following its accession to the Organization for Economic Cooperation and Development (2000), World Trade Organization (1995), European Union (EU, 2004), and NATO (2004), Slovakia may be considered a country with consolidated democracy and a functioning market economy.

In 2006, Slovakia saw, in effect, three changes in government. In February, the center-right ruling coalition—the Slovak Democratic and Christian Union—Democratic Party, the Party of Hungarian Coalition, and the Christian Democratic Movement, supported by independent deputies and members of the Alliance of New Citizens—broke up owing to an internal conflict. In early parliamentary elections held in June, three parties previously in the opposition—Direction-Social Democracy (Smer-SD), the Slovak National Party (SNS), and the People's Party-Movement for a Democratic Slovakia (ĽS-HZDS)—gained a majority in the Parliament and in July formed a new coalition government led by Smer chairman Robert Fico. The problem-free change in government complied with the country's Constitution and legal system and confirmed the overall stability and consolidated condition of the country's constitutional system.

The makeup of the new ruling coalition and the new administration's program manifesto stirred vivid debates, both in Slovakia and abroad. The greatest furor concerned the alliance between Smer-SD, which declares itself a modern European social democratic party, with the SNS, which is widely perceived as a radically nationalistic party. Another concern was the return to power of the ĽS-HZDS, as the HZDS and SNS had established a regime of nonliberal democracy in Slovakia between 1994 and 1998. The fact that Smer-SD, which openly criticized reforms implemented by the center-right administration of Mikuláš Dzurinda, decided to team up with the SNS and ĽS-HZDS questions whether Slovakia's developments in the previous period are sustainable and whether the country will continue along the course of reform.

After its inauguration, the Fico-led administration declared it would honor commitments ensuing from Slovakia's membership in the EU and NATO; it also reconfirmed the plan to adopt the euro at the beginning of 2009, which requires unconditional compliance with so-called Maastricht criteria in public finance.

Compared with its predecessor, though, the new administration has different socioeconomic priorities. Smer-SD has labeled the approved government program as “social democratic” and stated its objective to improve the socioeconomic situation of socially weaker groups in the population. The key concern is whether the Fico government has the ability to back up its statements with a viable economic policy that continues previously positive macroeconomic trends, such as stable gross domestic product (GDP) growth, inflow of foreign investments, controlled inflation, and declining unemployment.

**National Democratic Governance.** The system of power division in Slovakia remained stable and functional in 2006. All relevant political players abided by the basic procedural consensus, mutual relations among constitutional institutions remained cooperative, and all political conflicts were resolved within the framework set by the Constitution and other laws. The change in government following the 2006 parliamentary elections was free of any problems. On the other hand, owing to the previous ruling coalition’s breakup and preparation of early elections, the Parliament’s lawmaking capacity declined in the first half of 2006; after the inauguration of the new legislative assembly, the number of laws passed declined even further. Throughout 2006, the Constitutional Court’s makeup was incomplete, which hindered its function; making matters worse, its chairman resigned in October. When electing candidates to the vacated justice posts, the new Parliament in some cases favored candidates’ political loyalty over expertise and moral integrity. During the first several months in power, the new ruling coalition showed an interest in excessive power concentration not seen since 1998, mostly through appointments to leading positions in government and public institutions and measures that sought to strengthen the government’s position compared with independent regulatory organs. After the elections, representation of opposition parties was eliminated from some parliamentary committees. Participation of the nationalistic SNS in government has had a directly negative impact on interethnic relations, particularly Slovak-Hungarian. *Owing to the nonconsensual measures taken by the new Fico-led administration to consolidate its legislative and executive power, Slovakia’s rating for national democratic governance worsens from 2.00 to 2.25.*

**Electoral Process.** In June 2006, Slovakia held early parliamentary elections that were considered free and democratic. The currently valid electoral legislation adopted in 2004 provided adequate conditions for fair competition. On the downside, the elections confirmed the trend in declining voter participation, which was the lowest since the fall of the Communist regime. The previously ruling center-right parties failed to gain enough voter support to remain in power. The election results paved the way for the formation of a new ruling coalition comprising Smer-SD, the SNS, and the ĽS-HZDS, which declared an intention to change the previous course of socioeconomic reforms. The decision of “social democratic” Smer-SD to form a government with the SNS, which is widely considered a radical nationalist party, provoked a negative reaction from the Party of European Socialists, which

suspended Smer-SD's membership. Municipal elections were held in December 2006. Overall, democratic political forces lost a chance to continue their reform policies in 2006. *For the reasons above, Slovakia's rating for electoral process worsens from 1.25 to 1.50.*

**Civil Society.** Civil society in Slovakia is vibrant and considered to be one of the most dynamic among Central and Eastern European countries. Slovak nongovernmental organizations (NGOs) did not go through major structural or legislative changes in 2006, but the favorable atmosphere and good relations with the government enjoyed in previous years has disappeared under the new administration, which demonstrated illiberal pressure against NGOs. The legal and regulatory environment for civil society is free of excessive state pressures, but the attitude of the current administration to civil society indicates a low level of trust toward NGOs, particularly those dealing with human rights and protection of the environment, which were declared ineligible to benefit from the 2 percent tax assignment. In addition, some state officials used hostile rhetoric toward NGOs. The new government announced that it would change the previously favorable taxation policies for NGOs. The third sector has a well-developed infrastructure, training, and research base, and activities by some groups in the democratization process of other countries continued in 2006. Trade unions are free; however, they are perceived negatively by much of the population. The education system is free of political influence and ideological propaganda. *Owing to worrying signs from the new administration that could complicate the long-term sustainability of NGOs, Slovakia's rating for civil society worsens from 1.25 to 1.50.*

**Independent Media.** The performance of Slovak media and journalists in 2006 was free of open intervention by state power. The only exception was a telephone call where the new prime minister, Robert Fico, tried to instruct the news department of the public Slovak Television (STV) on how an official visit abroad should be covered. However, as of the end of 2006 there had been no change in the way STV covered government activities. The greatest problem remains Slovakia's unsatisfactory media legislation: In the print media field, the Law on the Press has been in force for 40 years, and the legal status of the state news agency TASR remains unresolved. In the broadcast media field, the government is hesitant to adopt the necessary legislation to tackle the transition to digital television broadcasting. Additionally, 2006 showed that strengthening the supervisory organs of public service broadcasters without appointing professionally skilled and politically independent members may be counterproductive. *The country's rating for independent media in 2006 remains unchanged at 2.25.*

**Local Democratic Governance.** The public administration reform carried out between 2001 and 2005 continued to show results in 2006, particularly through fiscal decentralization and the development of local democracy. As a direct result, Slovakia has become a decentralized state with a relatively effective and profes-

sionally prepared public administration. On the other hand, the development of self-governance saw a certain legislative stagnation in 2006, although the new administration in its program manifesto pledged specifically to extend the powers of regional self-governments. In municipal elections in December 2006, voters elected their representatives to local and municipal councils as well as the mayors of towns and communities. *Owing to the absence of substantial changes either positive or negative, the country's rating for local democratic governance remains unchanged at 2.00.*

