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Slovakia

Country:

Slovakia

Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

89

Freedom Rating:

1.0

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 who could augment Slovakia's tiny Muslim population.

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 Prime Minister Robert Fico in a run-off.

Following elections, the president appoints the prime minister, who is usually the head of the majority party or coalition. Fico has served as prime minister since 2012.

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 party, Direction–Social Democracy (Smer-SD), lost its outright majority and formed a coalition with two other parties, including the nationalist Slovak People's Party (SNS). 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.

In May 2017, the prosecutor general filed a motion with the Supreme Court to dissolve the extreme right People's Party–Our Slovakia (L'SNS) parliamentary party, led by Marián Kotleba, a neo-Nazi and the former regional governor of Banská Bystrica. The prosecutor general argued that the party's activities violated the Constitution because it aimed to eliminate a democratic regime in Slovakia. 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 2017, elections in eight regions led to the replacement of four out of six Smer-SD regional governors by politicians from the center-right opposition.

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 political choices of citizens in Slovakia. The Catholic Church is influential, as are conservative NGOs backed by it.

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 Roma minority is poorly represented, and there have been reports of vote-buying in Roma 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.

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 significant problems, though in 2017 the conclusion of a case involving two former SNS construction ministers suggested courts' increasing capacity to address the issue. In October, the former ministers, Marián Janušek and Igor Štefanov, who had served in the center-right 2006–10 government, were sentenced to 12 and 9 years in prison, respectively; the court ruled that they had deliberately bypassed legal guidelines for public procurement in order to give contracts to a group of contractors close to the political leadership. It was the first instance of government ministers' imprisonment in Slovakia.

Separately, in an indication of increasing public confidence in anticorruption structures, results of a survey commissioned by the Slovak branch of Transparency International released in 2017 indicated that 40 percent of citizens indicated that they would report instances of corruption to authorities—the highest share ever recorded in the country.

However, senior officials continue to be implicated in corruption, and such claims sparked public demonstrations in 2017. In an effort to tackle increasing public concern over corruption, Fico in 2017 met representatives of several watchdog groups and floated the idea of establishing a new Protection of Public Interest Office to improve the protection of whistleblowers.

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 state institutions have at times refused to provide access to such documents. In late 2016, a former employee with the Ministry of Foreign Affairs came forward with allegations that ministry staff had sidestepped proper procurement procedures. In April 2017, the Public Procurement Office (ÚVO), following an inspection of the ministry, concluded that it had not violated laws on public procurement. However, Transparency International Slovakia, which publicized the allegations, claimed the ÚVO inspection was narrow and did not encompass many relevant contracts.

CIVIL LIBERTIES: 53 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Media in general are free and independent, despite substantial pressure on journalists exerted by both from the government and from outlets' owners. Prime Minister Fico in 2017 openly called upon Smer-SD lawmakers to replace the director of public broadcaster Radio and Television of Slovakia (RTVS), whose five-term was up for reinstatement, saying the broadcaster was biased and covered his administration unfairly. The International Press Institute (IPI) criticized the remarks as an "inappropriate and unwise" efforts to control the broadcaster. The incident took place as polling in 2017 showed that the public perceived greater independence at RTVS.

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. In 2016, the parliament passed a bill that increased the number of adherents required for a religious group to be officially recognized and eligible for public subsidies from to 50,000 members, from 20,000 previously. The amendment—which came into force in January 2017 after parliament overrode a presidential veto—was widely interpreted as a preemptive step against registration of Muslim religious societies. The government, for its part, argued that it sought to prevent the establishment of a new religious group that existed solely to access public funds.

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.

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 the state authorities. However, in 2017 they came under pressure from Fico, who suggested in April that street demonstrations critical of his administration were organized by foreign-backed NGOs. Fico added that as a result, NGOs would have to disclose information

about their funding, though no such measures were implemented by year's end. On other occasions, Fico indicated his government's willingness to work with anticorruption watchdogs.

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 abundance of corruption in the functioning of the judicial system. Eurobarometer in 2017 issued findings showing that among respondents in all EU countries, those in Slovakia has the lowest confidence in the independence of their judiciary, and that respondents had cited interference or pressure from government and politicians to be the most serious problem. In May 2017 elections to the Judicial Council—a self-governing body overseeing the operation of Slovakia's courts—none of the nominees of an independent judiciary reform initiative known as For an Open Judiciary (ZOJ) were elected, prompting some concern among jurists.

Separately, to increase individual responsibility of judges, disciplinary powers of the bodies tasked with monitoring judicial decision making have increased since July 2017.

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

Due process usually prevails in civil and criminal matters. Individual judicial panels, however, occasionally release controversial decisions that critics suggest reflect corruption or intimidation in the judiciary.

In an unprecedented move supported by 129 out of 150 parliamentarians, the parliament adopted in March 2017 a constitutional amendment aimed at scrapping amnesties issued by former Prime Minister Vladimír Mečiar. The amnesties, granted in 1998, relate to the 1995 kidnapping of the son of then-president Michal Kováč, allegedly by the state secret service, and the murder of a friend of a key witness in the case. The move was approved by the Constitutional Court. Police had charged 13 people in 1998 but the prosecution stopped due to the amnesties. At year's end there was some speculation that Mečiar himself could face prosecution for issuing the amnesties.

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

Police abuse of suspects is a persistent problem. However, some efforts have been made to tackle the issue, including attaching cameras to police uniforms, instituting changes to guidelines on the use of force, and implementing better psychological training for new police recruits.

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

The Roma population faces persistent employment and other kinds of discrimination. Recent initiatives to increase policing of Roma settlements have prompted NGOs to express concern about racial profiling. Roma children in primary schools are regularly segregated into all-Roma classes, and many are educated in schools meant to serve children with mental disabilities. In May, a district court awarded financial compensation to a Roma women on the basis of her forced sterilization in the 1990s, only the second such ruling by the Slovak courts. LGBT people face widespread discrimination.

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

A party led by the neo-Nazi Marián Kotleba, the L'SNS, sits in the national parliament as a result of the 2016 elections. The party's entry into the legislature raises concerns about increasing societal acceptance of aggressive and exclusionary nationalist rhetoric. However, the L'SNS performed poorly in regional elections in November 2017, and Kotleba lost his post as regional leader in Banská Bystrica.

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 choose their residence, employment, and educational institution.

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 women. 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 had 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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