



**NATIONAL INTEGRITY  
SYSTEM ASSESSMENT  
SLOVAK REPUBLIC**

*Executive Summary*

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# NATIONAL INTEGRITY SYSTEM ASSESSMENT SLOVAK REPUBLIC

## Executive Summary

### *NIS Pillars*

The sixteen assessed pillars in the Slovak National Integrity System could be divided into two groups based on their performance - better performing (stronger) and not well performing (weaker) pillars. Such division is obviously simplifying, however allows us to cluster the pillars into two sets of institutions possessing, in some extent, common features. The first set contains pillars with established entities and mechanisms of functioning that, in general, have been lately less turbulent in functioning and delivering respective tasks in proper way. This involves for example Supreme Audit Office, Legislature, Media, Civil Society etc. Contrary, the second group contains entities that have been either operating in unstable environment (e.g. Judiciary, Prosecution, Police, Public Procurement Office) or have been less involved in anti-corruption or integrity policies (e.g. Business, Local State Administration, President). The seventeenth pillar - Regulators of Service Providers of the Slovak Republic is not being scored, however contains qualitative description of the current situation in three main regulatory bodies.

Overall there are significant features distinguished in the Slovak National Integrity System. In three main dimensions Capacity, Governance and Role, the Role is often underperforming. Capacity is high in all good performing (strong) pillars and forms a very strong backbone for the NIS as only three weak pillars are struggling with low capacity that is resources and independence. In most of the pillars the independence is well defined in the law, however big discrepancies occur when it comes to independence implementation in practice. Governance dimension scores vary across the pillars with high scores in all strong pillars, with exception of media and civil society. Indicators of integrity and accountability in practice are very low in majority of pillars. This shows, together with the lack of independence in practice, that implementation of existing rules and legal frameworks are the major downsides of the NIS in Slovakia. It is also supported by the fact that vast majority of pillars scored higher in law indicators than practice ones. Poor results in integrity indicators, both law and practice, prove that the integrity as such is not rooted in the society and institutions. Non-existing rules on conflicts of interest or vague interpretation of such rules endorse the point.

As seen on the graph, it is mainly the role dimension that distinguishes strong NIS pillars from the weak ones. All well scoring indicators are strong in performing their duties in terms of integrity. The only exception, the Ombudsman, as described below, is not using possibilities given by the framework, thus his role is minor in regard to NIS.

Generally, Slovakia has well developed legal framework in terms of NIS. However it lacks implementation skills and mainstreaming of specific integrity mechanisms across the sectors.

Even though the results of the NIS in Slovakia show two groups of pillars, there is no leading sector or institution. Contrary to this, there is a significant diversity among the pillars and within the pillars. Due to this fact, it is crucial for a better understanding of the results not just to use holistic approach but also to compare the structure of the pillars.

**The Legislature, Executive-Government and Political parties** are among the stronger pillars mainly due to their standardized and stable performance in all aspects assessed within the NIS. They have adequate resources to carry out duties and are operating freely with no severe interventions from the third parties. However, in reality the Executive challenges the supremacy of the Parliament, especially in the legislative process and EU affairs. Information on activities and decision-making process are available to the public, with accountability of Government having a high standard. On the contrary, the implementation of law on Political Parties is weak due to the formalistic supervision by the Finance Ministry and parliamentary committee. At the same time, a wide access to the information about the Parliament, individual MPs and legislative proceedings, is contradicted by the extent of immunity of MPs and weak control of the asset declarations.

In all three pillars implementation of integrity mechanisms is very weak as the regular integrity mechanisms either do not exist or are not properly implemented. The same applies to the Codes of conduct or Conflict of interests that are not being enforced in the practice. There is a significant lack of training of the staff in the use of available integrity tools.

The **Media** and **Civil Society** play an important role as watchdogs in society. Both are considered to be strong pillars of the Slovak NIS with some major weaknesses. The legal framework regulating the existence and activities of both actors is conducive to independency and diversity.

A lack of resources in both terms – financial and human, affects heavily the quality of their work. In media, the impact of such shortages is mainly related to decreasing level of investigative journalism, thus has direct impact on the activities in exposing corruption cases. The Civil Society is facing large staff fluctuations due to the lack of resources. However, it is the Civil Society that has played a leading role in uncovering corruption cases and helped in shaping the public perception of corruption as well as in public policy design of anti-corruption measures.

Both sectors are lacking efficient integrity mechanisms with rules on conflict of interest and codes of conduct being quite scarce and not mandatory. The accountability of Civil society is weak due to limited information on its activities provided to the public.

Based on the scores in the NIS capacity and governance indicators, the **Ombudsman** should have an essential role in combating corruption and promoting integrity in society. The office has sufficient resources with no external interference in its work and functioning transparency, accountability and integrity mechanisms. Thus, with some limitations in legal competencies, the Ombudsman is designed to be a strong pillar within the framework of NIS. However, the role is minor and performance is rather weak. Ombudsman has remained silent to certain trends and discussions in society and his visibility has been fairly limited.

Similar to the Ombudsman case, the **Supreme Audit Office** is a strong pillar with sufficient resources to fulfill properly its respective tasks in regard to integrity system. However it also does not use its potential and performs often very formalistic outputs of control with very limited focus on the effectiveness of audited tasks and performance. Besides this, it has been operating in a professional way, maintaining its independence. Transparency and accountability tools are commonly used in the practice and the institution also performs well in regard to integrity mechanisms.

There is no permanent **Electoral Management Body** as electoral commissions are created ad hoc ahead of every election. Even though the independence and impartiality of the electoral administration was of no concern in the last decade and

only minor problems occurred in regard to elections, there are some aspects that need to be regulated in order to prevent possible future problems. The unification of electoral legislation and set up of a permanent electoral management institution is perceived as necessary.