**Judicial Framework and Independence.** Despite some positive advancements in Slovakia's judiciary through 2006, other more serious developments occurred that worsened its independence. On the positive side, the new criminal code enhancing efficiency and equitableness in the country's judicial system began to show results. An amendment to the Slovak Constitution approved in February 2006 gave the ombudsman power to file motions with the Constitutional Court. On the negative side, the new ruling coalition appointed a controversial justice minister who does not hide his negative position on the judicial reforms implemented by the previous administration. Shortly after his inauguration, he removed several court chairmen without stating satisfactory reasons, casting doubts over the Justice Ministry's commitment to judicial independence. To fill the vacancies, the new ruling coalition in the Parliament demonstrated a preference for appointing politically loyal candidates, casting doubt about those candidates' independence if appointed by the president. The new justice minister also is in conflict with the Supreme Court chairman, which may inject additional tensions between the government and judicial institutions and jeopardize the cooperative relations between the executive and the judiciary. Throughout 2006, the Constitutional Court's performance was limited as a result of its incomplete makeup. *Owing to conflicts within the judicial system caused by the new justice minister as well as political pressure on the composition of the Constitutional Court during 2006, Slovakia's rating for judicial framework and independence worsens from 2.00 to 2.25.*

**Corruption.** Corruption ranks among the most pressing social problems in Slovakia. Owing to a number of legislative and administrative measures adopted in recent years, combating corruption and clientelism began to show some positive trends. However, apart from an amendment to the Law on the Supreme Bureau of Supervision in April that extended the agency's inspection powers, the government did not adopt any relevant anticorruption legislation in 2006 and in fact took steps that may reverse recent progress. The new administration's position on the anticorruption campaign remains unclear, as it has neither adopted any specific anticorruption policy nor declared any concrete program aimed at combating corruption. In 2006, the Ministry of Justice led by the new justice minister launched a systematic campaign to abolish the special court and Office of the Special Attorney, a source of serious concern because these two offices have become effective tools in the campaign against corruption and organized crime. Motives for the fight to dismantle them remain unclear. The new prime minister's support

of the Ministry of Agriculture's state secretary, who created a conflict of interest in agricultural subsidies, indicates that the new administration underrates the issue, despite the prime minister's earlier vocal criticisms of the previous administration's clientelist practices. *Owing to stalled legislative efforts, unclear intentions by the new administration in the fight against corruption, and the persistence of open clientelism, Slovakia's rating for corruption worsens from 3.00 to 3.25.*

**Outlook for 2007.** In 2007, the new ruling coalition of Smer-SD–SNS–ĽS–HZDS will focus on implementing measures in the new administration's program manifesto. Their common leitmotif will likely be to revise the previous administration's philosophy in certain areas (such as privatization, welfare and pension systems, and health care) to emphasize elements of "social solidarity." At the same time, the new government is likely to remain pragmatic and cautious regarding the country's compliance with criteria for joining the Euro-zone. Generally speaking, the coalition's performance will be strongly determined by the dominant position of the largest ruling party, Smer-SD, although minor internal conflicts caused by the smaller ĽS-HZDS and SNS cannot be ruled out. Participation of the SNS in the government will likely continue to complicate the new administration's international position and negatively affect the general atmosphere within Slovak society.

# MAIN REPORT

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## National Democratic Governance

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| n/a  | n/a  | n/a  | n/a  | n/a  | 2.00 | 2.00 | 2.25 |

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 recall it. The president can veto laws adopted by the Parliament; in order to pass vetoed legislation, the Parliament is required to subsequently muster a qualified majority. The Constitutional Court acts as an independent judicial body protecting the Constitution. Citizens enjoy direct participation in the political process through elections and political party activities.

The Slovak Constitution guarantees the right to free retrieval, collection, and dissemination of information. In 2000, the Parliament passed the Law on Free Access to Information, which stipulated conditions for gathering information by citizens on activities of the state administration and self-governance organs.

More than 90 percent of Slovakia's GDP is produced by the private sector. Since 1998, the government's drive toward liberalization, in policy and practice, has been the chief development trend within Slovakia's economy. In 2006, the new cabinet, led by Direction-Social Democracy (Smer-SD) party chairman Robert Fico, decided to halt the privatization of remaining state property and place greater emphasis on government regulation of some economic sectors, which has not strengthened free market mechanisms in Slovakia's national economy.

Since the collapse of the Communist regime in 1989, Slovakia has not seen any violent attempts to usurp political power, and all political players respect the fundamental rules of parliamentary democracy. However, between 1993 and 1998 a coalition of authoritarian and nationalistic parties attempted an illiberal, undemocratic concentration of political power. Since the return of democratic forces in 1998, the execution of power on all levels has not departed from the basic constitutional framework.

After the Christian Democratic Movement (KDH) left the ruling coalition in February 2006 over the cabinet's position on adopting the Treaty on Conscientious Objection between Slovakia and the Vatican, the Mikuláš Dzurinda administration, which had lacked a formal majority in the Parliament since the beginning of 2004, effectively lost leverage to put through its legislative proposals. (The treaty should introduce special protections for workers based on religious belief, an issue that polarized conservative Christian politicians represented by the KDH and the liberals and moderate Christians represented by the Slovak Democratic and Christian Union-Democratic Party [SDKÚ-DS].) Immediately afterward, the

assembly passed a constitutional law that shortened its own electoral term and called early parliamentary elections for June 2006 (regular elections were originally scheduled for September 2006). Based on the election results, a new ruling coalition of Smer-SD, the Slovak National Party (SNS), and the People's Party-Movement for a Democratic Slovakia (ĽS-HZDS) was formed. The change in government took place in compliance with the Constitution and other laws, and the stability of government institutions was not jeopardized.

During the election campaign, the SNS, which became part of the new government after the 2006 parliamentary elections, officially called for outlawing the governmental Party of Hungarian Coalition (SMK). Although the SNS has not reiterated its demand since the elections, it continued verbal attacks against the SMK. Individual ruling parties, particularly Smer-SD, began to concentrate power in their hands immediately after forming the new government in July 2006. In terms of cabinet members, Smer-SD's position is stronger than the ratio of parliamentary seats would justify, which makes it the dominant ruling party. For the first time since 1998, the opposition parties are not represented in the leadership of parliamentary committees.

The new ruling coalition has worked to adopt legislative measures aimed at strengthening the government's position in statutory organs of regulatory bodies and public institutions, which has provoked concerns about their future independence. Since its inauguration, the new administration has made extensive personnel changes at most ministries and other central state administration organs. The majority of these changes were politically motivated and place persons loyal to ruling parties in executive posts. Some of the appointees lack the necessary expertise, which may negatively affect some government institutions.

Government authority is solid and indisputable throughout Slovakia, and domestic political development is free from displays of dominance by the military, foreign powers, or other power groups. The country's stability has not been threatened by internal military conflicts or insurgencies, and currently there is no danger of such conflicts. Political party activities within the armed forces and other state institutions are forbidden. In September 2006, the government appointed a new director of the National Security Bureau (NBÚ) with a long professional history in the arms industry, an unusual appointment given that major arms companies are subjected to security screenings by the NBÚ. This appointment provoked anxiety that the NBÚ might issue decisions favoring certain business groups.

