

# Slovakia

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*Capital:* Bratislava  
*Population:* 5.4 million  
*GNI/capita:* US\$21,460

Source: The data above was provided by The World Bank, *World Bank Indicators 2010*.

## Nations in Transit Ratings and Averaged Scores

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Electoral Process	2.25	1.75	1.50	1.50	1.25	1.25	1.50	1.50	1.50	1.75
Civil Society	2.00	1.75	1.50	1.25	1.25	1.25	1.50	1.50	1.75	1.75
Independent Media Governance*	2.00	2.00	2.00	2.25	2.25	2.25	2.25	2.50	2.75	3.00
National Democratic Governance	n/a	n/a	n/a	n/a	2.00	2.00	2.25	2.50	2.75	3.00
Local Democratic Governance	n/a	n/a	n/a	n/a	2.25	2.00	2.00	2.25	2.50	2.50
Judicial Framework and Independence	2.25	2.00	2.00	2.00	2.00	2.00	2.25	2.50	2.75	3.00
Corruption	3.75	3.25	3.25	3.25	3.00	3.00	3.25	3.25	3.25	3.75
<b>Democracy Score</b>	<b>2.50</b>	<b>2.17</b>	<b>2.08</b>	<b>2.08</b>	<b>2.00</b>	<b>1.96</b>	<b>2.14</b>	<b>2.29</b>	<b>2.46</b>	<b>2.68</b>

\* 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

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Twenty years after the fall of the Communist regime, Slovakia has a pluralistic democratic political system and functioning market economy. From 1993 to 1998 democratic political forces were threatened by the authoritarian practices of nationalist and populist parties that ruled the country. The situation dramatically changed for the better following the 1998 parliamentary elections, which brought to power a broad coalition of democratic political forces that promptly remedied the undemocratic practices of the previous administration. Over the next eight years, two consecutive pro-reform administrations implemented extensive structural reforms, which created favorable conditions for successfully completing the process of European Union (EU) and NATO integration.

The 2006 parliamentary elections brought to power a ruling coalition consisting of three forces: self-declared social democrats from Smer-Social Democracy (Smer-SD), radical nationalists from the Slovak National Party (SNS), and ideologically ambiguous national populists from the People's Party-Movement for a Democratic Slovakia (ĽS-HZDS). Under the pretext of building a welfare ("social") state, the new administration led by Smer-SD Chairman Robert Fico revised the country's economic policy by discontinuing the process of liberal-oriented economic reforms, halting privatization of remaining enterprises with government investment, and introducing sterner elements of government regulation.

In 2009, the ruling parties further concentrated their power with populist rhetoric, statist approaches, and clientelist practices. Several serious corruption scandals negatively affected the country's domestic politics. Use of the so-called ethnic card in domestic politics complicated bilateral relations between Slovakia and Hungary, as well as interethnic relations within Slovakia, provoking extreme nationalists who organized anti-Roma rallies and incited violent acts against Roma citizens.

**National Democratic Governance.** State institutions were relatively effective and the political system remained stable throughout 2009. At the same time, disturbing trends inherited from the previous year intensified as the ruling coalition continued to apply a majoritarian interpretation of democracy, consistently rejecting all legislative initiatives submitted by the opposition. The effectiveness of Parliament's control mechanisms continued to deteriorate, and rampant party clientelism continued to defy the principle of impartial governance. *Owing to the government's continued efforts to retain and consolidate power by divisive and undemocratic means, Slovakia's national democratic governance rating worsens from 2.75 to 3.00.*

**Electoral Process.** In 2009, Slovakia held presidential, European Parliamentary, and regional elections. In the second round of presidential elections in April, incumbent President Ivan Gašparovič defended his post with the support of the two largest ruling parties. The ruling parties used the ethnic card, dividing the population and endangering bilateral relations with Hungary. In the elections to the European Parliament, six mandates were clinched by center-right parties representing the European People's Party, who defeated Smer-SD, which represented the Party of European Socialists with five mandates. The Smer-SD and ES-HZDS coalition gained the highest number of deputy mandates and governor positions in the regional elections in November, which were marred by alleged vote-buying targeting voters of Romany origin. *Owing to the intense use of the ethnic card by the ruling parties in the presidential elections and efforts by some ruling party candidates to buy votes in regional elections, Slovakia's electoral process rating worsens from 1.50 to 1.75.*

**Civil Society.** Slovakia's civil society is independent and vibrant, with a predominantly positive public image. Yet the government remains distant and untrusting towards nongovernmental organizations (NGOs) and unresponsive to public policy research and advocacy groups. At the same time, the most visible threats to the sector and the attempts to change legislation concerning the legal status of NGOs dissipated in 2009. For the first time in twenty years, membership in trade unions grew. Antiracist organizations called on the Minister of Interior to increase preventive police actions against growing extremist and racist organizations. Prime Minister Fico's calls for strengthening patriotism among Slovakia's youth raised concerns about the secular and non-partisan character of the Slovak education system. *Civil society in Slovakia remains vibrant despite the government's unresponsiveness to calls for collaboration, while the growth of extremist and racist organizations continues to be monitored by the police and NGOs. The balance of positive and negative trends leaves Slovakia's civil society rating unchanged at 1.75.*