**The Judiciary, Police Force and Prosecution** are crucial for the overall strength of the NIS in Slovakia, but none of these institutions perform well in regard to integrity and anti-corruption. Therefore the low scores<sup>1</sup> for the three should be viewed as considerable threat to the overall functioning of the system. We have lately witnessed very unstable environment in all three institutions that has influenced their ability to reflect on current problem and needs in terms of combating corruption and fostering accountability, transparency and integrity. At the same time, all three institutions have not undergone significant reforms with judiciary not carrying out substantial personnel transformation after 1989, prosecution being independent however without basic transparency measures and not being open to public, police force dealing with high level of staff turnover, political interferences and lack of transparency in its activities.

Among the three the **Judiciary** is perceived as the most crucial and primarily malfunctioning. It is perceived by the public as the most corrupt institution in Slovakia. Judiciary has guaranteed independence and self-regulation however without actual external control and with no transparency and accountability mechanisms in place. It has been confronted with public distrust, allegations of misuse of powers, nepotism, corruption, and severe lack of transparency and accountability.

**Prosecution** has recently experienced turbulent years and undergone extensive changes in some areas of functioning. Political disputes over the election of new Prosecutor General in Parliament connected with accusation of buying votes and ending up in not having a new Prosecutor General for over a year are portraying the actual situation in the sector. Lack of accountability and transparency in regard to information on prosecution activities, including no information on selection process, as well as no integrity mechanisms in place are the most significant insufficiencies affecting the scores in NIS. Contrary to the aforementioned, new amendments to legislation have brought changes that are in favour of transparency and higher accountability.

**The Police Force** has carried out improvements in its communication towards the public, although the legal framework is quite favourable to accountability. High level of staff turnover has been crucial for the overall performance of the Police Force in the last decade. Political interference as well as non-existing transparent provisions in the appointment and promotion of staff counts for the major threat to the independence of the Force. Lack of independence together with insufficient integrity mechanisms implemented in the practice are the main cause of the poor performance in the NIS.

**The Public Procurement Office** is also playing a key role in the NIS. Based on the competences and content of its work we can assume that the quality of institution sets general framework for the performance of other public institutions in terms of transparency of public procurement processes. The Office has been under enormous influence and intense pressure from political elites. Its executives have been political nominates and the Office operates as politically dependent institution with no political

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<sup>1</sup> Higher scores in Judiciary and Prosecution pillars, contrary to Police Force pillar, have been achieved mainly by the ammendments in legislation that were introduced by the Governemnt in the last 16 months.

power to detect and investigate misbehavior of public officeholders. The new government in 2010 agreed on sustaining the political influence over the Office by nominating an opposition candidate to the chairman position, in order to keep the balance. However the chairman was dismissed in 2011 and the prime minister announced open call for the position, which is in progress at the moment.

**President** of the Slovak Republic has been involved in NIS scoring due to his role in society and informal expectations to set good examples as well as acting as a role model. The pillar is very weak in terms of delivering and promoting transparency and integrity. President and his office have sufficient resources for functioning independently and fulfilling respective tasks. However, the president has often remained silent in issues related to corruption or transparency, mainly in some controversial causes.

Although the **Business** sector in Slovakia has been booming in last decades, it has not developed sufficient and effective transparency, accountability and integrity mechanisms. The obligations set in laws, such as publishing of annual financial reports, are often not followed by the companies and are not controlled by the state authorities. Integrity mechanisms are very weak, with limited use of codes in practice and almost non-existing whistleblowers protection. Passive role of business in regard to anti-corruption is crucial shortage for the NIS in Slovakia. There are few exceptions when businesses or their associations actively engage in anti-corruption activities.

**Local State Administration** is under undue political interference in the appointment and promotion of civil service employees. It has severe shortcomings in communication to public, thus transparency and accountability mechanisms are insufficient. Similarly to the situation on the central level, the local state administration lacks the culture of introducing and maintaining ethical codes, rules on the conflict of interest, or creating positions responsible for addressing employee and office integrity issues.

**The Special Criminal Court** plays a significant role in anti-corruption fight as it has exclusive competence in corruption cases. That is the main reason for exclusion of the pillar from the Judiciary pillar. Its performance is important for the combating of corruption, however in reality has major insufficiencies. It operates independently and has acquired formidable reputation among professionals. The Court has no efficient integrity mechanisms as it lacks rules on conflict of interest or codes of conduct. Its accountability to the public is considered to be weak due to limited information on its activities.

Due to the size of the NIS research, the executive summary is followed by a shorten version of the assessment of the pillars. It contains main findings and the scoring tables.

## Parliament

### Summary

While the formal rules allow the National Council of the Slovak Republic (hereinafter only as the "*Parliament*") to function as a fully independent constitutional actor, in reality the executive, in a manner similar to other modern parliamentary democracies, challenges the supremacy of the Parliament, especially in the legislative process and

EU affairs. Despite the fact that the law and practice allow for a wide access to the information about the Parliament, individual MPs and legislative proceedings, a long-term criticism by media, NGOs and public is oriented toward the practice of the accountability and integrity mechanisms, especially the extent of immunity of MPs, control of the asset declarations and of political parties and their finances.

One of the main weaknesses of this pillar is related to the absence of regulations that are crucial for strong integrity legislation, namely rules concerning post-employment restrictions, lobbying and a comprehensive code of conduct. The implementation of the existing integrity legislation in practice is considered to be inadequate due to the unwillingness of the relevant committee to demand specific information regarding MPs' assets (e.g. value of real property), to examine the submitted asset declarations thoroughly and to determine appropriate consequences for violations of the rule on conflict of interest.