The National Council (Parliament) is a sovereign representative body, the sole legislative and constituent assembly, and autonomous from the executive. It has sufficient resources and capacities for the creation and enactment of bills, as well as adequate control powers. Parliamentarians frequently interpellate cabinet members and exercise oversight of state and public institutions. The breakup of the previous ruling coalition reduced the Parliament's lawmaking capacity, which showed in the declining number of laws approved in 2006. The outgoing Parliament adopted 550 laws and amendments and ratified 135 international treaties between 2002 and 2006. During the same period, the president vetoed 60 laws, 52 of which were



passed following further deliberation. Yet between July and November 2006, the assembly passed only 9 laws, including amendments to existing laws.

Parliamentary deliberations are open to the public and media (except for closed sessions on confidential matters, such as intelligence and secret service issues). Public representatives may be present during deliberations of parliamentary committees if invited by their members. The entire legislative process (including verbatim wording of legislative bills and the results of assembly votes) is recorded and made available to the public via the Parliament's Web site.

All state agencies are subject to control by the Supreme Bureau of Supervision (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 free from political influence. In April 2006, the Parliament approved an amendment to the Law on the Supreme Bureau of Supervision that extended its powers, including the ability to carry out full-fledged inspections in all organs of regional and local self-governance. In 2006, there were no attempts to politically restrict or influence the NKÚ's supervisory roles or question its findings.

The reform of the armed forces implemented during the past decade has introduced civilian controls that are in line with NATO, which Slovakia joined in 2004. Judicial oversight of the military and security services is effective, and the Slovak army uses a system of martial prosecution with martial courts. The Parliament approves the military and security services budget, and spending is supervised by the Parliamentary Defense and Security Committee. Deputies, media, and the general public may access information on the activities of the military and security services, but certain types of information are considered classified. The cabinet informs the public about its activities through special public affairs units at the Ministry of Defense, Ministry of the Interior, and Slovak Intelligence Service.

#### Electoral Process

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| 2.50 | 2.25 | 1.75 | 1.50 | 1.50 | 1.25 | 1.25 | 1.50 |

The authority of the Slovak government is based on freely exercised universal suffrage. Since the Communist regime's collapse in 1989, Slovakia has held six parliamentary elections (1990, 1992, 1994, 1998, 2002, and 2006), five municipal elections (1990, 1994, 1998, 2002, and 2006), two regional elections (2001 and 2005), two presidential elections (1999 and 2004), and one election to the European Parliament (2004). International and domestic election monitors declared all of these elections free and fair.

The legislative framework provides for free and democratic competition, equal campaigning, fair voting, and the transparent scrutiny of votes. Election

regulations fully provide for political system development, sufficient stability of the party system, and independence of political parties from the state. They also create favorable conditions for political parties to perform their traditional functions: mobilizing public participation in democratic processes, mediating between civil society and the state, representing interests of groups in the society (including national minorities), and recruiting political elites for support within legislative and executive functions.

In Slovakia, elections represent the only relevant tool for power organs to earn their legitimacy. Generally speaking, organized interest groups respect this principle; however, some have attempted to influence policy-making processes, building on their close ties with political parties. In 2006, for instance, the Confederation of Trade Unions (KOZ), the country's largest union, concluded an agreement on pre-election and post-election cooperation with Smer-SD and subsequently tried to sway its members to support the party in elections. Representatives of the Catholic Church called on believers to support political parties that promote Christian principles in their policy while refusing to name any concrete party. There were no other reported cases of organized interest groups, armed forces, or foreign powers attempting to influence voter decisions before the 2006 parliamentary elections.

Parliamentary elections 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 quorum 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, regional governors, and mayors are elected using a majority model with two rounds.

In 2005, the Parliament passed the Law on Political Parties, which requires a party to submit a petition of 10,000 citizen signatures to register for parliamentary elections. The Law on Elections to the National Council of the Slovak Republic, passed in 2004, introduced a deposit of 500,000 koruna (about US\$16,000), which is refunded to all parties that receive at least 3 percent of the popular vote; other parties' deposits are forfeited to the state budget. In 2006, 42 parties reregistered with the Ministry of the Interior.

The results of parliamentary elections held in June 2006\*

| Political party | Share of the popular vote (%) | Number of seats in parliament |
|-----------------|-------------------------------|-------------------------------|
| Smer-SD         | 29.14                         | 50                            |
| SDKÚ-DS         | 18.35                         | 31                            |
| SNS             | 11.73                         | 20                            |
| SMK             | 11.68                         | 20                            |
| ĽS-HZDS         | 8.79                          | 15                            |
| KDH             | 8.31                          | 14                            |
| KSS             | 3.88                          | 0                             |
| SF              | 3.47                          | 0                             |

\* The table shows results of parties gaining over 3.0 percent of the popular vote.  
*Source:* Statistical Office of the Slovak republic.

The Supreme Court is entitled to dissolve political parties whose statutes, program, or activities violate the Constitution, constitutional laws, or international treaties. Motions to dissolve a political party must be filed by the attorney general. In March 2006, the Supreme Court ordered the dissolution of the Slovak Community-National Party, the first political party to be dissolved in Slovakia since 1989. This neo-Fascist and neo-Nazi party was registered in June 2005, and in October of that year, Slovakia's attorney general submitted a proposal to dissolve it. In its program (which had not been officially submitted at registration), the party advocated removing Slovakia's democratic system of government and suppressing human and minority rights and openly promulgated racial discrimination. To justify its ruling, the Supreme Court observed that an article in the party's program titled "Corporative State" advocated restricting suffrage, which contradicted the Constitution. The verdict was welcomed by all relevant political parties as well as the general public, particularly by representatives of NGOs that specialize in human rights protection.

On June 17, 2006, Slovakia held early parliamentary elections. During the campaign, some of the key issues among party programs included governmental reforms; government policies regarding the economy, health and welfare system, education, and regional development; post-election coalition strategies; identity issues such as ethnic nationalism vs. democratic and minority rights; and the dispute between religious conservatism and secular liberalism.

The elections brought a resounding victory to Smer-SD, the leading opposition party and the only relevant left-oriented formation, a triumphant comeback for the radical nationalist SNS, relatively solid results for center-right parties (SDKÚ-DS, KDH, and SMK), a further decline of the ĽS-HZDS, and an obvious defeat of the Communist Party of Slovakia and "alternative" center-right party Free Forum, which both remained just short of the qualifying threshold.

The election results led to a new ruling coalition comprising parties formerly with the opposition (Smer-SD–SNS–ĽS–HZDS). The new coalition currently controls 85 out of 150 seats in the Parliament, which gives it a comfortable majority and provides necessary stability. The decision of Smer-SD to form a government with the nationalist SNS provoked harsh criticism by the Party of European Socialists (PES), which unites Socialist and social democratic parties from EU member states. The PES prohibits its member parties from cooperating with far-right, extremist, and nationalistic parties; Smer-SD became a PES member in 2005. In October 2006, the PES suspended Smer-SD's membership until July 2007; however, the decision has not affected Smer-SD's cooperation with the SNS.