**Independent Media.** The ruling political elite, courts, and regulatory bodies increased pressure on Slovak media and journalists in 2009 with more sophisticated methods, moving from verbal attacks and disparaging the journalistic profession to taking libel actions. Courts decided these disputes against the media, awarding exorbitant indemnifications to plaintiffs (mostly politicians and judges) that threatened the economic existence of individual media. These trends were reflected in the increasingly negative perception of independent media in Slovakia by domestic as well as foreign watchdog institutions. The legislation adopted in 2009 further deteriorated conditions for free competition and free performance in the journalistic profession. *Owing to deepening problems in the media sphere, Slovakia's independent media rating worsens from 2.75 to 3.00.*

**Local Democratic Governance.** The public administration reform Slovakia carried out between 2001 and 2005 created favorable conditions for the future

development of local and regional self-governance. Thanks to the decentralization process and taxation reform, self-governance bodies acquired extensive decision-making powers as well as necessary funding to perform them. In 2009, however, most self-governance bodies struggled with serious financial problems caused by the global economic crisis, particularly a perceptible decline in tax revenues. Their situation was not made any easier by the central administration, which failed to adequately address their complaints and legitimate demands. *Slovakia's local democratic governance rating remains at 2.50.*

**Judicial Framework and Independence.** Negative trends prevailed within the Slovak judiciary in 2009, as judges who criticized the existing state of affairs faced administrative pressure. A former justice minister was appointed chairman of the Slovak Supreme Court, inviting doubts about the legitimacy of his nomination and election by the Judicial Council. The generally unsatisfactory situation provoked protests from individual judges; however, their displays of discontent were punished by disciplinary actions or discrediting tactics. The Constitutional Court came under pressure from the government when adjudicating. The principle of equality before the law was undermined by the preferential treatment accorded to leading government politicians by judicial and government bodies. In the second half of 2009, radical nationalist and extremist groups stepped up their activities aimed against the Roma. *Owing to increasing government pressure on the judiciary and prevailing negative trends undermining its independence, Slovakia's judicial framework and independence rating worsens from 2.75 to 3.00.*

**Corruption.** In 2009, no headway was made in combating corruption in Slovakia; on the contrary, most negative trends deepened. The incumbent administration continued to lack a strategy to combat corruption and clientelism as it failed to approve or draft any relevant anticorruption legislative initiatives. Public funds were often redistributed based on party affiliation. A number of corruption cases surfaced related to nontransparent public tenders and EU structural funds, and independent media revealed several serious scandals of corruption or clientelism involving high government officials. Prime Minister Fico was reluctant to demand personal and political responsibility for these incidents from among the elite government ranks; it took a concentrated effort by the media and general public to force personnel changes in his cabinet. *Owing to the incumbent administration's passive approach to combating corruption, absence of relevant legislative initiatives, prevalence of overt party and political clientelism, and numerous corruption scandals, Slovakia's corruption rating worsens from 3.25 to 3.75.*

**Outlook for 2010.** The ruling coalition's performance in the first half of 2010 is unlikely to bring any changes to Slovakia's overall sociopolitical development, with an expected continuation of the previous year's trends—political confrontation between the government and the opposition, non-consensual execution of power, attacks by government officials on independent media, and displays of ethnic

nationalism in appeals to the electorate. Slovakia is scheduled to hold its next parliamentary elections in June 2010. Voter preferences for the dominant ruling party hover at relatively high levels; however, if center-right opposition parties manage to reverse their recent trend toward fragmentation by effective coalition strategies, they will be able to compete with Smer-SD for the decisive position in forming the new government. A new formation of the ruling coalition is likely to bring about changes in the country's post-election development.

# MAIN REPORT

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## National Democratic Governance

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	2.00	2.00	2.25	2.50	2.75	3.00

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 may 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.

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 parliamentary elections in June 2006, a new ruling coalition was formed comprising Smer-Social Democracy (Smer-SD), the People's Party-Movement for a Democratic Slovakia (ĽS-HZDS), and the Slovak National Party (SNS). The two minor parties—ĽS-HZDS and SNS—were directly responsible for authoritarian behaviors by the government in the period 1994–1998.

Since 2006, independent analysts observed trends toward the deteriorating quality of democracy in Slovakia. A number of these were aggravated in 2009, including excessive concentration of power in the hands of the ruling coalition, its non-inclusive and non-consensual style of governance, displays of a majoritarian system in Parliament (the wholesale rejection of opposition-initiated proposals and restrictions on Parliament's control role by the government majority), and a preference for party and personal interests over the public interest in filling top state administration posts. These trends were perhaps most perceptible in the judiciary, fuelled by long-neglected inefficiencies in the court system as well as activities of Štefan Harabin, Chairman of the Supreme Court and former Justice Minister, who continued to put off judicial reform and to apply repressive measures against judges who criticized his or the judiciary's performance. Particularly disturbing were efforts by the executive to limit the independence of judges and their public criticism of problems within the judiciary.

In 2009, President Ivan Gašparovič displayed unambiguous support for the ruling coalition and the government. In one of his speeches, delivered in a closed meeting at the Smer-SD party gathering in Košice, he labeled himself as an “informal” member of the party.<sup>1</sup> By doing so, he violated the constitutional principle of impartial governance. Similarly, during the year, the ruling coalition used clientelistic practices in allocating public funds. There were numerous nontransparent transactions in various ministries and government agencies, raising public suspicions about corruption and conflicts of interest among officials. There were also overt cases of nepotism within government ranks. Some of these corruption and clientelism scandals included cabinet members, and even influenced the power ratio within the ruling coalition.