The accountability of the Parliament is limited by the absence of a legal mechanism for involvement of the public in its work and legal remedies against the actions of the Parliament and individual MPs. The enforcement of accountability in practice is complicated by the extent of the immunity enjoyed by MPs, which includes immunity for misdemeanours. The provision of information on the work of the Parliament to the public beyond the extent required by the Freedom of Information Act is considered positive both for the accountability and transparency of the Parliament.

<b>Parliament</b>			
<b>Overall Pillar Score: 71 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 88 / 100	Resources	100	75
	Independence	100	75
<b>Governance</b> 63 / 100	Transparency	100	100
	Accountability	50	50
	Integrity	50	25
<b>Role</b> 63 / 100	Executive oversight	50	
	Legal reforms	50 - 75	

## **Executive - Government**

### **Summary**

Resources of the Executive are quite fluctuating thus cannot be properly assessed. Overall the resources are sufficient for performance of assigned tasks. Law guarantees the independence of executive. No clear evidence of unduly interventions from other actors in activities and decisions of the executive have been proven.

However, doubts have been raised in regard to the business sector and its intervention with the executive. The independent executive is challenged by the attempt of entrepreneurs to promote their power to get influence over decisions of the executive.

Several provisions such as well-designed Freedom of Information Act (hereinafter also as "FOIA") or expert review process accessible to the public safeguard transparency of the executive and a few well-designed monitoring tools for overseeing the government are in place. Contrary, implementation of integrity mechanisms is very weak as most of the regular integrity mechanisms either do not exist or are not well implemented in the practice. Codes of conduct or Conflict of interests, if existing, are not being enforced in the practice and staff members are not trained/educated on their content. There are no existing and functioning whistleblowers protection mechanisms in practice.

<b>Executive - Government</b>			
<b>Overall Pillar Score: 69 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 75 / 100	Resources	-	50
	Independence	100	75
<b>Governance</b> 67 / 100	Transparency	100	75
	Accountability	100	75
	Integrity Mechanisms	50	0
<b>Role</b> 63 / 100	Public sector management (law and practice)	50	
	Legal system	75	

## President

### Summary

Given the stature of being the head of state, the President and his Office has in principle an adequate budget, guaranteed by law in order to be able to fulfil his role accordingly. Whereas Slovakia's legislation explicitly defines the role and the President's political independence, due to the fairly short democratic experience since the country's independence in 1993, the position of the President still shows hints of a latent political interconnected 'favours' or other reciprocal influences to some parties. Especially in the field of issues related to corruption or transparency, where the President has remained silent in some controversial causes, still reinforces



such suspicions; a more active engagement for a more firm position against corruption is lacking and would be a welcome given from a head of state.

The absence of a code of conduct for the President makes it difficult to measure the extent of his integrity in practice, however, the earlier mentioned total silence on controversial behaviour among government politicians (overpriced tenders, embezzlements of funds, a corrupted and controlled judiciary) is feeding the perception of a deficit in integrity. While there are some regulations in place to ensure transparency, such as the obligation to submit an asset declaration or to make the budget of the President's Office public, hardly any additional regulations for the control of the decision making process are in place. If information is requested on the basis of the Freedom of Information Act, it is up to the discretion of the President's Office to decline or release it (where it could fall e.g. under 'classified' information). The disclosure of the President's asset declaration online is considered to have a somewhat limited contribution to transparency in practice as the data within in it are not verifiable and could be inaccurate generally.

<b>Executive – the President</b>			
<b>Overall Pillar Score: 39 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 83/ 100	Resources	-	100
	Independence	100	50
<b>Governance</b> 33/ 100	Transparency	50	0
	Accountability	50	50
	Integrity Mechanisms	50	0
<b>Role</b> 0/ 100	Legal system	0	

## Local state administration

### Summary

Resources in the local state administration are sufficient in terms of financial and technical resources. Staff changes occur after each election, according to the changes in ministerial posts. Political nominations are quite common, particularly on the middle and top management level. There are no functioning regulations, which would prevent undue political interference in the appointment and promotion of civil service employees. In practice, at the local state administration level there are no effective tools of control which would be able to expose flaws and deliberate misconduct.

Civil service employees must submit their asset declaration to the Head of Service Office, however the superior only reviews it and no other type of oversight is in place. The Freedom of Information Act (FOIA) regulates the terms, procedure and scope of free access to information. Citizens' access to information on the local state administration without the use of FOIA requests is very limited and the regulation has severe legal gaps. It is also not clear how the processes functions and what citizens have to do and what time limits they have to keep gaining necessary information<sup>2</sup>. There is a large information asymmetry about activities of the local state administration and moreover, no tools are available in practice that would reduce this asymmetry. The hiring processes are formally carried out in accordance with law, but in practice hiring is often a pre-agreed process.

Due to the absence of legislation on whistleblower protection, the protection of people reporting crimes and misconduct in the local state administration is insufficient and essentially non-existent. The Act on Civil Service does not provide rules regarding post-employment restrictions.

The basic integrity mechanisms in the local state administration are mostly not functional. Similarly to the situation in the central state administration, the local state administration lacks the culture of introducing and maintaining ethical codes, rules on the conflict of interest, or creating positions responsible for addressing employee and office integrity issues. There is some awareness of the Ethical Code and rules on gifts among the staff but their application in practice is questionable<sup>3</sup>. Similarly, there is no mechanism to which a civil servant could turn to in case of ambiguity in rules.

<b>Local State Administration</b>			
<b>Overall Pillar Score: 40 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 42 / 100	Resources	-	50
	Independence	50	25
<b>Governance</b> 54 / 100	Transparency	100	25
	Accountability	75	25
	Integrity Mechanisms	75	25
<b>Role</b> 25 / 100	Public education	25	

## Judiciary

### Summary

Slovak judiciary and its current state in the constitutional system is one of the most visible themes of political discourse. It stems from the latest decade development, in which on the one hand the judiciary was guaranteed full independence and self-

<sup>2</sup> ibid

<sup>3</sup> Interview of Mr. Lastic and Mr. Marusinec with author.

regulation in the 2001 amendment of the constitution, but on the other it is confronted with public distrust, allegations of misuse of powers, nepotism, corruption, and severe lack of transparency and accountability.