All parliamentary parties have functioning structures at the national, regional, and local levels and are represented in regional and local self-governments. Currently, five Slovak parties are represented in the European Parliament. While three SDKÚ–DS, three KDH, and two SMK deputies are members of the European People's Party-European Democrats faction, and three Smer-SD deputies are members of the PES faction, three deputies for the ĽS–HZDS are not members of any faction.

Although citizens are quite active in Slovakia's political life, there has been an overall decline in voter participation. Traditionally, the highest turnout is recorded in parliamentary elections (84.4 percent in 1992, 75.6 percent in 1994, 84.2 percent in 1998, 70.1 percent in 2002, and 54.7 percent in 2006). Unlike the period from 1998 to 2002, in 2006 NGOs did not pursue any mobilization activities aimed at stimulating voter participation. The turnout in 2006 represented the lowest voter participation in parliamentary elections since 1990. Turnout was relatively high in the first direct presidential elections in May 1999 (73.9 percent in the first round and 75.5 percent in the second). In 2004, the presidential elections recorded turnout of 47.9 percent (first round) and 43.5 percent (second round).

Municipal and regional elections typically show lower voter turnout than national elections. In municipal elections, turnout was 63.8 percent in 1990, 52.2 percent in 1994, 54.0 percent in 1998, 49.5 percent in 2002, and 47.7 percent in 2006. In regional elections, voter turnout was 26.0 percent and 22.6 percent (first and second round, respectively) in 2001 and 18.0 percent and 11.0 percent (first and second round, respectively) in 2005, the lowest turnout in Slovakia's modern history. Turnout of only 17 percent was recorded in the first elections to the European Parliament in 2004.

There are a number of reasons for the gradually declining voter participation. These include the changed character of conflicts polarizing Slovak society compared with the situation in the 1990s, social pessimism among a significant share of the population that leads to electoral absenteeism, disenchantment over the direction of society's development, certain "election fatigue" factors caused by frequent elections, citizens' underrating the importance of their participation in administering public affairs, insufficient public awareness of the role and activities of elected officials, and declining intensity in political party campaigning.

Nationwide, there is a relatively low level of public participation and membership in political parties, about 5 percent according to estimates. The party with the

largest membership is the ĽS-HZDS (nearly 45,000 members), followed by the KDH (20,000 members) and Smer-SD (15,000 members); other parliamentary parties have between 5,000 and 13,000 members.<sup>1</sup>

Ethnic minorities encounter no institutional obstacles to participating in political processes. 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.<sup>2</sup> Traditionally, ethnic Hungarians have a high rate of political mobilization; as a result, this minority is represented effectively, mainly through the SMK. This party has been in government for almost eight years and has had a strong influence over the country's general social development. The SMK also enjoys a solid position in some regional and local self-governance organs, especially in regions with a higher concentration of ethnic Hungarians.

By contrast, the Roma minority is not sufficiently represented. This is due to the ethnic group's low social status and inadequate education, a virtual absence of political leaders, and the inability of "majority" mainstream political parties to cooperate with Roma organizations. No Roma political parties have gained a foothold in executive or legislative organs at the national or regional level. Representatives of Roma origin operate in local self-governance organs, especially in villages and towns with a high concentration of Roma citizens. The only registered political party that represents interests of the Roma ethnic minority—namely, the Romany Initiative of Slovakia—is struggling with a lack of credibility among the Roma themselves. Its position is complicated by past conflicts among Roma leaders. So far, "majority" or mainstream parties have not made any relevant attempts to include Roma leaders on their candidate lists in order to pursue their political agenda and subsequently increase support among Roma voters.

#### Civil Society

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| 2.25 | 2.00 | 1.75 | 1.50 | 1.25 | 1.25 | 1.25 | 1.50 |

The state administration in Slovakia respects the independent civil sector, and for years there has been mutual cooperation between governmental and nongovernmental organizations, though this cooperation was put into doubt with some of the proposals of the new government. In 2006, many NGOs struggled with the effects of the withdrawal of foreign donors, but in many aspects the situation strengthened their ability to organize their activities more effectively, and the sector's process of standardization and professionalization continued.

Slovakia's civil society is vibrant and dynamic. Data on Slovak NGOs is recorded in several places, including the Statistical Office of the Slovak Republic, the Ministry of the Interior, and the Ministry of Culture. In November 2005, the Ministry of the Interior listed 22,619 organizations that could be considered

NGOs in a broad sense. Of these, 21,133 (93.4 percent) were civil associations (societies, clubs, associations, movements, trade unions, international NGOs, and various sports clubs), 275 (1.2 percent) were foundations, 612 (2.8 percent) were noninvestment funds, and 599 (2.7 percent) were nonprofit organizations.

The image of NGOs in public opinion is prevailingly positive, with organizations involved in social and charity services being the most popular. National minorities are represented by cultural and civic organizations, with most of these representing the Hungarian minority (9.8 percent of the total population). The number of Roma organizations is much lower, and majority population organizations are represented at 20 times the rate of Roma groups. Religious groups in Slovakia (Roman and Greek Catholics, Lutherans, Orthodox, Calvinists, and Jews) play the most significant and visible role in charitable activities. Women's organizations are estimated at more than 120 and are becoming more visible and influential by the year.

Openly extremist and racist organizations are not registered by the Ministry of the Interior, but they do operate illegally. During 2006, the Slovak police continued systematic surveillance of neo-Nazi and right-wing extremist groups and took preventive actions against them. Public discourse on far-right extremism, nationalism, and racism continued to be very intense in 2006.

The legal and regulatory environment for civil society is free of excessive state pressure and increasingly also of unnecessary bureaucracy. The NGO sector operates under legal norms adopted after 1989, and registration is easy. The basic legislative framework for NGOs is provided by the Constitution and guarantees freedom of expression (Article 29), freedom of assembly (Article 28), and freedom of association (Articles 29 and 37). Both legal entities and private persons may establish nonprofit organizations, which are then required to work for the fulfillment of the purposes for which they were established. The Ministry of the Interior acts not only as the NGO registry, but also as the supervising institution.

NGO access to important government information is satisfactory thanks to the Internet; there are Web sites for the Ministry of the Interior, Ministry of Finance, Statistical Office, and several service organizations in the civil sector. Tax policies work in favor of nonprofit activities, and in several fields NGO taxation is easier than in the business sector. NGOs are exempt from paying gift and income taxes. However, the new coalition government announced in 2006 a plan to change these favorable tax conditions owing to alleged misuse by some NGOs. By changing the tax conditions the government targeted human rights and environmental NGOs for punishment. In an openly illiberal justification of the motion, some politicians of the ruling coalition reminded these NGOs that they were involved in partisan activities in the past (referring to the period when civic organizations advocated for change from Mečiarism to democracy). After several years, the code of the nonprofit law is still not ready to be submitted to the government.

Slovakia's civil sector has a well-developed infrastructure, training, and research base and is generally well stabilized. NGO technical resources are satisfactory, comparable to equipment available in the state sector, yet inferior to those in the

business sector. Numerous NGOs provide training for the third sector, and there are many informal coalitions and networks in Slovakia based on issue or need. Information services for NGOs are provided by the Internet portal ChangeNet and print magazine *Efekt*.