The country’s public and political discourse grew increasingly confrontational in 2009, especially in statements by ruling-coalition leaders against its critics, labeling them “enemies of the state.” Prime Minister Robert Fico, for instance, used the term “sabotage” when commenting on the April 2009 presidential elections; Fico threatened that unless independent journalists ceased their “biased coverage,” which he claimed harmed Slovakia’s “national and state” interests, their actions would be discussed by the Security Council of the Slovak Republic.<sup>2</sup> Although this threat was more a rhetorical exercise designed for voters, it contributed to tensions within society.

The National Council is a sovereign representative body 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 demand explanations from cabinet members and exercise oversight of state and public institutions. In 2009, ruling-coalition deputies ignored committee sessions where opposition members of Parliament (MPs) initiated votes on inspecting ministries or other control procedures, thereby undermining Parliament’s oversight responsibility with respect to the executive. Likewise, executive bodies showed reluctance in supplying requested information to parliamentary inspections of ministries suspected of nontransparent spending.

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.

All state agencies are subject to control by the Supreme Audit Office (NKÚ), which regularly publishes violations of laws and bylaws, and orders the offending agencies to remedy their deficiencies. The Parliament elects the NKÚ chairman and vice chairman for seven-year terms. Though funded by the state budget, the NKÚ is free from political influence.

## Electoral Process

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2.25	1.75	1.50	1.50	1.25	1.25	1.50	1.50	1.50	1.75

The authority of the Slovak government is based on freely exercised universal suffrage. 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. Since 1989, Slovakia has held six parliamentary elections, five municipal elections, three regional elections, three presidential elections, and two elections to the European Parliament (EP). International and domestic monitors declared these elections free and fair. However, in the first round of regional elections in November 2009, serious violations took place in eastern regions of the country that put in doubt the fairness of the elections and the legitimacy of some results.

Parliamentary elections are based on a proportional system with the following thresholds to qualify: 5 percent for single parties, 7 percent for coalitions of 2 or 3 parties, and 10 percent for coalitions of 4 or more parties. The electoral rules in Slovakia also include a system of preferential votes (voters can select a maximum of 4 “preference boxes” on the ballot). A candidate who receives more than 3 percent of preferential votes of a party receives preferential treatment in the allocation of mandates. Elections to the EP 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 and regional governors are elected using a majority model with two rounds, whereas mayors are elected in one-round elections.

In 2005, Parliament passed the Law on Political Parties, which requires a party to submit a petition of 10,000 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\$20,000), which is refunded to all parties that receive at least 3 percent of the popular vote; other party deposits are forfeited to the state budget.

In 2009, 53 political parties were reregistered with the Ministry of the Interior. There is a relatively low level of public participation through party membership (totaling approximately 100,000 out of 4.2 million eligible voters). The parliamentary party with the largest membership is *ĽS-HZDS* (35,000 members); followed by *Smer-SD* (15,636 members); *Christian Democratic Movement (KDH)*, 14,964 members); *Party of Hungarian Coalition (SMK)*, 11,750 members), *Slovak Democratic and Christian Union–Democratic Party (SDKÚ-DS)*, 6,119 members); and *SNS* (1,500 members). The extra-parliamentary *Communist Party of Slovakia (KSS)* has 8,930 members.<sup>3</sup>

Since the 2006 parliamentary elections, several members of Parliament defected from *SDKÚ-DS*, *KDH*, *SMK*, *ĽS-HZDS*, and *SNS* parliamentary caucuses as a



result of conflicts within the parties. As of the end of 2009, the ruling coalition of Smer-SD, SNS, and ĽS–HZDS controlled a total of 84 seats in the 150-member assembly (Smer-SD controlled 50 mandates, the SNS 19 mandates, and the ĽS–HZDS 15 mandates). Opposition parties combined for 52 seats (SDKÚ–DS controlled 28 mandates, SMK 15 mandates, and KDH 9 mandates). There were also 14 independent deputies who went on to found new parties; for instance, 4 former KDH deputies founded KDS (Slovakia’s Conservative Democrats), 5 former SMK deputies established the Most-Híd (Bridge) Party, and 1 former ĽS–HZDS deputy founded New Democracy. Most independent deputies, however, vote in unison with the opposition.

Six parties from Slovakia are represented in the EP. In the June 2009 elections, Smer-SD received 32 percent of the vote and clinched 5 mandates; the SDKÚ–DS received 17 percent (2 mandates); the SMK received 11.3 percent (2 mandates); the KDH 10.9 percent (2 mandates); the ĽS–HZDS 8.9 percent (1 mandate); and the SNS 5.5 percent (1 mandate). The five members of European Parliament (MEPs) from Smer-SD became members of the Progressive Alliance of Socialists and Democrats; the six MEPs from SDKÚ–DS, KDH, and SMK were incorporated into the conservative European People’s Party; the MEP for ĽS–HZDS became a member of the Alliance of Liberals and Democrats for Europe, a faction associating centrist parties; and the MEP from SNS joined Europe of Freedom and Democracy, a faction of nationalistic and Euro-skeptic parties.