The judiciary remains the only constitutional power that did not undergo substantial personnel transformation after 1989. In a reaction to the turmoil period of 1990's, in which the executive and the parliament repeatedly overstepped boundaries for separation of powers and the government directly influenced judges' selection, the 2001 amendment strengthened the independence of the judiciary by allowing judges to serve for life and by establishing the Judicial Council, the self-governing body to administer the majority of judicial affairs.

The strengthening of judiciary's independence in 2001 was not, however, intertwined with the introduction of transparency and accountability mechanisms, allowing for external control of the judiciary. The problems include various allegations of using disciplinary proceedings to target critical judges, allegations of nepotism in candidate selection for judges and the 2009 election of former Justice Minister S. Harabin (2006-09) directly to the position of Chief Justice of Supreme Court in 2009. The practice provides repeated examples that disciplinary motions and subsequent proceedings were used arbitrarily to intimidate judges that were publicly critical of current state in the judiciary. This not only undermines consistency and fairness of decision-making by the disciplinary court and the Judicial Council, but potentially also legitimacy of disciplinary proceedings and their perception by the general public. The delays in court proceedings also pose a problem for the accountability of the judiciary. At the same time, the judiciary is considered to be the most distrusted institution in Slovakia (32% trust, 65% distrust)<sup>4</sup>, while also perceived as the most corrupt one<sup>5</sup>.

<b>Judiciary</b>			
<b>Overall Pillar Score: 49 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 56 / 100	Resources	75	50
	Independence	75	25
<b>Governance</b> 54 / 100	Transparency	75	50
	Accountability	75	25
	Integrity Mechanisms	75	25
<b>Role</b> 38 / 100	Executive oversight	50	
	Corruption prosecution	25	

<sup>4</sup> Standard Eurobarometer 74, 2010 National Report on Slovakia, available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb74/eb74\\_sk\\_sk\\_nat.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_sk_sk_nat.pdf) [Accessed on 17 November 2011].

<sup>5</sup> Global Corruption Barometer 2009, Full report, available at: <http://transparency.org/content/download/43788/701097> [Accessed on 17 November 2011].

## Specialized Criminal Court

### Summary

The legal framework is generally supportive to Specialized criminal Court (hereinafter also as the „SCC“). Financial as well as human resources are considered to be sufficient and educational background of judges and the staff is adequate. SCC operates in a non-partisan manner without any external interference. Relations between SCC and other institutions are of a good and professional quality, both with the Special Prosecutor’s Office, , representing the State and with the police. In regard to other subjects, the work of the SCC is considered to be very professional and speed of legal proceeding is on a high level.

Accountability of the court is considered to be very weak due to limited information on its activities. There are not many provisions in place in regard to the accountability of the SCC to the public. At the present time a court does not provide the public with annual or other reports as it is not required by the law. The SCC is not an open institution as people have no relevant information on its activities. The public can, however, obtain information about activities and decision-making processes upon request based on Freedom of Information Act. SCC chairman as well as judges are disposed to make all judgments public. The court also provides information on criminal proceedings to the media through professional spokesperson.<sup>6</sup> However, the court has no efficient integrity mechanisms as it lacks rules on conflict of interest or codes of conduct. The Code of Conduct adopted by the Judicial Council provides recommendations for all judges. The Code is not mandatory and therefore it is only up to judge’s decision whether he/ she follows these recommendations.

There are no regulations which protect *whistleblowers* who report misconduct of the SCC and no regulations about citizen oversight committees at all.

<b>Specialized Criminal Court</b>			
<b>Overall Pillar Score: 45 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 81 / 100	Resources	50	75
	Independence	100	100
<b>Governance</b> 42/ 100	Transparency	75	75
	Accountability	25	25
	Integrity Mechanisms	25	25

<sup>6</sup> Mr. Kralik said that a spokesperson in the past was a judge from SCC and it was very difficult to manage this two functions together.

<b>Role</b> 13/ 100	Prevention	25
	Education	0

## Electoral Management Body

### Summary

The independence and impartiality of the electoral administration in Slovakia was of no concern in the last decade. According to the final report of the OSCE/ODIHR mission on the 2010 parliamentary elections “the parliamentary elections were conducted in a pluralistic environment characterised by general respect for fundamental rights and freedoms, equitable campaign conditions and a high degree of public trust in the impartiality of the election administration”<sup>7</sup>. Despite a lack of serious problems several areas of electoral management are left unregulated by the law and need to be addressed properly. The Central Electoral Commissions that are temporarily created every election do not have explicit procedural rules for their work. A more clear division of powers and responsibilities between the commissioners and the secretary of CEC has to be included into electoral law. The current government, under the supervision of the Interior Ministry, prepares a systematic overhaul of electoral management that is to create a personally and financially independent permanent EMB. The efforts of the Ministry to unify electoral legislation and establish a permanent electoral management institution has to have an urgency four elections will coincide in 2014.

The existing election legislation does not comprehensively address access to the information on the organisation and functioning of the electoral management body and its decisions. While there are several provisions that regulate information access, they do not cover all aspects related to the transparency of the electoral management. The law on parliamentary elections stipulates that the CEC has to make session minutes, however, does not oblige the CEC to publish them. It also does not explicitly provide that the decisions of CECs, RECs and DEC are public. Similarly, the election law stipulates details of information that have to be included in final reports of DEC, REC and CEC, but there are no provisions that provide explicitly an open access to these reports. Although the law does not explicitly provide for open sessions of CECs, in reality they are open to the public and the media and all minutes are published on the website of the Interior Ministry. In practice there are no serious problems that hamper transparency of electoral management. The process of candidate registration is generally inclusive and transparent and allows candidates that were not registered to file a motion with the court. The same applies to accessibility of voters’ lists, which are available for scrutiny at the municipal offices. They are not, however, accessible online.

