

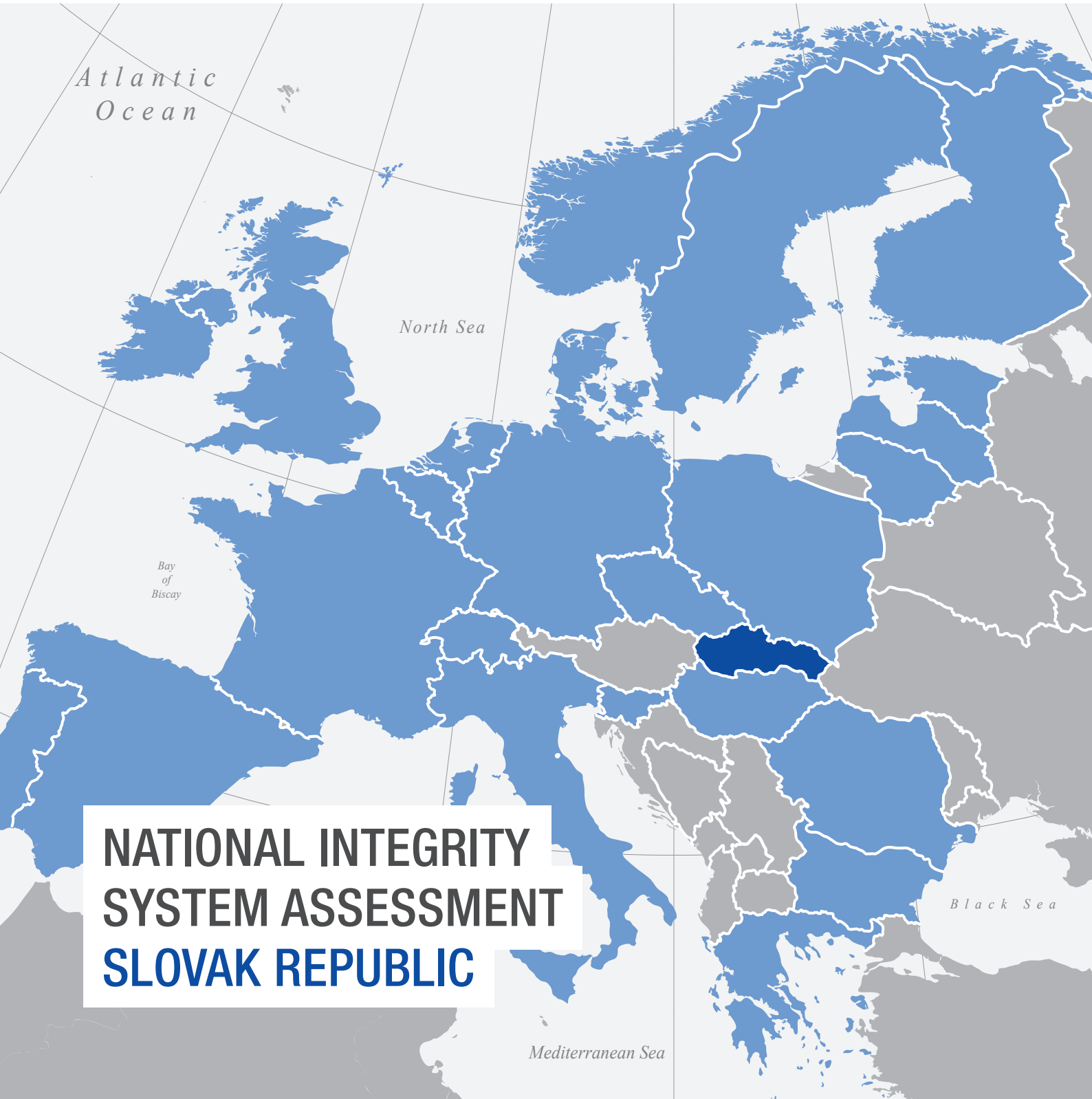
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National Integrity System Assessment Slovak Republic

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**NATIONAL INTEGRITY
SYSTEM ASSESSMENT
SLOVAK REPUBLIC**

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EXECUTIVE SUMMARY

The National Integrity System assessment approach provides a framework to analyse the robustness and effectiveness of a country's institutions in preventing and fighting corruption. The concept has been developed and promoted by Transparency International (TI) as part of its holistic approach to countering corruption. A well-functioning national integrity system provides effective safeguards against corruption as part of the larger struggle against abuse of power, malfeasance, and misappropriation.