The most recent presidential elections in Slovakia were held in March–April 2009. In total, seven candidates ran in the first round. Second round candidates were Ivan Gašparovič and Iveta Radičová. Gašparovič is a joint candidate of two of the ruling parties Smer-SD and SNS, and progovernmental, extra-parliamentary party Movement for Democracy (HZD). He gained 46.7 percent of votes. Radičová is a joint candidate of 3 opposition parliamentary parties SDKÚ–DS, SMK, and KDH and extra-parliamentary party Civic Conservative Party (OKS) who gained 38.1 percent of votes. In the second round, Gašparovič obtained 55.5 percent and was elected president.<sup>4</sup> The campaign was accompanied by a strong wave of ethnic nationalism, provoked by the ruling parties which supported the incumbent president and tried to discredit Radičová by playing the “ethnic card” (with anti-Hungarian sentiments). In the southern part of the country, with its mixed Slovak and Hungarian population, leaflets with erroneous content were distributed by unidentified persons shortly before the elections. These leaflets propagated the promise, allegedly given by Radičová to ethnic Hungarians in Slovakia, to introduce territorial autonomy as compensation for supporting her candidacy. Although Radičová publicly distanced herself from the fabricated leaflets, nationalists from the ruling parties accused her of betraying “Slovak national interest” in favor of Hungarians and Hungary.<sup>5</sup>

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 (70.1 percent in 2002 and 54.7 percent in 2006). The presidential elections in 2004 recorded a turnout of 47.9 percent (first round) and

43.5 percent (second round); in 2009, turnout was 43.6 percent in the first round and 51.7 percent in the second round. In the 2009 regional elections, voter turnout was 22.9 percent (first round) and 18.4 percent (second round). In the EP elections of 2004 there was a turnout of 17 percent and 20 percent in 2009.<sup>6</sup>

In the November 2009 regional elections, the ruling parties (Smer-SD, ĽS–HZDS and SNS) gained 184 deputies among regional assemblies (out of 408 mandates). Opposition center-right parties and their allies SDKÚ–DS, KDH, SMK, OKS, KDS, Most-Híd, and the new Freedom and Solidarity Party (SaS) gained 155 mandates. Other parties won 14 mandates, and independent candidates gained 55 mandates. In seven, self-governed regions, the representatives of the ruling parties, Smer-SD and ĽS–HZDS, were elected governors, while the opposition parties' candidate won in one region.

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 minority, making up nearly 10 percent of the country's total population.<sup>7</sup> Traditionally, ethnic Hungarians have a high rate of political mobilization; as a result, this minority is represented effectively, mainly through SMK. The SMK enjoys a solid position in some regional and local self-governance bodies, especially in regions and localities with a higher concentration of ethnic Hungarians. In 2009, several former members of the party, led by its former chairman Béla Bugár, founded the Most-Híd Party, which made appeals not only to ethnic Hungarians living in Slovakia but also to Slovak voters. Public opinion polls indicated that the new party's voting preferences were comparable with those of SMK; both parties hovered just above the 5-percent electoral threshold.

#### Civil Society

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2.00	1.75	1.50	1.25	1.25	1.25	1.50	1.50	1.75	1.75

In Slovakia, the state protects the rights of the independent civic sector. This is by and large a result of legislative changes made by previous governments; the current government respects the position of Slovak NGOs but often tries to minimize their influence through legal and political means and is distrustful of some NGOs working on public policy. Yet, 2009 saw the disappearance of the most visible threats to civil society and attempts to change the legislation regulating the legal status of NGOs, thanks in part to Slovakia's EU membership. Civil society initiatives protecting public interests also began to mobilize and interconnect their activities.

Slovak civil society is dynamic, and the public holds a positive opinion of NGOs. National minorities are represented mainly by cultural and civic organizations. Whereas the Hungarian minority is well represented at all levels, the number of Roma organizations is much lower. Cooperation between "Hungarian" and "Slovak" NGOs is widespread, yet scarce among Roma NGOs. Women's rights

organizations do not encounter major obstacles in their activities, although their public image is often influenced by various stereotypes. Religious groups play the most significant and visible role in charitable activities.

Extremist and racist organizations operate illegally. During 2009, the Slovak police continued systematic coverage of neo-Nazi, right-wing, and left-wing extremist groups, taking preventive actions against them. Anti-racist NGOs criticized the Ministry of Interior and Police for preferring to act against public expressions of extremist ideas (for example, during football matches) rather than carrying out intelligence work on well-organized, small, illegal groups, especially as the incidence of racist attacks increased during the year.

The legal and regulatory environment for civil society is free of excessive state pressures. The basic legislative framework for NGOs is provided by the constitution, guaranteeing freedom of expression (Article 29), freedom of assembly (Article 28), and freedom of association (Article 29 and 37), as well as other laws. Registration of NGOs is easy, and beginning in 2009, nonprofit organizations could draw support from the introduction of a 2 percent tax donation.

The NGO sector in Slovakia has a well-developed infrastructure, training and research base, and is generally well stabilized. There are many informal coalitions and networks formed on an ad hoc basis. Assistance from western democracies at the private and public level was instrumental in developing a vital civil society until 2004, when structural funds and other EU sources brought new opportunities and challenges to Slovak NGOs. The system of financial reimbursement upon completion of projects, which directly endangered many NGOs in previous years, has been modified and moderated. Nevertheless, the prevailing opinion of most NGOs is that the European Commission, in spite of the significant financial resources available, does not possess a sustainable model for supporting civil society activities.

Slovak think tanks, research organizations, and watchdog groups are perceived by some state officials as a threat to the stability of the government and are increasingly, verbally attacked by public officials, including Prime Minister Fico. Such attacks were particularly evident in 2009 against think tanks analyzing government policies and environmental organizations criticizing changes in environmental laws. Meanwhile, Slovak NGOs received extensive and mostly positive coverage from public and private media during the year. Blogs and Internet-based information sources also played an increasingly important role in mobilizing the public.

