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Freedom House

## Freedom in the World 2019 - Slovakia

Free

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### Overview:

Slovakia's parliamentary system features regular multiparty elections and peaceful transfers of power between rival parties. While civil liberties are generally protected, democratic institutions are hampered by political corruption, entrenched discrimination against the Romany minority, and growing political hostility toward potential migrants and refugees.

### Key Developments:

#### Key Developments in 2018:

- In February, investigative reporter Ján Kuciak and his fiancée were murdered at their home in southern Slovakia. It was the first time in Slovakia's modern history that a journalist was killed because of their work. Kuciak had been working on a report that uncovered alleged links between the Italian mafia and Prime Minister Robert Fico's office.
- The murder shocked the country and prompted the biggest demonstrations since the fall of communism. Tens of thousands of people took to the streets, demanding an independent investigation and the resignation of the prime minister, the interior minister, and the head of the police. The protesters also called for early elections.
- In March, an ultimatum from junior coalition partner Most-Híd led to Fico's resignation and a government reconstruction. President Andrej Kiska appointed Peter Pellegrini, a member of Fico's Direction-Social Democracy (Smer-SD) party, to head the new government. Fico stayed on as leader of Smer-SD's parliamentary caucus.
- Local elections in November resulted in serious defeats for Smer-SD in Slovakia's major cities, but the party remained the largest political force at year's end.

### Political Rights and Civil Liberties:

POLITICAL RIGHTS: 36 / 40

## A. ELECTORAL PROCESS: 12 / 12

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

Slovakia is a parliamentary republic with government under the leadership of the prime minister. There is also a directly elected president with important but limited executive powers. President Andrej Kiska was elected in 2014; as an independent newcomer he gained 59 percent of the vote and defeated then prime minister Robert Fico in a run-off.

The president appoints the prime minister, who is usually the head of the majority party or coalition. In March 2018, an ultimatum from Smer-SD's junior coalition partner, Most-Híd, led to Fico's resignation, and President Kiska appointed Peter Pellegrini of Smer-SD party as prime minister. The coalition partners of the previous Fico government, the nationalist Slovak People's Party (SNS) and the center-right Most-Híd, continued to lend their support to the new cabinet.

**A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

The 150 members of the unicameral parliament are directly elected to four-year terms in a single national constituency by proportional representation vote. The last elections took place in 2016. The ruling Smer-SD lost its outright majority and formed a coalition with two other parties, SNS and Most-Híd. The vote took place peacefully and its results were accepted by stakeholders and certified by the State Commission for Elections and the Control of Funding for Political Parties (State Commission).

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

The legal framework is generally fair, and 2014 legislation that addressed some gaps and inconsistencies in electoral laws was praised by a 2016 Organization for Co-operation and Security in Europe (OSCE) election monitoring mission. However, electoral legislation leaves ambiguous whether meetings of the State Commission—which is tasked with oversight of party funding, vote tabulation, and electoral preparations—should be open to the public. In 2016, OSCE monitors were permitted to attend meetings, but they called for explicit regulations allowing the attendance of citizen observers.

## B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Citizens can freely organize in political parties and movements. In 2016, 23 parties competed in the year's elections and 8 of them entered the parliament.

The constitution and other laws prohibit parties that threaten the democratic order. In July, the Special Prosecutor's Office pressed charges against Marián Kotleba, the leader of the extreme right People's Party–Our Slovakia (L'SNS), for demonstrating support for racist and Nazi ideology. Several of his fellow party members were also being prosecuted for similar crimes. The party faces the prospects of dissolution on the grounds that its activities violate the Constitution and are aimed at eliminating Slovakia's democratic regime. L'SNS had entered the parliament in 2016, after taking an unexpected 8 percent of the vote.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

There have been regular alterations of parties in government in the last two decades. In November 2018, opposition and independent candidates defeated incumbents supported by Smer-SD in most major cities in local elections.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

There are few direct limitations on the political choices of citizens in Slovakia.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

Nearly all relevant political parties have expressed bias against LGBT (lesbian, gay, bisexual, and transgender) people, who are poorly represented in politics. The Romany minority is poorly represented, and there have been reports of vote-buying in Romany settlements in local and regional elections.