EU membership and funding and intensified cooperation with the business sector brought changes to Slovak civil society in 2006. Public and private assistance from Western democracies has also been instrumental in developing the country's vital civil society, at least up until 2004. More recently, some NGOs have focused on attracting more money from local businesses. In 2006, the overall professionalization of the NGO sector was accompanied by a decrease in funding for advocacy and watchdog activities. Although different EU funds are available for NGOs, many groups struggled to survive in 2006, as grants are paid when activities and projects are completed. The prevailing opinion among Slovak NGOs is that the European Commission does not have a sustainable model for supporting civil society activities. Increasingly, a number of Slovak NGOs subsidize their work through profits from their own activities and membership fees.

In Slovakia, individual taxpayers and businesses may contribute 2 percent of their income tax for public beneficiary purposes (Law on Income Taxes No. 561/2001). Although these funds alone are insufficient to sustain all segments of Slovak civil society, tax contributions have begun to be an important part of many NGO budgets. However, the new government announced cuts in corporate tax contributions from 2 percent to 0.5 percent, claiming these funds had been misused in the past. In fall 2006, NGOs campaigned to maintain the current tax contribution levels, and this pressure prevented the new administration from making the cuts.

In December 2005, the Parliament canceled corporate tax benefits to NGOs that work in environmental protection and human rights. The amendment also bars tax contributions of smaller than 100 koruna (US\$4.00) for citizens and 250 koruna (US\$10.00) for corporations. The previous state administration was open toward NGOs and used their expertise successfully. The new government, however, has shown signs of distrust, accusing NGOs of nontransparent spending as well as ideological and political partisanship.

Slovak civil society has a broad publishing and research base, thanks to the country's public policy institutes. NGO and government cooperation in foreign policy and democracy-building efforts continued in 2006, focused mainly on the western Balkans, Ukraine, Belarus, and Afghanistan. Slovak NGOs received significant media coverage from both public and private media, predominantly positive. For grassroots organizations, cooperation with the media is more difficult than for well-established think tanks and watchdog groups.

Slovak trade unions are allowed to operate freely, yet the KOZ represented fewer than 490,000 employees in 2006, with membership shrinking annually. The image of trade unions is predominantly negative in all segments of the population owing to KOZ involvement in politics and the working style of union leaders.

The country's education system is free of political influence and propaganda. The Ministry of Education, working with experts, is systematically renewing school curriculums. These changes are aimed not only at overcoming the legacy of the Communist regime, but also at introducing modern and more universal views on Slovakia's history and social development.

#### Independent Media

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| 2.25 | 2.00 | 2.00 | 2.00 | 2.25 | 2.25 | 2.25 | 2.25 |

In Slovakia, freedom of speech is protected by the Constitution as well as by the obsolete Law on the Press from 1966. Article 26 of the Constitution outlaws censorship and guarantees the right to information. At the same time, it stipulates that while publication of printed matter is not subject to permission, broadcast media may require a government license.

In 2006, the Parliament amended laws regulating public service broadcasters STV and Slovak Radio (SRo). Among other changes, the amendments lowered the required quorum for electing general directors from a two-thirds qualified majority to a simple majority of all members of supervisory organs, namely the STV Council and the Radio Council; also, it banned members of supervisory organs from running for general director.

Slovak journalists are protected from victimization by state and nonstate actors. In 2006, no Slovak journalist was sentenced for professional activities. On the other hand, opportunities for investigative journalists are limited from a financial point of view and lack the support of editors. The legal system is free of provisions that would punish journalists for "irresponsible" coverage of government organs. However, in December 2005 an amendment to the criminal code was adopted that bans journalists from using concealed cameras or recording devices.

Journalists and editors are only partly free from interference by the government and private owners. The dependence of public service broadcasters on political power was formally reduced by 2004 amendments to STV and SRo legislation. Yet how this "increased independence" shows in everyday editorial practice depends primarily on their directors and supervisory organs. The power to elect and remove the broadcasters' directors was recently transferred from the Parliament to respective supervisory organs whose members are appointed by the Parliament. In 2006, there was no overt attempt by the government to influence public service broadcasters; the only exception was Prime Minister Robert Fico's telephone call to the STV editor in chief to influence the content of the main news program.<sup>3</sup>

Journalists with private media are exposed to various pressures from owners, and there is no professional organization to collectively represent journalists in negotiations with media owners. Another problem is insufficient transparency in



media ownership. In the run-up to the 2006 parliamentary elections, there were no flagrant attempts by the media to influence the electoral process, which is an improvement over past elections, when private media served the ambitions of certain political parties.<sup>4</sup>

The range of information provided by Slovak media is quite broad, and they rank among the country's most trustworthy institutions. Public service broadcasters boast the highest credibility ratings—trusted by three in four Slovak citizens. In previous years, the print media market has gained a relatively stable profile. The largest daily in terms of circulation is the tabloid *Nový Čas*, followed by the sports tabloid *Šport* and two serious dailies, *Sme* and *Pravda*. The rest of the print market is filled by an economic daily, *Hospodárske Noviny*; a recently founded popular daily, *Plus Jeden Deň*; and a network of regional papers. The television market continues to be dominated by the private TV Markíza, followed by STV 1, the private TV Joj, STV 2, and the private news television station TA 3. Slovakia's television market is very specific, as almost 20 percent of Slovak citizens regularly watch Czech and Hungarian TV stations.<sup>5</sup>

In 2006, Slovensko 1, the first frequency of the public SRO, definitively lost its position as top station to the private Rádio Expres. While Slovensko 1 continues to struggle with declining ratings, it is chased by a handful of other strong private stations—namely, Fun Rádio, Rádio Okey, Jemné melódie (Soft Melodies), and Rádio FM, which is another frequency of the public SRO.

Owing to economic factors and the licensing policy of the Council for Broadcasting and Retransmission, the market regulator, the basic trend in the country's radio market is to strengthen the national networks at the expense of regional and local broadcasters, which in recent years has led to the folding of several smaller independent radio stations. Since many local periodicals and television stations depend on local self-governments or commercial companies controlled by them, this further aggravates the problem of independence and plurality of information provided by local and regional media, which may have negative implications for the future transparency of municipal politics.

All widely influential media in Slovakia are privately owned. The only exceptions are STV and SRO, which are controlled by councils appointed by the Parliament, and the state news agency TASR. In 2006, the concentration of print media ownership in the hands of strong publishing houses continued. The press repeatedly reported on cross-ownership or multiple ownership in the broadcasting market, which is illegal according to Slovak law. The second largest private TV station (TV Joj) and the only news TV station in Slovakia (TA 3) belong to the same owner-investor; at the end of 2006, the two were joined by TV Ring, which specializes in telephonic games. Unfortunately, owing to imperfect legislation regulating the transparency of media ownership, these ties are still “assumed” rather than provable.

While advertising revenues for Slovak television and print media have increased and are flourishing, radio advertising is stagnant and decreasing. Both public service broadcasters are underfinanced, which prevents them from performing their

mandated tasks or reaching a substantial proportion of the Slovak population. Toward the end of 2006, the Ministry of Culture finished drafting a new bill on television and radio license fees that is expected to tackle the problem of financing public service broadcasters from public sources. In print media, the retail distribution of the periodical press is controlled by private companies, but public and private subscription-based distribution continues to be dominated by Slovak Post, a state enterprise. This does not negatively affect the free flow of information or fundamentally infringe on free competition.