Slovak trade unions operate freely. Though membership in the Confederation of Trade Unions (KOZ) had been shrinking in the past, it increased slightly during 2009 to 475,000 employees, the first time since 1989. This was likely due to the global economic crisis and rising levels of unemployment in Slovakia. The image of trade unions, however, remains predominantly negative in all segments of the population, explained by the involvement of KOZ in party and government politics and the trade unions' leadership style. Even twenty years after the fall of the Communist regime, the public still does not perceive trade unions as part of broader civil society.

The education system in Slovakia is free of political influence and propaganda. The Ministry of Education continues, albeit slowly, to implement multicultural measures into the primary- and secondary-school curricula. Prime Minister Fico speaks frequently about the need to strengthen a sense of patriotism among Slovak youth. During 2009, this populist rhetoric was not reflected in legal norms, and for the time being, the prime minister's plans did not affect the secular and non-partisan character of the Slovak educational system.

#### Independent Media

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2.00	2.00	2.00	2.25	2.25	2.25	2.25	2.50	2.75	3.00

Protection of the freedom of speech in Slovakia is embodied in the constitution. The new Press Act passed in 2008, which replaced an obsolete law from 1966, features provisions that strengthen the right to correction and the right to response. On the one hand, these provisions increase the chance to respond to false information published by the media and set the record straight; on the other hand, the obligation to publish a response regardless of the original information's truthfulness creates inadequately favorable conditions for members of the political elite. In the first year of the law, members of the political elite were its primary users—while in 2009 the exercise of the provisions was not so extensive as to constitute a real threat to freedom of speech. Reporters Without Borders ranked Slovakia 44 (out of 175 countries) in its 2009 press freedom index, citing adoption of the new Press Act as one of the main reasons; however, the country came in third place in 2007.

Slovak journalists are protected from victimization by state or non-state actors, and the legal system allows little room to punish journalists for “irresponsible” journalism with respect to government bodies. Nevertheless, 2009 brought libel actions in which courts decided against media owners (mostly print media) and in favor of plaintiffs (mostly politicians and judges). Prime Minister Fico and Justice Minister Štefan Harabin, who became the Slovak supreme court chairman in 2009, were particularly agile in this respect and collected tens of thousands of euros from these rulings.

This increasing pressure was criticized by a number of institutions, including the International Press Institute (IPI). In its press freedom audit released in March 2009, IPI recommended improving the country's media environment by promoting “a dialogue between the media and the judiciary and strengthen self-regulation bodies such as the Slovak Press Council.” IPI also recommended nullifying libel articles in the Criminal Statute and deleting the right to response from the controversial Press Act.

There have been several cases of direct meddling in program content by the Slovak Television public broadcaster (STV). General Manager Štefan Nižňanský cancelled a story that was to be broadcast on *Reportéri* because the Minister of Labor, Social Affairs and Family might have found its content objectionable (Nižňanský

had formerly worked as the minister's media advisor). The Council for Broadcasting and Retransmission also reproached STV for breaching the principle of objective news coverage when Prime Minister Fico was the only guest on *O päť minút 12*, a discussion program aired on May 10.

Slovak media continued to shift toward the Internet in 2009. Online news portals offered greater space for wider participation by professionals and nonprofessionals in creating news content, including video. Social networking is also becoming an increasingly important source of information, even in terms of primary information that is subsequently disseminated via standard news channels. The number of Facebook users in Slovakia increased by thousands in 2009, with more than 500,000 total users in the autumn, more than one-quarter of Slovakia's entire Internet population.

All relevant Slovak media are in private hands. The only exceptions are public service media, Slovak Television (STV) and Slovak Radio (SRo), which are controlled by media councils appointed by Parliament, as well as the state-run press agency (TASR) that also became a public service medium in 2009. The change in its legal status, however, did not change the pressure TASR continues to put on the market, mainly due to hefty state subsidies (amounting to 50 percent of TASR revenues) that allow the news agency to dramatically undercut its competitors amid declining advertising revenues. This reduces the space for free competition and threatens the survival of TASR's only relevant private competitor in the market.

The financial stability of private media in Slovakia depends on the relative size and health of the market more than interference by political powers; consequently, the global economic crisis brought a decline in advertising revenues and increased economic pressure on media owners in 2009. In the case of some print media, this pressure was amplified by the costs incurred from libel lawsuits. In the public service media, legislative solutions came up short as concessionary fees introduced with the new Law on Television and Radio brought in much less revenue for STV and SRo than legislators had calculated. The recent contracts between government and public service media implied the possibility of the government increasing its influence over media content and thus becoming a tool to manipulate the management of public service media; SRo management, which is under permanent pressure of the ruling political elite and regulatory bodies, refused to sign the contract as of the end of 2009, unlike the "docile" management of STV.

The Slovak Syndicate of Journalists (SSN), the country's largest professional association of journalists, adopted more forceful positions on problematic features in the media sphere in 2009 as compared to 2008. The SSN criticized the opportune interpretation of the right to defend personal integrity, good reputation, and name in the media in compliance with Article 19 of the constitution, which conversely allows certain individuals to abuse the provision for personal gain, concluding that it harmed Slovakia's media environment. The SSN also condemned a legal action taken by Prime Minister Fico against the daily *Sme* for publishing his caricature, arguing that the action breached the constitution-guaranteed freedom of Slovak citizens to disseminate, search for, and receive information.