There are almost no provisions in place to ensure the integrity of members of the electoral management body. Only the political parties that nominated the members

<sup>7</sup> OSCE/ODIHR, SLOVAK REPUBLIC PARLIAMENTARY ELECTIONS 12 June 2010

may recall them. Aside from the obligation to take an oath, there are no other provisions that regulate integrity mechanisms for members of electoral commissions.

<b>Electoral Management Body</b>			
<b>Overall Pillar Score: 63 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 75 / 100	Resources	-	75
	Independence	50	100
<b>Governance</b> 50 / 100	Transparency	50	75
	Accountability	50	75
	Integrity Mechanisms	0	50
<b>Role</b> 63 / 100	Campaign Regulation	25	
	Election Administration	100	

## Political Parties

### Summary

The overall level of political competition in Slovakia is open and effective, and there were no reports of state interference in the activities of political parties. The political parties operate freely and are subject only to reasonable oversight. The legal framework provides safeguards that prevent unwarranted external influence in the activities of political parties.

There are a few loopholes in the regulatory framework for accountability and transparency in political party financing. While the law on political parties obliges political parties to publish annual reports that include information on party incomes and expenditures, the law does not clarify level of detail when it comes to the local and regional branches of parties. The current legislation also does not cover campaign expenses of individual candidates. The current system of financing of political parties is biased toward parliamentary parties due to the existence of 3% threshold. While the 2005 law on political parties imposed stricter rules for parties' accounting (i.e. public annual reports), the implementation of the law is weak due to the formalistic supervision by the Ministry of Finance of the Slovak Republic and parliamentary committee.

The law on political parties includes general requirements on content of the charter that is attached to the registration of the party; however, it does not specify any additional information and the internal democratic governance are left to be decided

by the parties themselves.<sup>8</sup> All of the major parties have their charters available though their websites. All of them include regulations on their internal democratic governance; however, they vary in their scope. While all major parties elect their leadership, in last decade only a few of leadership elections were contested. The formal rules for selection of candidates for parliamentary election have also limited impact.

<b>Political Parties</b>			
<b>Overall Pillar Score: 69 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 94 / 100	Resources	100	75
	Independence	100	100
<b>Governance</b> 63 / 100	Transparency	75	75
	Accountability	75	25
	Integrity	75	50
<b>Role</b> 50 / 100	Interest aggregation and representation	50	
	Anti-corruption commitment	50	

## Supreme Audit Office

### Summary

The Supreme Audit Office of the Slovak Republic (hereinafter only as “SAO”), was established in 1993. Its remit and mandate are defined by the Constitution of the Slovak Republic (“the Constitution”)<sup>9</sup> and by a separate legislation, specifically by the law referred to as Act No. 39/1993 on Supreme Audit Office, as subsequently amended by other legislation<sup>10</sup>.

As defined in Law, apart from audits of legality and regularity of financial management and accounting of public resources, the Office also carries out performance and effective audit.

<sup>8</sup> Some additional information on internal democracy in Slovak political parties can be found in: Slovakia Country Report based on Research and Dialogue with Political Parties, available at: [www.idea.int/parties/upload/Slovakia\\_report\\_March06.pdf](http://www.idea.int/parties/upload/Slovakia_report_March06.pdf) (accessed 26 May 2011)

<sup>9</sup> Act No. 460/1992 Coll. The Constitution of the Slovak Republic (the “Constitution”).

<sup>10</sup> Act No. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic, as amended (“SAO Act”).

It is a strong pillar with sufficient resources to fulfill properly its respective tasks in regard to integrity system. However it also does not use its potential and performs often very formalistic outputs of control with very limited focus on the effectiveness of audited tasks and performance. Besides this, it has been operating in a professional way, maintaining its independence. Transparency and accountability tools are commonly used in the practice and the institution also performs well in regard to integrity mechanisms.

<b>Supreme Audit Office</b>			
<b>Overall Pillar Score: 75 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 83 / 100	Resources	-	100
	Independence	75	75
<b>Governance</b> 83 / 100	Transparency	75	100
	Accountability	75	100
	Integrity Mechanisms	75	75
<b>Role</b> 58 / 100	Effective financial audits	50	
	Detecting and Sanctioning Misbehaviour	75	
	Improving Financial Management	50	

## Public Procurement Office

### Summary

The Office's operational, financial, or personal independence is not guaranteed by law. The law on public procurement does not prevent political nominations to the posts at the Office, political pressure on the individual senior executives as regular employees or political pressure on individual Office's decisions.<sup>11</sup> External interference to independence of the PPO's Chairman is a constant threat to him/her in practice due to the fifth reason for his removal, i.e. the allegation of failure of the PPO to discharge its duties under applicable legal regulations. This reason for removal is very vague and can be misused as a tool to force Chairman into politically based decisions.

<sup>11</sup> Interview of Mr. Jaroslav Lexa with the author.



The Office is obliged at least once a year submit a report on the results of public procurement and operation of public procurement to the Government and, upon request, also to a committee of the National Council of the Slovak Republic<sup>12</sup>. Some parts of the report are written rather vaguely and do not provide information with added value. The Office informs the public about its activities mainly on its website. In practice, the public has free and easy access on the Office's website to all annual reports, as well as to strategy documents of the PPO.

In addition to the official gazette of the Office, on the website there are accessible individual decisions of the Office in the field of controls issued since 2009.