Journalists, publishers, and private broadcast media owners in Slovakia have their own professional organizations, but their influence is marginal. Prior to the parliamentary elections for five new members of the STV Council, the Slovak Syndicate of Journalists (SSN), which unites approximately three-quarters of Slovak journalists, proposed candidates, but none were elected. Most Slovak publishers are members of the Association of Periodical Press Publishers (ZVPT), while private television and radio broadcasters are organized in the Association of Independent Radio and Television Stations. Despite the 2006 efforts to revitalize the Press Council, an ethics and standards watchdog body established by the SSN and the ZVPT, its reputation and effectiveness are considered poor in professional circles.

Access to the Internet is unimpeded in Slovakia. The number of users grows annually, while the cost of Internet connection declines steadily. Coverage of Slovakia's territory by broadband Internet is increasing dramatically, thereby closing the "digital gap" between residents of the capital, Bratislava, and the rest of the country. According to a survey released by Eurostat in summer 2006, Slovakia was at the bottom of the 25 European Union member states in terms of Internet penetration, as only 27 percent of households were connected and only 11 percent used broadband connections. However, this situation began to improve rapidly in the second half of 2006 after the country's two mobile telephone operators began to provide broadband mobile Internet connections. Additionally, the government implemented Internet for Education, a project designed to facilitate access to the Internet for all young people 15 to 25 years old (approximately 40,000 potential users) by providing state subsidies (US\$9.00) for Internet connection per person per month for a period of two years.

#### Local Democratic Governance

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| n/a  | n/a  | n/a  | n/a  | n/a  | 2.25 | 2.00 | 2.00 |

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). Public administration is based on the principle of “subsidiarity,” or keeping public administration functions with smaller units when no major advantage exists for transferring them to larger ones.

The establishment of state and self-governance institutions is subject to laws passed by the Parliament. However, local self-governments may initiate pro bono nonstate organizations that focus on aiding local development, such as agencies, associations, funds, and so forth. To communicate with government institutions and present their priorities, self-governments use various associations, such as the Association of Slovak Towns and Villages, the Union of Slovak Towns, and the Association of Regional Capitals K-8.

As part of public administration reform, a massive block of powers was transferred from central government organs to local and regional self-governance bodies. These bodies now address issues in education, health care, social affairs, transportation, and the environment. In order for local and regional self-governments to perform their delegated powers, the central government provided them with necessary funding through fiscal decentralization—in other words, the right to collect so-called local taxes. In the case of municipalities, this is the real estate tax; for regional self-governments, this is the motor vehicle tax.

In 2004, the government began distributing revenues generated by income tax between local and regional self-governments. Thanks to fiscal decentralization, the overall income of local and regional self-governments in 2005 increased by 6.3 billion koruna (US\$245 million) compared with the figure for 2004. According to estimates by the Ministry of Finance from November 2006, the combined income of self-governance organs was expected to grow by 3.5 billion koruna (US\$136 million) in 2006.

Government institutions and self-governance organs cooperate in tackling local and regional problems, and in 2006 no overt conflicts occurred. Several years ago, the cabinet established the Government Council for Public Administration as an advisory body in public administration issues, with representatives of central and local state administration organs, regional and local self-governments, associations of towns and villages, regional assemblies, and academic experts. The council specializes in analyzing the implemented decentralization measures and assessing the potential impact of proposed legislation. The council’s chairman is the interior minister, and detailed information on council deliberations is published on the Ministry of the Interior’s Web site.

The new administration’s program manifesto pays little attention to local democracy and self-governance. The cabinet’s goals in this area are vague, but the administration intends to carry out an audit to increase the efficiency of administrative services. While the program manifesto does not refer to decentralization as the main objective, it touches on delegating certain powers in the public service field to local and regional self-governance organs.

The incoming administration promised to extend the executive powers of regional self-governments to pursue development policies in their respective

territories. It also pledged not to increase the current number of public or central state administration organs. While its program manifesto features a formulation on “carrying out an institutional reform,” it fails to specify concrete measures. The main factor affecting local democracy and decentralization is the country’s basic political framework. The current ruling parties—Smer-SD, SNS, and ĽS-HZDS—opposed all public administration reforms implemented by the two previous administrations between 2001 and 2005.

The Constitution and relevant laws allow citizens to exercise their right to suffrage at regional and local levels. Representatives of self-governments (deputies of municipal councils and regional assemblies, mayors of villages and towns, and regional governors) are elected in direct, free, and democratic competitions, which are open to political party candidates as well as independent candidates. Elections to local and regional self-governments are held every four years and are open to independent observers. Candidates represent a broad spectrum of opinions, and political parties play an important role in local elections. In 2006, the public broadcasters provided political parties and individual candidates with advertising time on a commercial basis, but few candidates used this form of campaigning.

Since 1994, the Constitutional Court has adjudicated 104 violations of electoral legislation during municipal elections; in 11 cases, it proclaimed the election results null and void. In 2006, the Constitutional Court nullified the results of mayoral by-elections in the Bratislava district of Petržalka, reasoning that the leading candidate had campaigned illegally on election day. Apart from elections, local and regional levels of self-governance give citizens a chance to take a much more active part in the administration of public affairs. Direct public participation in decision-making processes is regulated by the Law on the Municipal System of Government and the Law on Self-Governance of Higher Territorial Units.

Most local self-governments applauded the extension of their executive powers through decentralization, but not all were prepared to perform the duties delegated to them. This deficiency may be partly remedied by mutual cooperation between local self-governments and NGOs in tackling concrete problems and implementing projects of local and regional development. A number of NGOs have abundant experience cooperating with local self-governments. Local administrative skills have been improved through participation in various development projects co-financed from EU funds.

The level of public participation in regional and local politics is similar to that in national politics; in the case of women and ethnic minorities (especially Roma), the rate of participation is higher locally than at the national level. In 2006, independent media at the central and regional levels paid closer attention to problems of local democracy, self-governance, and regional development. They published articles on the performance of self-governance bodies, activities of political players at the local level, and a variety of local disputes and scandals. Undoubtedly, the main reason for shifting the media spotlight to these issues was the upcoming local elections (scheduled for December 2006).

Regional and local self-governments do not have the power to pass laws, but they can pass bylaws and regulations that apply exclusively to them. Self-governance bodies may turn to the courts to enforce their decisions. Should the state administration interfere unconstitutionally with local matters, self-governments may appeal to the Constitutional Court. The law allows self-governments to form associations with other domestic and foreign self-governance institutions in order to assert their interests and tackle local problems. Self-governance organs, especially regions and larger municipalities, frequently cooperate with partners from abroad, particularly from neighboring countries. In May 2006, the Parliament passed a law on the public administration's information system to integrate all local, municipal, and regional self-governments.

The Parliament also passed an amendment to the Law on the Supreme Bureau of Supervision that extended its control powers over public administration organs. 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 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. When gathering information on the activities and performance of self-governance bodies, journalists frequently refer to the Law on Free Access to Information. In 2006, no cases surfaced of direct pressure on journalists who report on regional and local problems. Similarly, there were no direct attempts by illegitimate groups to influence self-governance bodies.