## Local Democratic Governance

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
n/a	n/a	n/a	n/a	2.25	2.00	2.00	2.25	2.50	2.50

The Slovak Constitution and other applicable laws provide an adequate framework for self-governance at the regional and local levels, with a dual system of public administration—state administration (institutions of executive power) and self-governments (elected bodies). There are three levels of elected bodies: central (Parliament), regional (regional assemblies), and local (municipal councils).

As part of public administration reform, a massive block of powers was transferred in 2001–05 from central government bodies to local and regional bodies, which now address issues in education, health care, social affairs, transportation, culture, regional development, tourism, and the environment. In order for local and regional self-governments to perform their delegated powers, the central government provides them with necessary funding through fiscal decentralization, or the right to collect local taxes, increasing the gross income of self-governance bodies in recent years. As a result, municipalities decide independently about 72 percent of their total revenues; regional self-governments are allowed to allocate 59 percent of their total revenues.

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 Supreme Audit Office (NKÚ) controls all funds expended by self-government bodies and supervises the financial management of legal entities established by self-government bodies. In June, Parliament passed an amendment to the law on property of municipal and regional self-governments that introduced an obligation for local and territorial self-governance bodies to sell and/or rent out their property through public competitions or auctions. The amendment is expected to increase self-government revenues and the transparency of public spending.

Most self-governance institutions have adequate capacities to manage their operations; professional training continues to improve due to various education projects initiated and implemented by the government, self-governance associations, NGOs, and international partners. The situation is significantly better in cities and larger towns, while smaller municipalities often face a lack of qualified human resources. According to data supplied by the Association of Slovak Towns and Villages (ZMOS), approximately 800 out of the total 2,928 municipalities did not have Internet access in 2009, whereas 1,921 municipalities maintained an official Web site.<sup>8</sup>

Due to the impact of the global economic crisis on Slovakia, including tax revenue deficits, local self-governance bodies proposed their own ideas for redistributing certain types of taxes. According to current legislation, revenue generated by the income tax for individuals is redistributed in the following ratio: 6.2 percent goes to the central government, 70.3 percent to municipal self-governments, and 23.5 percent to regional self-governments. In July, leaders of the Union of Slovak Towns (ÚMS) and the K8 Association of Regional Mayors

called on the central government to amend tax legislation so that self-governance bodies could redistribute 100 percent of these revenues in the ratio of 75 percent for municipal self-governments and 25 percent for regional self-governments. They also proposed new local fees for investors, significant real-estate tax increases, an amendment to allow self-governance bodies to increase their credit burden, and new measures to further untie the hands of self-governance bodies in handling their budget funds. According to self-governance associations, self-governments were forced to reduce their number of employees by 25,000 as a result of the substantial decline in income. Currently, Slovakia's self-governance bodies employ 180,000 people through various types of labor arrangements.

In October, mayors of regional capitals reported that implementation of the Law on Social Services, which took effect in January, caused serious problems to self-governance bodies, and actually limited social services by stipulating a model of reimbursement that was unsuitable for self-governments. In the same month, the K8 Association criticized the Finance Ministry's call for the computerization of services. Mayors pointed out that the cabinet required them to provide electronic services that self-governance bodies cannot afford to provide. Representatives of the ÚMS declared that, contrary to its initial promises, the cabinet had not adopted measures aimed at a faster and more efficient drawdown of financial aid from EU structural funds for self-governments and that the actual rate of receiving financial aid had not exceeded 20 percent.

In 2009, Parliament and the government adopted an amendment to the law on property of municipal and regional self-governments that facilitated property transfers from state administration to municipal and regional self-governments, as well as legal ways of selling and renting out their property. The amendment was initiated and drafted by opposition deputies and became the sole case in 2009 of Parliament approving a legislative initiative proposed by the opposition.

In 2002, the cabinet established the Government Council for Public Administration as an advisory institution in public administration issues, with representatives of central and local state administration bodies, regional and local self-governments, associations of towns and villages, regional assemblies, and academic experts. 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 council analyzes public administration measures and the potential impact of proposed legislation.

The constitution and relevant laws allow citizens to exercise their right to vote at regional and local levels. Deputies of municipal councils and regional assemblies, mayors, and regional governors are elected in direct, free, and democratic competitions, which are open to candidates from political parties, 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, such as those held in November 2009.

## Judicial Framework and Independence

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2.25	2.00	2.00	2.00	2.00	2.00	2.25	2.50	2.75	3.00

The Slovak Constitution, Bill of Fundamental Rights and Freedoms, and other laws provide a framework for the protection of human rights. The constitution guarantees all citizens equality before the law. However, women and other groups (for example, citizens of Roma origin) are inadequately represented in public posts.

The Constitutional Court is an independent element of the judicial system, and its verdicts are legally binding. The right to appeal to the Constitutional Court regarding the constitutionality of laws, government regulations, and other legal rules applied by the public administration rests with parliamentary deputies (at least 30 are required to launch an appeal), as well as the president, the cabinet, courts, the attorney general, and the ombudsman for human rights; in certain cases, self-governments also invoke this right. Citizens are free to turn to the Constitutional Court if they believe their constitutional rights have been violated by a state institution.