The sixteen assessed pillars in the Slovak National Integrity System are divided into two groups based on their performance – better performing (stronger) and not well performing (weaker) pillars. Such division is obviously a simplification, but enables the clustering of two groups with – to some extent – common features.

The first group contains pillars with established entities and mechanisms that deliver their respective tasks correctly, including for example the supreme audit office, the legislature, media and civil society. The second group contains entities that have been either operating in an unstable environment (e.g. the 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 has not been scored, but contains a qualitative description of the current situation in the three main regulatory bodies.

In three main dimensions – capacity, governance and role – the role most often underperforms. Capacity is high in all well-performing (strong) pillars and forms a very strong backbone for the NIS as only three weak pillars are struggling with low capacity in terms of resources and independence. In most of the pillars independence is well defined in the law, but discrepancies occur when it comes to implementation in practice. The governance dimension scores vary across the pillars with high scores in all strong pillars, with exception of the media and civil society. Indicators of integrity and accountability in practice are very low in the majority of pillars. This shows that with the lack of independence in practice, implementation of existing rules and legal frameworks are the major weakness of the NIS in Slovakia. This is 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 integrity is not rooted in society and institutions. Non-existent rules on conflicts of interest or vague interpretation of such rules endorse the point.

As seen in the tables below, 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 its role is minor in regard to NIS.

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

Although the Slovakian NIS shows two groups of pillars, there is no leading sector or institution. On the contrary, there is significant diversity among the pillars and within the pillars. As such, it is crucial for a better understanding of the results not just to use a holistic approach, but also to compare the structure of the pillars.

Parliament

While the formal rules allow the National Council of the Slovak Republic (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 wide access to the information about the parliament, individual MPs and legislative proceedings, a long-term criticism by the media, NGOs and the public relates to the extent of immunity of MPs, and the limited 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 parliament.

Parliament			
Overall Pillar Score: 67 / 100			
	Indicator	Law	Practice
Capacity 88 / 100	Resources	100	75
	Independence	100	75
Governance 63 / 100	Transparency	100	100
	Accountability	50	50
	Integrity	50	25
Role 50 / 100	Executive oversight		50
	Legal reforms		50

Executive (government)

Resources of the executive fluctuate and thus cannot be properly assessed. Overall they are sufficient for performing assigned tasks. The law guarantees the independence of the executive. No clear

evidence of undue 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 interference with the executive. The independent executive is challenged by the attempt of entrepreneurs to promote their power to get influence over decisions.

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

Executive - Government				
Overall Pillar Score: 68 / 100				
	Indicator	Law		Practice
Capacity 75 / 100	Resources	-		50
	Independence	100		75
Governance 67 / 100	Transparency	100		75
	Accountability	100		75
	Integrity mechanisms	50		0
Role 63 / 100	Public sector management (law and practice)		50	
	Legal system		75	

President

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 latent political interconnected 'favours' or other reciprocal influences to some parties. In the area of corruption or transparency, where the President has remained silent on some controversial causes, this reinforces such suspicions; a more active engagement for a more firm position against corruption is lacking and would be a welcome 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, but the earlier mentioned total silence on controversial behaviour among government politicians (overpriced tenders, embezzlement 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 at the discretion of the President's Office to decline or release it (where it could fall under 'classified' information). The disclosure of the President's asset declaration online is considered to have a somewhat limited contribution to transparency as the data within in it are not verifiable and could be inaccurate generally.

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

Local state administration

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 that would be able to expose flaws and deliberate misconduct.

Civil service employees must submit their asset declarations to the Head of Service Office, but only the superior 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 when gaining necessary information.¹ 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 the Civil Service does not provide rules regarding post-employment restrictions.

¹ Ibid.

The basic integrity mechanisms in the local state administration are mostly not functional. Similar to the situation in the central state administration, the local state administration lacks the culture of introducing and maintaining ethical codes, rules on conflicts 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.² Similarly, there is no mechanism to which a civil servant could turn to in case of ambiguity in rules.

