



FREEDOM IN THE WORLD 2020

Slovakia

88

FREE

/100

<u>Political Rights</u>	36 /40
<u>Civil Liberties</u>	52 /60

LAST YEAR'S SCORE & STATUS

88 /100 **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



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 Roma, and growing political hostility toward migrants and refugees.

Key Developments in 2019

- In March, controversial businessman Marian Kočner was charged with ordering the 2018 murder of investigative reporter Ján Kuciak and his fiancée. After phone records from Kočner's cell phone were leaked by Slovak news outlet Aktuality.sk, an array of public officials, politicians, judges, and public prosecutors were implicated in corrupt dealings with Kočner.
- Also in March, environmental activist and lawyer Zuzana Čaputová of Progressive Slovakia, a newcomer to national politics, won the presidential election, defeating Smer–SD candidate Maroš Šefčovič. Čaputová is the first woman elected as president in the history of the country.

Political Rights

A. Electoral Process

A1 0-4 pts

<p>Was the current head of government or other chief national authority elected through free and fair elections?</p>	<p>TOP</p>
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Slovakia is a parliamentary republic whose prime minister leads the government. There is also a directly elected president with important but limited executive powers. In March 2018, an ultimatum from Direction–Social Democracy (Smer–SD), a

junior coalition partner, and center-right party Most-Híd, led to the resignation of former prime minister Robert Fico. Former president Andrej Kiska appointed Peter Pellegrini of Smer–SD as prime minister. The coalition partners of the previous Fico government, the nationalist Slovak People’s Party (SNS) and Most-Híd, continued to lend their support to the new cabinet.

In March 2019, an environmental activist and a leader of the newly formed Progressive Slovakia party, Zuzana Čaputová, was elected the first woman elected as president of the country. Čaputová won 58.3 percent of the second round of voting to defeat diplomat Maroš Šefčovič, nominated by Smer–SD, who took 41.7 percent.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	4/4
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The 150 members of the unicameral parliament, the National Council, are directly elected to four-year terms in a single national constituency by proportional representation. 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 (known as the State Commission).

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	4/4
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The legal framework for elections is generally fair, and 2014 legislation that addressed some gaps and inconsistencies in electoral laws was praised by a 2016 Organization for Security and Co-operation 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 June 2019, the parliament passed a law that caps total donations to parties within the four-year electoral term. Critics point out that established parties are less affected than newer parties, as they receive public subsidies that do not count as donations. Moreover, parliament in October passed a law that would ban publicizing the result of opinion polls within 50 days of elections. The Constitutional Court ruled in December that the law would not apply to the 2020 parliamentary vote. The court planned to continue to consider the law’s general constitutionality in 2020.

B. Political Pluralism and Participation

B1 0-4 pts

<p>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?</p>	<p>4/4</p>
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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 April 2019, the Supreme Court ruled against the proposal put forward by the prosecutor general calling for the far-right People’s Party Our Slovakia (L’SNS) to be dissolved due to activities that violated the constitution and aimed to eliminate Slovakia’s democratic regime. The court ruled there was not enough evidence that the party posed an immediate threat to the country’s democracy.

B2 0-4 pts

TOP

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>4/4</p>
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There have been regular transfers of power between parties in the last two decades. President Čaputová, elected in 2019, is the chairwoman of the Progressive Slovakia party, which was formed in 2017.

B3 0-4 pts

<p>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>4/4</p>
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The citizens of Slovakia are generally able to make political choices free from external pressures.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>3/4</p>
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Nearly all political parties in parliament have expressed bias against LGBT+ people, who are poorly represented in politics. Roma are poorly represented, and there have been reports of vote-buying in Romany settlements for local and regional elections.

Women hold one-fifth of the seats in parliament and are underrepresented in politics generally. The government has worked to implement action plans aimed at increasing parliamentary gender parity, but no significant change has been achieved in recent years.

The Supreme Court confirmed in September 2019 that L'SNS member of parliament Milan Mazurek had made racist comments towards the Roma on a radio show in 2016. The constitution stipulates that a parliamentarian automatically loses their seat if found guilty of a deliberate crime, including hate speech, which is banned. The Supreme Court levied a fine against him and removed him from his seat in parliament. Former prime minister Fico attempted to defend Mazurek, doubling down on Mazurek's racially prejudiced remarks. In December 2019, Fico was charged

by police for inciting racial hatred and could face up to five years imprisonment. The incident reflected the racial bias against the Roma in the country, including prejudice among elected officials. Mechanisms to confront hate speech can be effective when invoked.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	4/4
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Democratically elected politicians are the key agents for determining public policy.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	3/4
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Corruption remains a long-standing problem, and few high-profile corruption cases have led to convictions. The number of corruption convictions has declined in the last three years, and an overwhelming majority of convictions result in suspended sentences.

Despite improvements to legislation protecting whistleblowers and the establishment of an anticorruption department in the office of the government, senior officials continue to be implicated in corruption scandals. The investigation into the murder of journalist Ján Kuciak exposed links between wealthy oligarch Marian Kočner, who orchestrated Kuciak's murder, and high-ranking politicians and officials. Former prosecutor general Dobroslav Trnka was found to be heavily implicated in illicit activities and abused his powers to cover up their connections. In October 2019, the deputy speaker of parliament resigned, due to his connections with Kočner coming under public scrutiny. After official charges were brought against Kočner in March, leaked reports of messages on his cellphone suggest that Kočner bribed and

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collaborated with a number of judges, prosecutors, and politicians, including a former-SD junior minister in the Justice Department. Police also confiscated cell phones of several judges who were also allegedly involved in Kočner's schemes.