In 2009, controversies in the decisions of the Constitutional Court reflected the overall political atmosphere in the country, highlighting confrontations between the ruling and opposition parties. For instance, the court decision on the constitutional nonconformity of the Special Court of Justice invited speculations that the court had yielded to political pressure from Justice Minister Štefan Harabin. Equally questionable was the handling of a motion filed by MPs regarding the constitutional conformity of the Expropriation Act. Although the motion was filed in January 2008, the Court had still not taken up the issue over a year later. After the Court accepted the motion for adjudication in mid-November 2009, it refused to suspend the challenged law while its primary provision, the construction of highways, had already begun, potentially compromising the independence of the Court's ruling.

Interethnic relations in Slovakia, particularly Slovak-Hungarian relations, deteriorated further in 2009, with amendments led by the ruling parties to the State Language Act, which took effect on September 1. Politicians and leaders of civic associations representing ethnic Hungarians living in Slovakia called the amendments insensitive and unaccommodating to citizens of Hungarian origin, arguing that the law supported assimilation of ethnic minorities and reduced the standard of minority rights implementation.

The security of the Roma living in eastern Slovakia also deteriorated in 2009 due to increased activity by extremist and radical nationalist groups threatening violence against ethnic minority groups. In the second half of the year, these groups organized public events to express solidarity with local inhabitants who, according to them, suffered from the rising tide of "Romany criminality." In order to prevent violence, the police emphatically intervened in these public events. In its recent report on Slovakia, the European Commission Against Racism and Intolerance (ECRI), an independent monitoring body of the Council of Europe, notes "a



worrying increase, since the coalition government comprising the Slovak National Party took power in 2006, in racist political discourse chiefly against the Hungarian minority as well as against, inter alia, Roma and Jewish people.”<sup>9</sup>

The ECRI report praised Slovakia for making progress in the field of antidiscrimination and asylum legislation, as well as for passing certain strategic documents, for instance the Mid-Term Development Strategy for the Romany Ethnic Minority, a new schooling act, and a new action plan for combating racism and discrimination; at the same time, it observed that the administrative practice of central and local institutions was not always in line with declared principles. For instance, Slovakia still has not ratified Protocol No. 12 to the European Human Rights Convention that spells out a general ban on discrimination, although the document took effect in 2005.

Slovakia has a 3-tier 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 body of self-governance within the judiciary. The Ministry of Justice appoints the chairman and vice chairman of particular courts. International monitors have confirmed that the Slovak judiciary is independent to a satisfactory degree.

However, in 2009, Supreme Court Chairman and former justice minister Štefan Harabin continued adapting the country’s judicial system to fit his political and personal ambitions and actively resisted the concept of judicial reform implemented in Slovakia between 1998 and 2006. Judges who publicly criticized the lingering problems within Slovakia’s judiciary and/or the performance of Harabin faced disciplinary action. Some of the judges even claimed that an atmosphere of fear had begun to settle over the judicial system.

By the end of August, four judges had filed a complaint with the Constitutional Court challenging the legitimacy of the election of Harabin as new chairman of the Slovak Judicial Council and demanded that the court nullify Harabin’s appointment as Supreme Court chairman by President Ivan Gašparovič. In early September, 15 judges submitted an open letter to top constitutional officials, the new justice minister, and the Slovak Judicial Council enumerating lingering problems within the judiciary as well as intimidation, victimization, and elimination of judges who dared to criticize Harabin. At the end of September, 86 judges signed a document titled, *Call to Change the Existing Situation within the Judiciary*, and later, 105 judges signed a declaration that harshly criticized Harabin.

The legal actions taken against independent media by Harabin, his kindred judges, and some government politicians challenged the fundamental principle of equality before the law. Most courts decided these lawsuits against independent media, ordering them to pay exorbitant indemnification for alleged damages. Additional grave shortcomings in 2009 included the persistence of clientelistic networks loyal to Harabin that undermined reform efforts in the judiciary, as well as the principle of equal access to justice.

## Corruption

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
3.75	3.25	3.25	3.25	3.00	3.00	3.25	3.25	3.25	3.75

Corruption ranks as one of the most pressing and deeply rooted social problems in Slovakia. The greatest challenge to combating corruption is the discrepancy between the relatively solid legislative foundation built by previous governments and the insufficient determination and ability of the incumbent administration to curb the space for corruption within society; on the contrary, some measures adopted in recent years appear to encourage corruption.

Over the past three years, clientelism has become the principal *modus operandi* of the ruling coalition, as well as individual ruling parties, exemplified by the numerous documented corruption scandals on the national, regional, and local levels. In addition, the incumbent administration's overall focus on strengthening the government's role in the economy and its reluctance to continue systemic, liberal, socioeconomic reforms has contributed to the climate of corruption.

In 2009, there were few legislative and administrative measures adopted that could be evaluated as promoting transparency and combating corruption. However, one example was the amendment to the Law on the Property of Municipalities and Self-Governance Regions that requires local and regional self-governments to sell and lease their property through competitive methods. In April, Transparency International Slovakia called an amendment to the Public Procurement Act "insufficient," arguing that it had not abolished the category of non-priority services, which directly encouraged nontransparent actions. In October, ruling-coalition deputies refused to support an initiative proposed by opposition deputy Lucia Žitňanská (SDKÚ) that sought to introduce a compulsory electronic auction in the procurement process for public administration institutions.

In 2009, successful moves by ruling party deputies to abolish the Special Court of Justice, whose principal mission was to combat corruption and organized crime, drew outrage; the general public pressured the cabinet to eventually draft a bill on the creation of a Specialized Penal Court that would replace the abolished Special Court of Justice and take over its entire agenda. Due to a rare political agreement between Smer-SD and opposition parties, Parliament passed the bill into law in June preventing the widely feared negative change to the institutional foundation of Slovakia's anticorruption activities.

