

SUMMARY OF MAIN FINDINGS OF *IVO BAROMETER* IN JANUARY – JUNE 2013 IN PARTICULAR AREAS

1. Democratic institutions and rule of law

In the first half of 2013, situation in the area of democratic institutions and rule of law was characterized by deterioration in abiding of principles of division of powers, in approach to selection and appointment of senior government officials, in procedural autonomy of law enforcement organs, especially in cases related to the operation of state institutions and their top representatives. Efforts to concentrate power in the hands of one political party were much more intensive than in all previous tenures of state administration since introduction of democracy in 1989.

Notorious “tyranny of majority” manifested itself not only as a dominant way of ruling party’s decision-making in legislative process in parliament and in implementation of parliament’s control powers, but de facto as the main tool in the whole country’s governance. Ruling party Smer-SD adjusted legislation process to its intentions to appoint their nominees to all major posts in power system of the state. Smer-SD strengthened its positions in the regulatory and supervisory organs, when it has appointed its members as statutory representatives of these institutions despite the fact that European Union does not accept the appointment of party members to leading positions in independent regulatory organs. Information publicized in the media repeatedly confirmed that clientelistic practices in the allocation of public funds persisted.

2. Legislation

In January – June 2013, eight plenary sessions of the parliament were held – five regular and three extraordinary ones, convened on suggestion of opposition MPs. One another extraordinary session of parliament was also convened on suggestion of opposition MPs (it had to deal with the failure to nominate the chosen candidate Jozef Čenteš to position of prosecutor general), however, MPs from Smer-SD did not approve its agenda and the session was not held. During the reported period, parliament passed 68 laws and amendments – 54 ones were approved on proposal of the government and 14 ones on proposal of MPs (including one legal norm submitted by parliamentary committee). Three legal norms (i. e. 4.4% of the total number) were approved in the so-called expeditious legislative procedure. Rafts of two of the approved laws were proposed by opposition MPs, two others were submitted as joint proposals of Smer-SD and opposition MPs. Approving some acts

parliament took into account the partial amendments suggested by opposition MPs. Considerable number of legislative proposals, made by the opposition deputies, however, was rejected in the first reading.

The positive elements of the legislative process included decrease of the share of laws approved in expeditious legislative procedure. Regrettably, however, just in such procedure parliament has approved an extremely important – from the institutional and political point of view – legal norm: an amendment to law on organization of constitutional court, which directly affected the case of selection and appointment of prosecutor general. Some legal norms were approved as a result of indirect amendment that contradicted constitutional principles and made country's legal system less transparent.

3. Protection of human and minority rights

The basic problem of protection and promotion of human rights in Slovakia is relatively low level of law enforcement. The reasons of this phenomenon include lack of independence, too strong influence of party politics, weaker proficiency of the institutions of rule of law and low level of efficiency of the mechanisms of implementation and monitoring. The indicators of such a situation are large number of individual submissions to the constitutional court related to delays in proceedings in courts as well as generally low level of public confidence to courts and law enforcement organs.

In the monitored period the indirect attacks on freedom of expression continued. These were criminal and civil suits initiated by state officials against media in the cases of “protection of personal dignity and honor”. As attempts to diminish the space for freedom of expression and right to information can be seen the verbal attacks on law on free access to information, which requires all public institutions to disclose the concluded contracts, and the announced intention of government to amend this law in order to “prevent the bullying of offices and abuse of law in business sphere”.

MPs from Smer-SD took an unprecedented stance towards the report on activities of the office of ombudsman for human rights Jana Dubovcová, submitted to parliament to its consideration. These MPs approved the resolution ordering ombudsman to revise this report which pointed out the critical problems and shortcomings existing in the area of human rights in Slovakia. However, provisions of the constitution does not postulate any opportunity of return of such reports for re-writing, parliament can only take such reports into its account.

4. Media

In the area of independent and public service media during the first two quarters of 2013 the situation connected with litigation (courts processes) against media and individual authors had crucial importance. The conflicting tendencies were observed here as well as in legislative area. Compared to the previous period, events related to the public Radio and Television of Slovakia were less visible (after the legally questionable replacement of director general in mid-2012 the period of consolidation without major problematic symptoms took place). The overall assessment of the situation in this area – similarly as during the whole year 2012 – remained unchanged due to the long-term mutually equalizing positive and negative trends.

5. Civil society and the third sector

Three basic tendencies were observed during the monitored period in the area of civil society that created mixed picture. Firstly, the third sector as a whole did not have the strength, robustness and impact comparable with all these characteristics in the previous periods. Secondly, despite of this, society has not lost the genetic code of active citizenship, emerging new ideas, new initiatives, promoting new leaders who creatively used the space of civil liberties for solution of existing problems. Thirdly, communication between state representatives and members of non-governmental organizations about conditions of activities of civil society actors and the third sector continued.