Women hold one-fifth of seats in the parliament, and are underrepresented in politics generally. The government has worked to implement action plans aimed at achieving gender equality, but no major changes have been achieved.

**C. FUNCTIONING OF GOVERNMENT: 9 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Democratically elected politicians are the key agents for determining public policy.

**C2. Are safeguards against official corruption strong and effective? 3 / 4**

Corruption remains a long-standing problem, and few high-profile corruption cases have led to convictions. In a significant decision in November 2018, the Supreme Court sentenced former ministers Marián Janušek and Igor Štefanov to 11 and 9 years in prison, respectively, for deliberately bypassing legal guidelines for public procurement

and favoring a group of contractors close to the political leadership. However, the number of corruption convictions has declined in the last two years, and an overwhelming majority of convictions result in suspended sentences. A Transparency International-commissioned public opinion poll published in November 2018 revealed that the number of Slovaks willing to report corruption had declined to its lowest level since the country became independent in 1993.

Despite improvements to the legislation protecting whistleblowers and the establishment of an anticorruption department in the office of the government, senior officials continue to be implicated in corruption. The investigation into the murder of Kuciak exposed links between a wealthy oligarch and high-ranking politicians and officials. In April 2018, the European Union's OLAF anticorruption agency opened investigation into the misuse of EU funds in the field of agriculture; the investigation was apparently prompted by Kuciak's reporting.

In 2018, a European Commission annual report singled out the fight against corruption as a sphere in which the country made no visible progress. It noted the "the lack of accountability in bodies tasked with fighting corruption" and the "only moderately effective whistle-blower protection."

### **C3. Does the government operate with openness and transparency? 2 / 4**

The law obliges mandatory publication of all contracts in which a state or public institution is a party, but enforcement is inconsistent. Many business leaders believe that corruption was the main reason behind their failure in securing public tenders.

CIVIL LIBERTIES: 52 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16 (-1)

### **D1. Are there free and independent media? 2 / 4 (-1)**

The February 2018 murder of Ján Kuciak, an investigative reporter who was working on corruption and tax fraud cases, represented the worst attack on media in recent Slovak history. Police confirmed that murder was linked to Kuciak's investigative work and charged three suspects in October; one of the suspects linked the murder to a controversial businessman with ties to politicians across the board. The businessman had been arrested in an unrelated case in mid-2018.

Shortly after the murder, then prime minister Robert Fico promised a swift and independent investigation. However, Fico himself had been criticized for contributing to the hateful atmosphere against journalists; he has verbally attacked the media throughout his career, and even after his resignation as prime minister in March. In November, after another round of verbal insults, over 500 Slovak journalists published a declaration condemning Fico's attacks.

Media ownership is concentrated in the hands of a few business groups and individuals. In addition, concerns over the independence of public broadcaster Radio and Television of Slovakia (RTVS) increased as dozens of its reporters were laid off or left in 2018, citing political pressures by newly appointed editors.

*Score Change: The score declined from 3 to 2 due to signs of increased interference in the work of independent journalists, including the murder of an investigative reporter, verbal attacks against journalists by the leader of the largest party, and the departure of a significant number of senior staff from the public broadcaster amid political pressure from management.*

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

Religious freedom is guaranteed by the Constitution and generally upheld by state institutions. Registered churches and religious societies are eligible for tax exemptions and government subsidies.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

Academic freedom is guaranteed by the Constitution and upheld by authorities.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

People may discuss sensitive or political topics without fear of retribution or surveillance.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12**

**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally guaranteed and upheld by state authorities, and peaceful demonstrations are common. A series of demonstrations sparked by the murder of Ján Kuciak and led to the eventual resignation of Prime Minister Fico. However, in November, the police interrogated protest organizers, citing an anonymous and highly dubious accusation that they had been plotting a coup. The investigation was later shelved, but critics accused the police of attempting to intimidate civic activists. Several international organizations protested the actions of the police.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4**

Nongovernmental organizations (NGOs) are free to operate and criticize state authorities. However, in 2018, NGOs came under pressure from Fico who, following public demonstrations after the Kuciak murder, accused them of organizing antigovernment protests with the aim of "overthrowing" the legitimate government.