Perhaps the greatest corruption scandal in 2009 involved a nontransparent public tender conducted by the Ministry of Construction and Regional Development. Though never announced in *Vestník verejného obstarávania* (the Public Procurement Newsletter) nor other publicly accessible periodicals, the EU-funded project was awarded to Avocat and Zamedia, a consortium of firms close to the SNS and the only participant in the tender (interestingly, the Minister of Construction and Regional Development, Marián Janušek, had been appointed by SNS). As the media exposed mounting details of the scandal, EU representatives announced that any funds the Slovak government had disbursed to private

companies would be considered “unauthorized costs” that could not be reimbursed. After an investigation, Prime Minister Fico finally agreed to remove Janušek but replaced him with another figure involved in the scandal, Igor Štefanov. Although the police launched a criminal investigation into the case in September, Štefanov still held his executive post at year’s end. Another scandal involving the dumping sale of Slovakia’s emission quotas by the Ministry of Environment to Interblue Group, an unknown firm registered in the United States with suspected ties to SNS leaders, drew strong criticism from the opposition and civic activists, forcing Prime Minister Fico to sack two environment ministers (eventually prompting the prime minister to bar any further SNS nominees to the post).

Clientelism was suspected in another public tender to award €203.8 million (roughly US\$285 million) in EU structural funds organized by the Ministry of Culture and won by the Regional Consulting Company, which apart from being the only tender participant, was not officially registered as a company at the time of the tender. The Ministry of Transport, Post, and Telecommunications refused to publish information on a public tender and to choose the supplier of a highway toll system, despite being the largest government contract awarded in the history of Slovakia—the tender was awarded to the company that offered the highest bid.

Transparency International’s 2009 Corruption Perceptions Index ranked Slovakia 56 out of 180 countries surveyed, with a score of 4.5 (on a scale of 0–10 with 10 indicating least corrupt).<sup>10</sup> According to the Office of the Attorney General, a total of 164 people had been prosecuted in Slovakia for corruption-related offenses in 2008 (32 more than in 2007); 98 people were formally indicted of such crimes (15 more than in 2007), and 61 people were convicted (six more than in 2007). The most frequent criminal offense was bribery, indicated as the reason for prosecuting 113 people.<sup>11</sup> A public opinion poll in July 2009 by the Institute for Public Affairs revealed that most people in Slovakia were extremely critical of displays of corruption and clientelism in government policies. Almost three-quarters expressed concerns over corruption, whereas only 5 percent claimed not to notice the problem.<sup>12</sup>

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- <sup>1</sup> “*Volby: Výsledok volieb je dôležitý pre budúcnosť Smeru, tvrdí Gašparovič*,” [Gašparovič Says that Electoral Results will be Important for Future of Smer party], SITA News Agency, March 31, 2009.
- <sup>2</sup> “*Robert Fico v pondelok 6. apríla 2009 na tlačovej konferencii reagoval na postoj slovenskej tlače počas kampane k voľbám prezidenta SR*,” [Robert Fico Reacted on Monday April 6, 2009 at the Press Conference to Behavior of Slovak Press During Presidential Election Campaign], <http://www.strana-smer.sk/267/1030/robert-fico-v-pondelok-6-aprila-2009-na-tlacovej-konferencii-reagoval-na-postoj-slovenskej-tlace-pocas-kampane-k-volbam-prezidenta-sr.html>.
- <sup>3</sup> “*Politika: Kauzy koalíčných strán nemali výrazný vplyv na ich členskú základňu*,” [Politics: Scandals of Ruling Parties Did Not Effect Substantially Their Membership], Tlačová agentúra Slovenskej republiky (TASR News Agency), July 7, 2009, [www.tasr.sk/23.axd?k=20090710BB00222](http://www.tasr.sk/23.axd?k=20090710BB00222).
- <sup>4</sup> See Web site of the Statistic Office of the Slovak Republic [www.statistics.sk](http://www.statistics.sk).
- <sup>5</sup> “*SNS vyzýva nevoliť Radičovi, ale Gašparoviča*,” [Slovak National Party Calls to Vote for Gašparovič, Not for Radičová], SITA News Agency, March 28, 2009.
- <sup>6</sup> For electoral statistics see Web site of the Statistic Office of the Slovak Republic, [www.statistics.sk](http://www.statistics.sk).
- <sup>7</sup> “*Sčítanie obyvateľov, domov a bytov 2001*,” [Population and Housing Census 2001], <http://www.statistics.sk/webdata/slov/scitanie/namj.htm>.
- <sup>8</sup> See: <http://www.sodbtn.sk/obce/>.
- <sup>9</sup> ECRI Report on Slovakia (fourth monitoring cycle). Published on May 26, 2009, [http://www.coe.int/t/dghl/monitoring/ecri/library/publications\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/library/publications_en.asp).
- <sup>10</sup> See [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009](http://www.transparency.org/policy_research/surveys_indices/cpi/2009).
- <sup>11</sup> For further information, see [http://www.genpro.gov.sk/vdok\\_simple-sprava-2009-usp/50881s50931c](http://www.genpro.gov.sk/vdok_simple-sprava-2009-usp/50881s50931c).
- <sup>12</sup> For further information, see <http://www.ivo.sk/5784/sk/aktuality/vacsinu-obcanov-znepokojuju-prejavu-korupcie-a-klientelizmu-v-politike-vlady>.