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

Judiciary

The Slovak judiciary and its current state in the constitutional system is one of the most visible themes of political discourse. It stems from the last decade of development, in which on the one hand the judiciary was guaranteed full independence and self-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 of the 1990s, 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 of 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. There are repeated examples of disciplinary motions and subsequent proceedings that were used arbitrarily to intimidate judges who were publicly critical of the current state of the judiciary. This not only undermines consistency and fairness of decision-making by the disciplinary court and the Judicial Council, but potentially also the legitimacy of disciplinary proceedings and their perception by the public. The delays in court proceedings also pose a problem for the accountability of the judiciary. At

² Interview of Mr. Lastic and Mr. Marusinec with author.

the same time, the judiciary is considered to be the most distrusted institution in Slovakia (32 per cent trust, 65 per cent distrust)³, and also perceived as the most corrupt.⁴

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

Specialised Criminal Court

The legal framework is generally supportive of the Specialised Criminal Court (SCC). Financial as well as human resources are considered to be sufficient and the educational background of judges and staff is adequate. The SCC operates in a non-partisan manner without any external interference. Relations between the SCC and other institutions are of a good and professional quality, both with the Special Prosecutor's Office, and representatives of the state and the police. In regard to other subjects, the work of the SCC is considered to be very professional and the speed of legal proceedings is adequate.

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 present the court does not provide the public with annual or other reports, as it is not required to by 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 the Freedom of Information Act. The 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 a professional spokesperson.⁵

However, the court has no efficient integrity mechanisms as it lacks rules on conflicts of interest or codes of conduct. The Code of Conduct adopted by the Judicial Council provides recommendations for all judges, but it is not mandatory and therefore it is up to judges whether they follow these recommendations. There are no regulations to protect whistleblowers who report misconduct of the SCC, and no regulations about citizen oversight committees.

³ Standard Eurobarometer 74, 2010 National Report on Slovakia, available at: http://ec.europa.eu/public_opinion/archives/eb/eb74/eb74_sk_sk_nat.pdf.

⁴ Global Corruption Barometer 2009, Full report, available at: <http://transparency.org/content/download/43788/701097>.

⁵ Mr. Kralik said that a spokesperson in the past was a judge from the SCC and it was very difficult to manage this two functions together.

Specialised Criminal Court
Overall Pillar Score: 45 / 100

	Indicator	Law	Practice
Capacity 81 / 100	Resources	50	75
	Independence	100	100
Governance 42 / 100	Transparency	75	75
	Accountability	25	25
	Integrity mechanisms	25	25
Role 13 / 100	Prevention		25
	Education		0

Electoral management body

The independence and impartiality of the electoral administration has not been of 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’.⁶

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 (CEC) 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 the CEC has to be included into electoral law. The current government, under the supervision of the Interior Ministry, is preparing a systematic overhaul of electoral management that is to create a personally and financially independent permanent electoral management body. The efforts of the Ministry to unify electoral legislation and establish a permanent electoral management institution are urgent as four elections will coincide in 2014.

The existing election legislation does not comprehensively address access to information on the organisation and functioning of the electoral management body and its decisions. While there are several provisions that regulate access to information, they do not cover all aspects related to the transparency of electoral management. The law on parliamentary elections stipulates that the CEC has to make session minutes, but 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 the final reports of DEC, REC and CEC, but there are no provisions that provide explicitly for 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

⁶ OSCE/ODIHR, Slovak Republic Parliamentary Elections, 12 June 2010.

with the court. The same applies to the 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 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.

Electoral Management Body			
Overall Pillar Score: 61 / 100			
	Indicator	Law	Practice
Capacity 75 / 100	Resources	-	75
	Independence	50	100
Governance 46 / 100	Transparency	50	75
	Accountability	50	50
	Integrity mechanisms	0	50
Role 63 / 100	Campaign regulation		25
	Election administration		100

Political parties

The overall level of political competition in Slovakia is open and effective, and there have been 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 their activities.