#### Judicial Framework and Independence

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| 2.50 | 2.25 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.25 |

The Slovak Constitution, Bill of Fundamental Rights and Freedoms, and other laws provide a framework for the protection of human rights. The implementation and exercise of political rights is regulated by the Law on Political Parties and various election laws. The Constitutional Court accepts complaints regarding violations of human rights and also issues verdicts. An extensive 2001 amendment introduced a public defender of rights, or ombudsman, and the Parliament elected the first public defender in 2002. In February 2006, the Parliament approved an amendment allowing the ombudsman to appeal to the Constitutional Court to examine the constitutional conformity of laws and other legal norms if their further application may violate citizens' fundamental rights and freedoms.

As a member of the Council of Europe, Slovakia is part of the European system of human rights protection and has also ratified all important international human rights documents. Citizens may 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. In 2006, the ECHR issued several rulings in favor of Slovak citizens. Most frequently, these cases involved drawn-out proceedings that violated citizens' constitutional right to a lawsuit without unnecessary delays.

One case concerning freedom of speech was filed by Martin Klein, a journalist sentenced in 2000 by a Slovak court to pay a fine of 15,000 koruna (US\$582) or spend one month in prison for alleged defamation in an article published in 1997. In fact, Klein's article criticized Catholic archbishop Ján Sokol for his statements regarding the film *The People vs. Larry Flynt* and noted his collaboration with the Communist regime's secret police. After he had been sentenced by the Slovak court, Klein sued the Slovak Republic before the ECHR, which found in Klein's favor.

The Constitutional Court is an independent and unrestricted element of the judicial system, and its verdicts are legally binding. The right to appeal to the Constitutional Court regarding the unconstitutionality 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), the president, the cabinet, courts of justice, the attorney general, and (since 2006) the ombudsman for human rights; in certain cases, self-governments also enjoy this right. Citizens are free to turn to the Constitutional Court if they believe their constitutional rights have been violated by a state organ. In 2006, there were no attempts to use administrative or political pressure on the Constitutional Court to influence its deliberations or verdicts, and all institutions respected rulings issued by the Court. Since 2004, the Constitutional Court has been incomplete owing to Parliament's inability to elect a sufficient number of candidates for vacated posts, thus preventing the president from appointing the constitutionally stipulated number of 13 justices. While at the beginning of 2006 the Constitutional Court lacked 2 justices, the October 2006 resignation of Court chairman Ján Mazák increased the number to 3. The incomplete makeup of the Court and lack of a chairman have hindered its function. Furthermore, in 2007, 9 justices are envisaged to complete their respective terms on the Court.

In fall 2006, the new Parliament began to deal with the issue of electing candidates to the vacated posts. Their selection provoked serious misgivings and indicated government exertion of political pressure to create a new composition of the court that would be favorable for the ruling coalition. The assembly refused to elect some candidates with impressive professional backgrounds but supported others with unsatisfactory qualifications, problematic pasts, and unclear ties to special interest groups. In several cases, the new ruling coalition preferred politically loyal candidates, casting doubts as to their independence if appointed by the president.

The Constitution guarantees all citizens equality before the law regardless of sex, race, skin color, language, religion, political preference, nationality or ethnicity,

property status, or other categories. However, women and other groups are inadequately represented in public posts. In 2005, Slovakia's police force investigated 121 criminal offenses that were motivated by racial, ethnic, or other forms of intolerance; 82 of them were cleared. Some of the worst crimes have been investigated by the police and their perpetrators have been brought to justice, but in many other cases, the assailants have not been apprehended or punished. Despite concentrated effort by the police, the murderers of Daniel Tupý, a university student who was stabbed to death in Bratislava in November 2005, are still at large. According to eyewitnesses, the assailants were members of the neo-Nazi underworld.

In its program manifesto, the new administration pledged to “combat permanently all forms of racial, ethnic, religious, and political intolerance” and campaign against “discrimination, racism, anti-Semitism, xenophobia, extreme nationalism, and chauvinism and promote the truth about the Holocaust.” Nevertheless, participation of the nationalist SNS as a ruling party from 1994 to 1998 has led to the government's unaccommodating and suppressive policies toward ethnic minorities, particularly the Hungarian minority. By joining the EU in 2004, the Slovak Republic undertook all related human rights obligations, including enforcement of equal treatment principles. To comply with European Council Guideline No. 2000/43, the Parliament in May 2004 passed the Law on Equal Treatment and Protection Against Discrimination, also known as the Law on Antidiscrimination. Throughout 2006 the law was valid, but without a positive discrimination/affirmative action provision, which had been abolished by the Constitutional Court.

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 in Slovakia is conducted under a prosecutor's supervision. An accused person can be detained and arrested only if a judge has issued a written warrant. International conventions and other legal acts banning torture and maltreatment form an integral part of Slovakia's legal system. No cases of torture or other maltreatment of prisoners or detainees were reported in Slovakia in 2006. In March 2006, the Parliament passed a law regarding execution of punishment that regulates prison conditions in compliance with EU standards.

In 2005, the Parliament passed a new penal code and code of penal procedure. The most serious and socially dangerous crimes are considered those against life and health, followed by crimes against freedom, human dignity, family, and youth; the third category includes property and economic crimes, while crimes against the government dropped from the top to the bottom. Punishments for verbal offenses remained—for instance, defamation of the nation, race, and political and religious opinions, including denial of the Holocaust.

Slovakia has a three-level judicial system—the Supreme Court, 8 regional courts, and 45 district courts—administered jointly by the president, Parliament, Ministry of Justice, Judicial Council, and Supreme Court. The president appoints judges acting on 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.



Since his inauguration, the new justice minister, Štefan Harabin, has removed several court chairmen without satisfactory explanations. Although Harabin did not go beyond his legal powers, his method of removing court chairmen provoked harsh criticism among judges and legal experts who charged that his actions contradicted the principle of judicial independence. The critics suggested that Harabin's decisions were guided by political motives and grudges carried over from his time as chairman of the Slovak Supreme Court. The justice minister has also had conflicts with Milan Karabín, current chairman of the Slovak Supreme Court, and he has insisted on complete abolition of the special court, whose basic purpose is to combat corruption and organized crime.

International monitors have confirmed that the Slovak judiciary is independent to a satisfactory degree. However, the public's sense of legal safety continued to be impaired by the courts' inefficiency, which is exacerbated by an overwhelming and slow-moving backlog of cases. Public trust in the courts is also undermined by a common belief that the judiciary is plagued by corruption.

#### Corruption

| 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|------|------|------|------|------|------|------|------|
| 3.75 | 3.75 | 3.25 | 3.25 | 3.25 | 3.00 | 3.00 | 3.25 |

Corruption ranks among the most pressing social problems in Slovakia. Between 2002 and 2006, the previous administration took a number of legislative and administrative steps, including adopting an anticorruption policy and incorporating it into the government's program manifesto; establishing the special court and Office of the Special Attorney; adopting a constitutional Law on Conflict of Interest; extending the supervisory powers of the NKÚ; increasing transparency of the public procurement process; improving the Corporate Register and enhancing its availability to the general public; improving the performance of judicial management; adopting the legislation on labor in the public interest; strengthening supervision over regional and local self-governance organs; enhancing general awareness of the courts' activities; and increasing the number of exposed corruption cases.