In 2010 and 2011, respectively, the Office issued Code of Ethics<sup>13</sup> and Staff regulations<sup>14</sup> documents that are binding for all the employees of the Office. The Code of Ethics covers conflict of interest rules, rules of gifts and hospitality and values of independence of the employees. Additionally, the Code of Ethics does not specify sanctions for non-compliance.

<b>Public Procurement Office</b>			
<b>Overall Pillar Score: 44 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 42 / 100	Resources	-	50
	Independence	25	50
<b>Governance</b> 67 / 100	Transparency	100	75
	Accountability	75	50
	Integrity Mechanisms	50	50
<b>Role</b> 25 / 100	Effective financial audits	n/a	
	Detecting and Sanctioning Misbehaviour	0	
	Improving Financial Management	50	

## Police Force

### Summary

Police Force in Slovakia has been undergoing significant changes in the recent years. Resources, especially quality of human resources, are still considered to be a

<sup>12</sup> [http://www.uvo.gov.sk/english/act25\\_2006.html](http://www.uvo.gov.sk/english/act25_2006.html). (accessed 14 October 2011)

<sup>13</sup> [http://www.uvo.gov.sk/download/2011/interne/eticky\\_kodex.pdf](http://www.uvo.gov.sk/download/2011/interne/eticky_kodex.pdf). (accessed 14 October 2011)

<sup>14</sup> [http://www.uvo.gov.sk/download/2011/interne/sluzobny\\_poriadok.pdf](http://www.uvo.gov.sk/download/2011/interne/sluzobny_poriadok.pdf). (accessed 14 October 2011)

major problem in the overall performance of the Police Force in Slovakia. High level of staff turnover and lower standards for hiring new force members has been crucial for the overall performance. At the same time, the absence of relevant provisions in regard to the appointment and promotion of officials together with the political interference have been the main threats in terms of independence. The Police Force has sufficient technical tools for combating corruption, however it lags behind in the capacity of the staff to use the tools properly and effectively.

Overall the access to relevant information on the Police Force activities has improved in the last decade. There are severe shortages in information on the policemen/women assets as these are disclosed only internally. Even though the public is able to obtain relevant information on the organisation and functioning of the Police Force, some aspects in transparency of the work are being questioned. Concerns have also been raised about communication towards the public and media as well as about the lack of transparency in the work of police. Decisions are usually made behind closed doors and public is not able to obtain relevant information on the functioning of the Police Force

Legal framework as such is designed in favour of accountability of the Police Force. However, the absence of independent body dealing with complaints against the members of the Police Force does not allow for full control of the Force. New approach to the information sharing and openness towards the public are the biggest changes in regard to the accountability of the Police Force. There are many challenges ahead, mainly in the area of independent monitoring and combating of loyalty ties.

The absence of post-employment restrictions and rules on gifts and hospitality is considered to be a serious loophole to the integrity legislative framework. At the same time, absence of capacity building in the Ethical rules and very weak integrity mechanisms in practice count for the most significant insufficiencies.

<b>Law Enforcement Agencies - Police</b>			
<b>Overall Pillar Score: 43 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 33 / 100	Resources	-	50
	Independence	25	25
<b>Governance</b> 46 / 100	Transparency	50	50
	Accountability	75	25
	Integrity Mechanisms	50	25
<b>Role</b> 50 / 100	Corruption Prosecution	50	

## Prosecution

### Summary

Resources of the Prosecution Office are adequate for delivering assigned services and duties. Independence of the Prosecution Office has been questioned in the recent years due to some unsolved cases as well as amendment of the Act on Prosecution. The Constitutional Court has issued a provisional ruling, which has partly suspended validity of the majority of provisions in the amendment. However the amended provisions in case of selection and promotion of prosecutors would have had positive impact on the independence and transparency of the process. Doubts about the non-partisan decisions in cases of top-rank politicians accused of criminal acts while in the office, as well as the cases of political parties financing that have not been prosecuted within the proper time or have not been prosecuted at all, are viewed as a threat to prosecution independence.

The legislation concerning the transparency of the prosecution services is comprehensive, but there are problems with its implementation in practice. The public is lacking information on the work of the Prosecution, which also leads to a limited knowledge about its role and functions. Disclosure of assets by Prosecutors is very formal and does not allow for public oversight. On the other hand, very detailed report on the work of Prosecutions (including statistics) is submitted to the National Council annually.

Integrity mechanisms and provisions are almost non-existing and need significant improvements. Although the Act on Prosecution contains provisions on ethical behaviour as well as other responsibilities of prosecutors, there are no clear rules on the content of such provisions. At the same time, there is no authority responsible for providing binding explanations to the content of such provisions.

The powers of prosecutors with regard to corruption cases are adequate and are considered to be in some cases exceptional (e.g. use of agents).

<b>Prosecution</b>			
<b>Overall Pillar Score: 54 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 67 / 100	Resources	-	75
	Independence	75	50
<b>Governance</b> 46 / 100	Transparency	100	25
	Accountability	75	50
	Integrity Mechanisms	25	0
<b>Role</b> 50 / 100	Corruption prosecution	50	

## Ombudsman

### Summary

The Slovak Ombudsman, in Slovak “the Public Defender of Rights” (*Verejný ochranca práv*), has been established in 1999 based on the model of neighbouring countries, and although given the prerogative of full impartiality and independence by the Slovak Constitution<sup>15</sup>, the Ombudsman remains slightly tainted by his political past, in which his past cannot be fully erased, which creates a hint of partiality when remaining silent to certain trends and discussions in society, a given that is regularly pointed out by the human right watchers and NGOs. Yet, unlike his Czech counterpart, his visibility is not as prominent as would be desired and his appearance e.g. on regularly aired dedicated TV programmes or other media – except for the Ombudsman’s own reports - is fairly limited to none and, although some visits are being made to certain civic events, not much is being reported on such; which resulted in the fact that, that generally speaking, his institution is unknown to some, whereas others cannot connect the name of the Ombudsman with the Office. The mere fact that still a large number of people is addressing the Ombudsman for matters not falling under his legal competence, points out that the overall awareness of the public is demonstratively low. The main obstacle is said to be a further limited budget, legal competencies that could be broadened and a lacking PR strategy to raise awareness.