There are a few loopholes in the regulatory framework for accountability and transparency in political party financing. While the law obliges political parties to publish annual reports that include information on party incomes and expenditures, it does not clarify the level of detail when it comes to the local and regional branches of parties. The current legislation does not cover campaign expenses of individual candidates. The system of financing of political parties is biased toward parliamentary parties due to the existence of a 3 per cent 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 and the parliamentary committee.

The law on political parties includes general requirements on the content of the charter that is attached to the registration of the party, but it does not specify any additional information and internal democratic governance is left to be decided by the parties themselves.⁷ All of the major parties have their charters available on their websites. They all include regulations on their internal democratic governance, but they vary in their scope. While all major parties elect their leadership, in

⁷ 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.

last decade only a few of leadership elections were contested. The formal rules for selection of candidates for parliamentary election also have limited impact.

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

Supreme Audit Office

The Supreme Audit Office (SAO) was established in 1993. Its remit and mandate are defined by the Constitution⁸ and by additional legislation, specifically by the law referred to as Act No. 39/1993 on Supreme Audit Office, as subsequently amended by other legislation.⁹ As defined by law, apart from audits of the legality and regularity of financial management and accounting of public resources, the SAO also carries out performance and effectiveness audits.

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

Supreme Audit Office			
Overall Pillar Score: 65 / 100			
	Indicator	Law	Practice
Capacity 75 / 100	Resources	-	75
	Independence	75	75
Governance 79 / 100	Transparency	75	75
	Accountability	75	100
	Integrity mechanisms	75	75
Role 42 / 100	Effective financial audits		50

⁸ Act No. 460/1992 Coll. The Constitution of the Slovak Republic.

⁹ Act No. 39/1993 Coll. on the Supreme Audit Office of the Slovak Republic, as amended.

Detecting and sanctioning misbehaviour	50
Improving financial management	25

Public Procurement Office

The Public Procurement Office's (PPO) operational, financial and personal independence is not guaranteed by law. The law on public procurement does not prevent political nominations to the posts, political pressure on the individual senior executives as regular employees or political pressure on individual decision.¹⁰ External interference in the independence of the PPO's chairman is a constant threat due to the fifth possible reason for his/her removal under the regulations, 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 the chairman into politically based decisions.

The Office is obliged to submit a report at least once a year on the results of public procurements and the operation of public procurement to the government and, upon request, also to a committee of the National Council.¹¹ Some parts of the report are written rather vaguely and do not provide information with added value. The PPO informs the public about its activities mainly on its website. In practice, the public has free and easy access on the website to all annual reports, as well as to strategy documents. In addition to the PPO's official gazette, the website provides access to individual decisions in the field of controls, issued since 2009.

In 2010 and 2011, the PPO issued a Code of Ethics¹² and staff regulations;¹³ documents that are binding for all employees. The Code of Ethics covers conflicts of interest rules, rules on gifts and hospitality and the value of independence of PPO employees. The Code of Ethics does not specify sanctions for non-compliance.

Public Procurement Office			
Overall Pillar Score: 38 / 100			
	Indicator	Law	Practice
Capacity 33 / 100	Resources	-	50
	Independence	25	25
Governance 67 / 100	Transparency	100	75
	Accountability	75	50
	Integrity mechanisms	50	50
Role 13 / 100	Effective financial audits		n/a
	Detecting and sanctioning misbehaviour		0
	Improving financial management		25

¹⁰ Interview of Mr. Jaroslav Lexa with the author.

¹¹ See: http://www.uvo.gov.sk/english/act25_2006.html.

¹² See: http://www.uvo.gov.sk/download/2011/interne/eticky_kodex.pdf.

¹³ See: http://www.uvo.gov.sk/download/2011/interne/sluzobny_poriadok.pdf.

Police

The police force has undergone significant changes in recent years. Resources, especially the quality of human resources, are still considered to be a major problem in its overall performance. A high level of staff turnover and low standards for hiring new members have 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 political interference have been the main threats in terms of independence. The police force has sufficient technical tools for combating corruption, but it lags behind in the capacity of the staff to use the tools properly and effectively.

Overall the access to relevant information on police activities has improved in the last decade. There are severe shortages in information on individuals' 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, some aspects of the 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 the police. Decisions are usually made behind closed doors and the public is not able to obtain relevant information.