In February 2019, the government established the Office for the Protection of Whistleblowers, to strengthen the protection of whistleblowers in public and private institutions.

In August 2019, a report by Council of Europe's Group of States Against Corruption (GRECO) group pointed out a number of systemic weaknesses in the Slovak government's administration and urged improvement of policies and a legal framework to address and prevent further issues of corruption.

C3 0-4 pts

Does the government operate with openness and transparency?	2/4
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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 to secure public tenders.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4 TOP
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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 freedom in recent Slovak history. The investigator of the Interior Ministry's inspection service brought charges in September 2019 several public officials implicated in the murder ordered by Marian Kočner, for unlawful surveillance of several journalists, including Ján Kuciak.

Parliament passed in September 2019 an amendment to the Press Act granting public officials a right-of-reply to stories about them. Over 400 journalists criticized the amendment for giving politicians an undue influence over media content.

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) continued as more reporters were laid off or left in 2019, citing political pressure from their superiors.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	4/4
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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 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	4/4
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Academic freedom is guaranteed by the constitution and upheld by authorities. **TOP**

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	4/4
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People may discuss sensitive or political topics without fear of retribution or surveillance. Hate speech laws prohibit the incitement of racial hatred or violence. In September and December 2019, these laws were used to remove former parliamentarian Mazurek from office for making racist remarks against the Roma. Former prime minister Fico was also charged under these laws. The incident reflected the presence of anti-Roma racism in electoral politics, but also that mechanisms to confront hate speech can be effective when invoked.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	4/4
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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 in 2018 pressured former prime minister Fico to resign. Throughout 2018, these peaceful protests, called “For a Decent Slovakia,” were organized in several cities. Police interrogated protest organizers, which critics say only served to intimidate civic activists.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	
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Nongovernmental organizations (NGOs) are free to operate and criticize state authorities. In 2018, NGOs came under pressure from former prime minister Fico who accused them of seeking to overthrow the legitimate government, following some organizations’ support of and work for the “For a Decent Slovakia” protests. In

January 2019, a law entered into force requiring NGOs to register in a single nationwide database. Despite initial fears that the law would be similar to the restrictive “foreign agent” laws in Russia or Hungary, the adopted version does not impede NGO activities, as it only seeks clearer identification of the people acting on their behalf and a legal proof of their authority to act on behalf of their NGO.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	4/4
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Trade unions in Slovakia are pluralistic and operate freely.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	3/4
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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. The fallout of the revelation of the corrupt dealings of Marian Kočner has greatly diminished public trust in the courts. Many of the officials implicated in dealings with Kočner were judges and prosecutors, including a former prosecutor general and his deputy. According to an August 2019 poll, two-thirds of Slovaks do not trust the independence of the court system.

In February 2019, the tenure of 9 out of 13 constitutional judges expired, which paralyzed the Constitutional Court. The constitution states that the parliament selects twice as many candidates as the number of vacancies by a simple majority, and the president appoints candidates from this list. However, during former ^{TOP}

president Kiska's term in office, parliament was unable to nominate the full number of candidates for the posts. Kiska decided to appoint three new judges, allowing for just a simple majority on the top court. In September, parliament was finally able to select the full number of candidates and president Čaputová appointed the remaining six judges in October. The Constitutional Court was incomplete for almost eight months, resulting in a long backlog of cases.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	3/4
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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 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	3/4
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While Slovakia is free from war, insurgencies, and high rates of violent crime, police abuse of suspects is a persistent problem.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	3/4
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The Roma face persistent discrimination in many forms, including from public officials and in employment. Romany children in primary schools are regularly **TOP** segregated into Roma-only classes, and many are educated in schools meant to serve children with mental disabilities. In October 2019, the European Commission called for the Slovak authorities to take steps aimed at stopping the de facto segregation of Romany children.

Women are underrepresented in senior-level business and government positions. The 2019 Gender Equality Index issued by the European Institute for Gender Equality indicates that in Slovakia the gender pay gap and the percentage of women in top posts in the private sector are among the worst in the European Union.

According to Slovakia's public defender of rights, Maria Patakyova, LGBT+ people face much discrimination throughout the country outside of the capital, and especially online. While there are antidiscrimination laws in place, most cases of discrimination are unreported, and police do not always investigate or take action in cases of discrimination on the basis of gender identity or sexual orientation. A 2017 survey found that LGBT+ people have little trust in authorities and antidiscrimination mechanisms.

The number of asylum applications is very low (only 178 in 2018) which reflects the status of Slovakia primarily as a transit country. However, Slovak authorities apply asylum protections very restrictively; by June 2019 just 2 out of 93 asylum seekers were successful.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	4/4
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The government respects the freedom of movement and the right of citizens to freely change their place of residence, employment, and education.

G2 0-4 pts

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Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	4/4
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In general, the government does not arbitrarily interfere with citizens' rights to own property and to establish private businesses.

G3 0-4 pts

<p>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</p>	<p>3/4</p>
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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. Laws neither allow nor recognize same-sex marriages or civil unions. A September 2019 poll indicates over half of the population opposes granting those in same-sex partnerships the same rights granted to unions between a man and a woman.

Slovakia permits abortions, although the governing coalition debated legislation to increase some restrictions on abortions in September.

G4 0-4 pts

<p>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</p>	<p>3/4</p>
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Severe marginalization of Roma harms their opportunities for social mobility. According to the 2019 US State Department's *Trafficking in Persons Report*, 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 with more frequent investigations and prosecution of organizers. However, sentences are sometimes light, and victim identification and services are inadequate.



On Slovakia

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Country Facts

Global Freedom Score

88/100 Free

Other Years

2019

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