The strong transparency legislation for the Ombudsman is relatively well implemented in practice. Annual reporting is being published both in the form of traditional print as well as in electronic format, accessible via the Ombudsman’s website (or available in print, free of charge), providing the public overall feedback on findings and complaints as well as budgetary details of the Office<sup>16</sup>. In line with the Asset Disclosure Act, the Ombudsman reports his declaration of assets and income, available to the public via the internet<sup>17</sup>.

The Ombudsman is in compliance with accountability regulations publishing its findings in his annual reports next to his duty to report to the Chairman of the National Council – including availability on the web. Whistleblowing awareness policy is relatively low – since there is no explicit formal provision in the first place and protection for whistleblowers is in practice non-existent<sup>18</sup>.

Legislation on the Ombudsman<sup>19</sup> as well as further internal codes of conduct restrict the Ombudsman and his staff to maintain his integrity of his institution’s stature, thus any possible influence either through political bodies, business connections or any other involvement, which could possibly be leading to a conflict of interest or influence his ‘independent position’ are explicitly strictly forbidden.<sup>20</sup>

The formal provisions<sup>21</sup> create a good legal basis to assure integrity; covering relevant aspects of avoiding integrity issues like conflict of interests (business or political), confidentiality, disclosure of assets, and other related matters. The

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<sup>15</sup> Act No. 460/1992 Coll. the Constitution of the Slovak Republic („the Constitution“).

<sup>16</sup> [www.vop.gov.sk/spravy-o-cinnosti](http://www.vop.gov.sk/spravy-o-cinnosti) (accessed 13 June 2011).

<sup>17</sup> [www.nrsr.sk/Default.aspx?sid=vnf/oznamenie&UserId=KandPave](http://www.nrsr.sk/Default.aspx?sid=vnf/oznamenie&UserId=KandPave) (accessed 15 October 2011).

<sup>18</sup> Global Integrity Report, Slovakia: Integrity Indicators Scorecard, 2009.

<sup>19</sup> Article 6 and 7 of Act on the Public Defender of Rights.

<sup>20</sup> Interview of Mr Kandrak, with the author.

<sup>21</sup> Ibid. and other laws.

Ombudsman insisted personally overseeing all processes – ensuring its ultimate compliance and standards<sup>22</sup>.

<b>Ombudsman</b>			
<b>Overall Pillar Score: 65/ 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 83/ 100	Resources	-	75
	Independence	100	75
<b>Governance</b> 88/ 100	Transparency	100	75
	Accountability	75	75
	Integrity Mechanisms	100	100
<b>Role</b> 25/ 100	Investigation	50	
	Promoting good practice	0	

## Civil Society

### Summary

The legal framework is generally supportive to civil society. Resources of the civil society are insufficient, thus it faces various threats in regard to their financial and HR sustainability and efficiency. Many of the CSOs have not diversified their financial resources and depend on a single source of funding and/or single donor. Inadequate financial resources have had a negative impact on the HR policy and have led to a brain drain in the third sector. There have been no serious interventions of the external actors into the functioning of the civil sector.

Transparency of the third sector is slowly gaining importance within the sector itself. As CSOs demand transparency from the state or private entities they face the challenge of their own accountability and should be setting a good practice example. At the same time, CSOs try to fundraise resources from the local donors, though need to build their image<sup>23</sup>. There are no clear rules on the type and scale of information that should be publicly accessible and no standards are set<sup>24</sup>. Thus, availability of the information on the CSOs activities varies based on the type and

<sup>22</sup> Interview of Mr Kandrak, equally interview of person, who wants to stay in anonymity (source J) with the author.

<sup>23</sup> Interview of Pavol Žilinčík with the author.

<sup>24</sup> Interview of Filip Vagač with the author.

size of organization. Even though CSOs are not obliged to publish information on their activities many of the top ranked CSOs do so in order to gain public trust in their activities and mission.

Those publishing annual reports usually include detailed financial and donor information within the document. Boards are also becoming more common in the organizational structure of well-known CSOs. CSOs use various types of Boards that best suit their needs. Composition of the Boards, when there is an existing Board, is often accessible on the organization's website.

Boards and members of the CSOs are relevant for the oversight of the organization functioning, but have limited capacity to do so. Some Boards do not exercise their fiduciary powers properly and have more formal than decisive/discretion role. Due to the lack of experts willing to participate in the boards, some have the same members, which might lead to conflicts of interest in their advisory activities.<sup>25</sup> Boards usually include members from outside the organisation.

Civil sector has no efficient integrity mechanisms as it lacks rules on conflict of interest or codes of conduct. Accountability of the sector is also very weak due to limited information on its activities.

Civil society has played a leading role in uncovering many corruption cases and has participated actively in public policy shaping in the area of anti-corruption measures.

<b>Civil Society</b>			
<b>Overall Pillar Score: 64 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 75 / 100	Resources	75	50
	Independence	100	75
<b>Governance</b> 42 / 100	Transparency	-	50
	Accountability	-	50
	Integrity	-	25
<b>Role</b> 75 / 100	Hold government accountable	75	
	Policy reform	75	

## Media

### Summary

The legal framework regulating the existence and activities of media is conducive to diversity and independency of the sector. The Slovak Constitution guarantees

<sup>25</sup> interview of Mr.Petráš with the author.

freedom of expression and editorial (media) independence is guaranteed by separate laws. The state and/or other external actors occasionally interfere with the activities of the media. These instances of interference are usually non-severe, such as threatening verbal attacks, without significant consequences on the behaviour of media. In reality, the media suffer mainly from the pressures on the economic interests of owners. The main threats for the independence of the media are the lack of law enforcement, unpredictability of the courts decisions and length of court procedures.