The legal framework is designed in favour of accountability. However, the absence of an independent body dealing with complaints against the members of the police does not allow for full control and oversight. A new approach to information sharing and openness towards the public are the biggest changes in regard to accountability. There are many challenges ahead, mainly in the area of independent monitoring and combating loyalty ties.

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

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

Prosecution

The resources of the Prosecution Office are adequate for delivering assigned services and duties. The independence of the Office has been questioned in recent years due to some unsolved cases, as well as an amendment of the Act on Prosecution. The Constitutional Court has issued a provisional ruling, which has partly suspended the validity of the majority of provisions in the amendment. However, the amended provisions in the case of selecting and promoting of prosecutors would have had a positive impact on the independence and transparency of the process. Doubts about non-partisan decisions in cases of top-ranking politicians accused of criminal acts while in office, as well as cases of political party 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, a very detailed report on the work of prosecutions (including statistics) is submitted to the National Council annually.

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

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

Ombudsman

The ombudsman, (the Public Defender of Rights, *Verejný ochranca práv*), was established in 1999 based on the model of neighbouring countries, and although given the prerogative of full impartiality and

independence by the Constitution,¹⁴ it remains slightly tainted by its political past. This creates a hint of partiality when remaining silent on certain trends and discussions in society, as is regularly pointed out by the human right observers and NGOs. Yet, unlike its Czech counterpart, its visibility is not as prominent as would be desired and appearances on regularly aired dedicated TV programmes or other media – except for the ombudsman’s reports – is fairly limited. Some visits are being made to certain civic events, but not much is reported, which has resulted in the institution being relatively unknown.

The fact that a large number of people address the ombudsman for matters not falling under its 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 reports are published both in 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 the budgetary details of the Office.¹⁵ In line with the Asset Disclosure Act, the ombudsman reports a declaration of assets and income, available to the public via the internet.¹⁶

The ombudsman is in compliance with accountability regulations, publishing its findings in annual reports – alongside the 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.¹⁷ Legislation on the ombudsman,¹⁸ as well as further internal codes of conduct ensure the ombudsman and his staff maintain the institution’s integrity, thus any possible influence either through political bodies, business connections or any other involvement, which could possibly lead to a conflict of interest or unduly influence the ombudsman’s ‘independent position’ are explicitly and strictly forbidden.¹⁹

The formal provisions²⁰ create a good legal basis to assure integrity and cover relevant aspects of avoiding integrity issues like conflicts of interest (business or political), confidentiality, disclosure of assets, and other related matters. The ombudsman insists on personally overseeing all processes – ensuring its ultimate compliance and standard.²¹

¹⁴ Act No. 460/1992 Coll. the Constitution of the Slovak Republic.

¹⁵ See: www.vop.gov.sk/sprav-y-o-cinnosti.

¹⁶ See: www.nrsr.sk/Default.aspx?sid=vnf/oznamenie&UserId=KandPave.

¹⁷ Global Integrity Report, Slovakia: Integrity Indicators Scorecard, 2009.

¹⁸ Article 6 and 7 of Act on the Public Defender of Rights.

¹⁹ Interview of Mr Kandrac with the author.

²⁰ Ibid. and other laws.

²¹ Interview of Mr Kandrac; interview of anonymous (source J) with the author.

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

Civil society

The legal framework is generally supportive of civil society. However, resources are insufficient, thus it faces various threats in regard to its financial and human resource sustainability and efficiency. Many civil society organisations (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 human resource 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 civil society.

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, as CSOs try to fundraise resources from local donors, they need to build their image.²² There are no clear rules on the type and scale of information that should be publicly accessible and no standards are set.²³ Thus, the availability of information on CSO activities varies based on the type and size of the organisation. 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.

CSOs that publish annual reports usually include detailed financial and donor information within the document. Boards are also becoming more common in the organisational structure of well-known CSOs, and they use various types of board depending on their needs. The composition of the board is often accessible on organisations' websites.

Boards and members of the CSOs are relevant for the oversight of the organisations' 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.²⁴ Boards usually include members from outside organisations.

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

²² Interview of Pavol Žilinčík with the author.

²³ Interview of Filip Vagač with the author.