Fico linked the organizers to George Soros, a Hungarian-American billionaire and philanthropist who has been scapegoated by nationalist and extremists politicians in several other countries, and argued that NGOs needed to be under closer scrutiny. In October, the parliament adopted a law requiring NGOs to register with state authorities. Despite initial fears that the law would be similar to the restrictive "foreign agent" laws in Russia or Hungary, the adopted version does not contribute an additional burden to NGOs' activities.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4**

Trade unions in Slovakia are pluralistic and operate freely.

## **F. RULE OF LAW: 12 / 16**

### **F1. Is there an independent judiciary? 3 / 4**

The constitution provides for an independent judiciary. However, there is a widespread perception of a lack of transparency and an abundance of corruption in the functioning of the judicial system. Individual judicial panels occasionally release controversial decisions that critics suggest reflect corruption or intimidation within the judiciary.

In 2018, the parliament discussed reforming the appointment procedure to the Constitutional Court. Currently, the parliament selects twice as many candidates as the number of vacancies by a simple majority, and the president appoints candidates from this list. Earlier, President Kiska had refused to appoint the ruling party's candidates, resulting in a three-year-long vacancy on the court. The parliament failed to agree on any changes to the law by the end of 2018, raising the prospect of a deadlock at the Constitutional Court, where the terms of 9 out of 13 sitting judges expire in early 2019.

### **F2. Does due process prevail in civil and criminal matters? 3 / 4**

Due process usually prevails in civil and criminal matters. However, there have been reports of warrantless detentions or detentions otherwise carried out without other appropriate authorization.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4**

While Slovakia is free from war, insurgencies, and high rates of violent crime, police abuse of suspects is a persistent problem. Separately, in 2018, Slovak authorities were accused of complicity in the 2017 abduction of a Vietnamese citizen by Vietnamese security services. According to media reports, a Slovak airplane was used in the forced transfer of Trinh Xuan Thanh, a Vietnamese businessman who had sought asylum in Germany, back to Vietnam, where he was convicted of corruption and sentenced to life imprisonment. Slovak authorities admitted to irregularities but strongly denied witting involvement in the kidnapping.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4**

The Romany population faces persistent employment and other kinds of discrimination. Romany children in primary schools are regularly segregated into all-Roma classes, and many are educated in schools meant to serve children with mental disabilities. The Interior Ministry in January 2018 proposed a new strategy aimed at strengthening police powers in Romany settlements, which was criticized by various NGOs concerned about ethnic profiling and further discrimination.

In a groundbreaking March 2018 ruling, the Košice Regional Court held that a municipality had discriminated against a job-seeking Romany woman when it preferred a less qualified non-Romany candidate. A separate court decision in July ruled that municipal authorities had violated antidiscrimination laws when relocating Romany tenants of a public housing to a segregated area.

Women enjoy the same legal rights as men but are underrepresented in senior-level business and government positions.

**G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16**

**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

The government respects the freedom of movement and the right of citizens to freely change their place of residence, employment, and education.

**G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4**

In general, the government does not arbitrarily interfere with citizens' rights to own property and to establish private businesses.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

Personal social freedoms, including choice of marriage partner and size of family, are guaranteed and upheld by the state authorities, but a 2014 constitutional amendment defines marriage as a "unique bond" between one man and one woman. LGBT partners do not have the right to conclude civil unions.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4**

Severe marginalization of the Roma harms their opportunities for social mobility.

Human trafficking is a problem, and mainly involves the transport of men, women, and children to countries in Western and Central Europe, where they are engaged in forced labor, sex work, and begging. The government has recently increased antitrafficking efforts, including by more frequently investigating and prosecuting organizers. However, sentences are sometimes light, and victim identification and services are inadequate.

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