The constitutional Law on Conflict of Interest bans 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. Civil and public service laws precisely circumscribe the process for selecting, appointing, supervising, and remunerating civil servants. Other bills have sought to introduce the principle of zero tolerance for corruption among notaries and marshals, compulsory disclosure for customs officers, protection of whistle-blowers in the workplace and witnesses in court cases, and the post of controller in bodies of local and regional self-governance.



However, the intensity of legislative activities aimed at combating corruption declined in 2006. The only anticorruption legislation was an amendment to the Law on the Supreme Bureau of Supervision approved in April 2006 that extended its supervisory powers with respect to regional and local self-governments. The new administration's program manifesto paid very little attention to the corruption issue. The document did not define combating corruption as a priority, and anti-corruption measures form only a marginal part of it.

Most of the manifesto's anticorruption measures are formulated too vaguely; perhaps the most concrete is a declared intention to continue the practice of publishing court rulings. The new administration refused to incorporate a single measure proposed by *Anticorruption Minimum*, a document published before the 2006 parliamentary elections by Transparency International–Slovakia. The document proposed to restrict privileges of constitutional officials, improve oversight on conflicts of interests, increase transparency of political party financing, reduce the degree of corporatism within society, abolish bureaucratic obstacles in applying for various citizen documents, and increase transparency in administering EU funds and allocating subsidies. Since the 2006 parliamentary elections, the Anticorruption Department within the Office of the Government has been leaderless and undermanned; consequently, it pursues virtually no activity at present.

In the second half of 2006, the public became concerned about the new justice minister's efforts to abolish the special court and Office of the Special Attorney, which were established in 2005 to increase the efficiency of combating corruption and organized crime. Preservation of the special court was actively advocated by representatives of leading NGOs, reputable legal experts, and leaders of opposition political parties.

Additionally, the new administration's efforts to increase the degree of government regulation in certain economic sectors threatens to make clientelism and corruption more prevalent. For example, after the elections a number of co-owners or top managers of various private companies were appointed to important state administration positions, including those of ministers and state secretaries.

All Slovak institutions financed from public funds are subject to the supervisory authority of the NKÚ. Although top officials of the NKÚ are elected by the Parliament, this agency is fully independent from any political pressure when exercising its powers and performing its duties. Its findings are made public via the media and the Internet and often become the focus of vivid public debate. A number of independent NGOs are very active in fighting corruption and promoting transparency and accountability in public life, including Transparency International–Slovakia, the Alliance for Transparency and Corruption Combat, the Alliance to Stop Conflicts of Interest, and Fair Play Alliance. There were no attempts by the state or private individuals to hinder the activities of these groups or intimidate their activists in 2006. According to Transparency International's 2006 Corruption Perceptions Index, Slovakia's score of 4.7 represents an improvement over the country's 2005 score of 4.3.<sup>6</sup>

The police encourage citizens with information on corrupt civil servants or a personal experience of corruption to participate in exposing concrete cases. As of October 31, 2006, the police investigated 292 corruption-related crimes (for instance, giving or accepting bribes and indirect corruption), dismissing 167 of them; 16 persons were convicted.<sup>7</sup>

In March 2006, the special court sentenced Ladislav Gál, former head of the Regional Land Registry in Trnava, to seven years in prison for accepting a bribe of 2.6 million koruna (US\$101,000). In November 2006, the special court began the case of Čadca mayor Jozef Pohančenič, who was indicted on charges of corruption. Pohančenič reportedly requested a bribe worth 1.5 million koruna (US\$58,000) from a private construction company working for the city in return for a promise that the city council would pay for the delivered project on time.

The Slovak media widely and freely report on corruption and clientelism scandals involving public figures, helping to increase public sensitivity to these crimes. The most infamous case of exposed clientelism in 2006 involved Marián Záhumentký (Smer-SD), state secretary at the Ministry of Agriculture. Soon after his inauguration, Záhumentký initiated a change in official conditions for allocating subsidies to agricultural firms. As a direct result of the change, a company he co-owned obtained an additional 4.4 million koruna (about US\$170,000) in subsidies. Although Záhumentký's actions apparently constituted a violation of the Law on Conflict of Interest, he refused to resign (Prime Minister Robert Fico clearly backed Záhumentký). Only after the media reported that Secretary Záhumentký had taken part in a taxpayer-funded hunt and killed an expensive trophy deer did he decide to resign.

Corruption is a frequent issue of public debate in Slovakia, and in opinion polls it trails only living standards, unemployment, and health care as the most pressing social problem. According to a survey conducted by FOCUS polling agency in March 2006, most citizens believe that excessive corruption exists in health care (63 percent), while others perceive it within the judiciary (47 percent), ministries (45 percent), police (39 percent), business (34 percent), customs offices (30 percent), local self-governing authorities (28 percent), regional self-governing authorities (27 percent), education (27 percent), and district and regional state offices (26 percent).<sup>8</sup>

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- <sup>1</sup> Mesežnikov, G. and O. Gyárfášová, *Slovakia Country Report Based on Research and Dialogue with Political Parties*, Stockholm, International Institute for Democracy and Electoral Assistance, 2006, <http://www.idea.int/parties>.
  - <sup>2</sup> *Sčítanie obyvateľov, domov a bytov 2001*, [Population and Housing Census 2001], <http://www.statistics.sk/webdata/slov/scitanie/namj.htm>.
  - <sup>3</sup> “Fico volal do STV, čo má vysielateľ,” [Fico Called to STV to Advise What It Should Broadcast], *Sme*, October 6, 2006.
  - <sup>4</sup> A classic example is Pavol Rusko, owner of TV Markíza, who founded the Alliance of a New Citizen and with the help of TV Markíza qualified to join the Parliament in 2002; later, he became vice chairman of the Parliament and minister of the economy. For more details on the Rusko case, please see previous years’ reports.
  - <sup>5</sup> [Http://medialne.etrend.sk/vsetky-media/grafy-a-tabulky.php](http://medialne.etrend.sk/vsetky-media/grafy-a-tabulky.php). (web portal)
  - <sup>6</sup> [Http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://www.transparency.org/policy_research/surveys_indices/cpi/2006).
  - <sup>7</sup> Sičáková-Beblavá, E. “Transparentnosť a korupcia,” [Transparency and Corruption], in Kollár, M., G. Mesežnikov, and M. Bútorá (eds), *Slovensko 2006: Súhrnná správa o stave spoločnosti*, [Slovakia 2006: A Global Report on the State of Society], Bratislava, Institute for Public Affairs, 2007, p. 662.
  - <sup>8</sup> *Percepčia korupcie na Slovensku. Prieskum verejnej mienky pre Transparency International Slovensko. Marec 2006*, [Perception of Corruption in Slovakia. Public Opinion poll for Transparency International Slovensko. March 2006], [http://www.transparency.sk/prieskumy/060424\\_perce.pdf](http://www.transparency.sk/prieskumy/060424_perce.pdf).