²⁴ Interview of Mr. Petráš with the author.

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

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

Media

The legal framework regulating the existence and activities of the media is conducive to diversity and independence. The Constitution guarantees freedom of expression and editorial (media) independence is guaranteed by separate laws. The state and/ or other external actors occasionally interfere with media activities, but these instances are not severe and do not significantly affect media behaviour. In reality, the media suffer mainly from the pressures of the economic interests of owners. The main threats for the independence of the media are lack of law enforcement, unpredictability of courts' decisions and the 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. There are reporting obligations under the Press Act,²⁵ and the media mostly complies and provides required information about themselves and their owners. However, in some cases this information is not transparent enough (e.g. no details on real shareholders) and therefore it is impossible to determine the real owners.

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

Several legal provisions regulate integrity mechanisms, but they do not cover all aspects regarding the integrity of media employees. There is no specific law that would ensure the integrity of media employees. A professional Ethical Code was created by the Slovak Syndicate of Journalists, but it's not

²⁵ Press Act, Article 6, Par. 2-3.

mandatory and its application depends on individual media decisions. 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.

Media			
Overall Pillar Score: 69 / 100			
	Indicator	Law	Practice
Capacity 81 / 100	Resources	75	100
	Independence	100	50
Governance 58 / 100	Transparency	50	50
	Accountability	75	75
	Integrity mechanisms	50	50
Role 67 / 100	Investigate and expose cases of corruption practice		50
	Inform public on corruption and its impact		50
	Inform public on governance issues		100

Business

Slovakia has had a relatively limited experience of a truly free market economy, and so certain aspects of the business environment remain cumbersome. Although doing business is fairly accessible, 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 gave the state the potential to actively interfere with certain sectors, and together with high perceptions of corruption this could lead to a dramatic reduction in foreign investment. In addition to the practice of state interference through direct legislation, on the practice side there are the negative trends of abusing office and engaging in pre-fabricated overpriced tenders. In the event of disputes arising against the public administration (or any other dispute party), businesses – though legally eligible to it – are not fully assured of a fair trial. The duration of court cases can be stretched to an unacceptable extent, and outcomes may not always be fully impartial.^{26,27} Despite regulations on 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 codes, but the existence is not always clear: not all companies have such a code. Except for finance and accounting guidelines, effective corporate governance is not in place; while oversight is recommended it is not mandatory,²⁸ and supervisory boards are not common. The government has not incentivised companies to disclose anti-corruption

²⁶ Interview of anonymous (source E), with the author, Bratislava, 16 June 2011. Interview of anonymous (source V), with the author, Bratislava, 17th June 2011.

²⁷ See: www.heritage.org/index/country/Slovakia#property-rights.

²⁸ Ibid.

relevant information, this may be partly due to the fact, that disclosing such information could be regarded as damaging marketing.²⁹

Generally speaking, corporate codes of conduct or other corporate responsibilities are usual, yet confined to only companies with foreign headquarters. Only few businesses have professional CCO (Chief Compliance Officers), such as banks and a few other instances.³⁰ Codes are not applied effectively which shows in the occurrence of bribery within businesses, which is rather frequent.³¹ Following codes is not usual,³² and measures to deal with whistleblowers are practically non-existent.

Businesses, with a few exceptions, can hardly be said to have participated in the overturning of perceptions of corruption, and have done little to balance the discussion on corporate ethics, partly due to the fear of losing business opportunities if they speak out.

Business
Overall Pillar Score: 44 / 100

	Indicator	Law	Practice
Capacity 75 / 100	Resources	100	100
	Independence	50	50
Governance 33 / 100	Transparency	50	25
	Accountability	50	25
	Integrity mechanisms	50	0
Role 25 / 100	Anti-corruption policy engagement		50
	Support for/ engagement with civil society		0

²⁹ Interviews of anonymous (source E) and anonymous (source V) with author.

³⁰ Another example is the West Slovak Energy corporation (ZSE).

³¹ Slovakia has a high perceived corruption rating and is labelled as repressed as far as Freedom from Corruption is concerned: www.heritage.org/index/Visualize?countries=slovakia&type=9.

³² Interview of anonymous (source V) with the author.