While the legal regulation for transparency is quite detailed, it does not cover all aspects related to the transparency of the media and/or certain legal gaps have been identified. While media outlets usually disclose relevant information on their activities, it is often partial and/or out-dated information. Reporting obligations under the Act,<sup>26</sup> the media complied and provided all required information about themselves and their owners, however, in some cases this information are not transparent enough (e.g. who are the real shareholders) and therefore it is impossible to determine who the real owners are.

Legislation to enforce accountability of the media in Slovakia is at a sufficient level; application practice suffers from slowness and ambiguity of interpretation of standards. There are different procedures for the print and for the electronic media regarding mechanisms for an individual or an agency subject to media criticism to reply and inform the public of their opinion on the given issue. In relation to the public generally media act as responsible entity, specific violation, improper or faulty processing of information then are handled in the media internally.

Several legal provisions regulate the integrity mechanisms, but they do not cover all aspects regarding integrity of media employees. These usually have only a recommendatory character. There is no specific law that would ensure the integrity of media employees. A professional Ethical Code was created by the Slovak Syndicate of Journalist, but it's not mandatory and its application depends strongly on individual media decision. The media are active in exposing corruption cases, but their work is focused only on a small number of cases. Investigative journalism is not dominant in the work of the media in general.

<b>Media</b>			
<b>Overall Pillar Score: 69 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 81 / 100	Resources	75	100
	Independence	100	50
<b>Governance</b> 58 / 100	Transparency	50	50
	Accountability	75	75
	Integrity Mechanisms	50	50

<sup>26</sup> Press Act, Article 6, Par. 2-3.

<b>Role</b> <b>67 / 100</b>	Investigate and expose cases of corruption practice	50
	Inform public on corruption and its impact	50
	Inform public on governance issues	100

## Business

### Summary

Due to the fact that Slovakia has had a relatively short period of a truly free market economy, certain aspects within the business environment remain cumbersome; whereas doing business itself is a fairly accessible matter, regulations around it are to a certain extent insufficient and their implementation lacks proper control tools in order to be fully efficient. Moreover, during the Fico Government (2006-2010) a number of laws were passed, which were giving the state possibilities to actively interfering with certain sectors or could potentially do so in future, and together with a highly perceived corruption rate this would lead to a dramatic diminishing of foreign investors willing to venturing in Slovakia. In addition to state interference practices through direct legislation, on the practice side there are additional negative trends of abusing office and pre-fabricated overpriced tenders. In the event of disputes arising against public administration (or any other dispute party), businesses – though legally eligible to it – are not fully assured of a fair trial to enforce their right, where the duration of court cases can be stretched to an unacceptable period of time, and where outcome may not always to be fully impartial<sup>27 28</sup>. Despite existing regulations for transparency, relatively little is adhered to in practice.

The legislation pertaining to the business sector does not define the term governance as such, this would be done through internal company codices, but the existence is not always clear: not all companies have such a code. Except of finance and accounting guidelines, an effective corporate governance is hardly in place; oversight while being recommended it is not mandatory (absent of definition in legislation)<sup>29</sup>. Furthermore, in Slovakia a supervisory board is not common. Government has not been incentivising at all for companies disclosing anti-corruption relevant information; the reason could be partly in the fact, that disclosing such information could be regarded as damaging marketing.<sup>30</sup>

Generally speaking, corporate codes of conduct or other corporate responsibilities are usual, yet confined to only companies having foreign headquarters, whereas only few businesses have professional CCO (Chief Compliance Officers) such as banks and a few other instances.<sup>31</sup> Codes are not applied effectively which shows in the

<sup>27</sup> Interview of person, who wants to stay in anonymity (source E), with the author, Bratislava, 16 June 2011. Interview of person, who wants to stay in anonymity (source V), with the author, Bratislava, 17<sup>th</sup> June 2011.

<sup>28</sup> The Heritage Foundation: [www.heritage.org/index/country/Slovakia#property-rights](http://www.heritage.org/index/country/Slovakia#property-rights) (accessed 16 June 2011)

<sup>29</sup> Ibid.

<sup>30</sup> Interviews of source E (anon.) and source V(anon.) with author.

<sup>31</sup> Another example is the West Slovak Energy corporation (ZSE)



occurrence of bribery within businesses, being rather high<sup>32</sup> Following codices is not usual<sup>33</sup> and measures to deal with 'whistleblowers' are practically non-existent.

Businesses themselves, with a few exceptions, however, have generally speaking hardly participated in a massive overturning of corruption perceptions, or at least little offering a joint voice to a better balanced discussion on corporate ethical matters; partly given by a fear to lose business opportunities.

<b>Business</b>			
<b>Overall Pillar Score: 44 / 100</b>			
	<b>Indicator</b>	<b>Law</b>	<b>Practice</b>
<b>Capacity</b> 75 / 100	Resources	100	100
	Independence	50	50
<b>Governance</b> 33 / 100	Transparency	50	25
	Accountability	50	25
	Integrity Mechanisms	50	0
<b>Role</b> 25 / 100	Anti-Corruption policy engagement	50	
	Support for/engagement with civil society	0	

<sup>32</sup> Slovakia has a high perceived corruption rating is labelled as repressed as Freedom from Corruption is concerned: [www.heritage.org/index/visualize?countries=slovakia&type=9](http://www.heritage.org/index/visualize?countries=slovakia&type=9) (accessed 15 June 2011)

<sup>33</sup> Interview of source V (anon.) with the author.

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