



Bratislava, 18 October 2019

INPUT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS TO THE QUESTIONS OF OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS REGARDING CORRUPTION AND HUMAN RIGHTS

Slovak National Centre for Human Rights (the “Centre”) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Association of National Human Rights Institutions. As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements of certain acts, as amended (the Anti-discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and Equality Body, the Centre performs a wide range of tasks in the area of human rights and fundamental freedoms including the observance of the principle of equal treatment.

The Centre among other powers:

- 1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;*
- 2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;*
- 3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;*
- 4) provides legal assistance to victims of discrimination and manifestations of intolerance;*
- 5) issues expert opinions on matters of the observance of the equal treatment principle;*
- 6) performs independent inquiries related to discrimination;*
- 7) prepares and publishes reports and recommendations on issues related to discrimination; and*
- 8) provides library services and services in the area of human rights.*

The Centre submits following answers to the request concerning the report on the challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption:



Corruption is perceived in Slovakia as one of the main issues of its historical development and current society. According to the Eurobarometer survey conducted in the fall of 2017, more than 85 % of Slovak citizens and 86 % of Slovak entrepreneurs view the presence of corruption in the Slovak society. Although corruption is a threat to human rights worldwide and high negative perception of corruption by the Slovak society, the negative impacts of corruption on human rights are not being debated and sufficiently highlighted in fight against corruption at the national level.

All previously elected governments set a goal of fighting and eliminating corruption in the public sector, however, all of them failed to do so comprehensively. The inability to tackle this issue properly continues to deepen the rift between government's declared commitments and societal expectations from the public sector. It is vital for Slovakia to fulfil its obligations to its citizens in order to prevent future violations of human rights.

Challenges to elimination of corruption

One of the biggest challenges to elimination of corruption is the lack of sanctions against high-profile perpetrators. Although a former Secretary of State of the Ministry of Transport and Construction was sentenced to 12 years for staging a fake acquisition of consulting services without proper public procurement in 2007, the ruling came after more than 10 years and failed to prevent further wrongdoings from the following administration. This case is a sole example of a high-profile politician being held legally accountable for corruption and the misuse of public funds.

Since then, suspicions of misuse of public funds were raised against the former Secretary of State of the Ministry of Education, Science, Research and Sport in 2017, which resulted only in a change of posts. There is an ongoing OLAF investigation into the handling of European Union funds¹ by the Ministry of Agriculture and Rural Development of the Slovak Republic and many more allegations are currently discussed, with accountability for the responsible parties being held is unclear.

The impunity of the perpetrators of nation-wide allegations creates an atmosphere of hopelessness and by itself poses a great challenge to elimination of corruption.

Human right at stake: Impunity of high-profile perpetrators creates an atmosphere of inequality, which violates the basic principle of human rights law – principle of equality before law and

¹ See e.g.: <https://www.politico.eu/article/eu-anti-fraud-agency-probes-alleged-misuse-of-funds-in-slovakia-olaf-jan-kuciak/>



prohibition of discrimination.

Good practice

Effective from March 2019, a new Act No. 54/2019 Coll. on Protection of Persons Reporting on Anti-Social Activities and on Amendments to Certain Laws (referred to as the “Act on Whistleblowers”) entered into force, expanding legal framework of anti-corruption legislature and introducing a variety of provisions designed to eliminate corruption, such as transferring the burden of proof to the employer or extending legal definition of a whistleblower etc. Under this act, an Office for the Protection of Persons Reporting on Anti-Social Activities was established, which aims to serve as an oversight body to sanctioning violations of this law.

Challenges faced

Although the aforementioned office has been formally established, 7 months later, its head has yet to not been elected by the parliament. The absence of a head of an institution so vital to the fight against corruption and delays in its election send mixed signals to the public about the commitment of the government to eliminate corruption. The Centre believes that it is crucial to conclude the election process in order to support the government’s claims about swift elimination of corruption in Slovakia and protection of whistleblowers who actively contribute to the fight against corruption.

Human right at stake: right to legal remedy is hindered by the absence of an oversight body, especially one designed to fight corruption and strengthen the protection of whistleblowers.

Good practice

In September 2019, the Government of the Slovak Republic proposed a National Anticorruption Program, while taking into account the 2030 Agenda for Sustainable Development. The program is aimed at limiting the public space for corruption, raising awareness and improving the protection of whistleblowers. The program lacks any direct referral to human rights specific implication. Therefore, real impact on human rights protection is yet to be assessed.

Challenges faced

Multiple reports, including those of Transparency International² and the European Commission³,

² Available at: <https://www.transparency.org/country/SVK>

³ Available at: <https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-slovakia-en.pdf>

which are published annually, point out that Slovakia has not made significant progress regarding the public perception of corruption. Although, the Commission praises declining unemployment and economic growth, there is no visible change in perceived corruption. There was no increase in the number of sentences made in high profile corruption cases, to the contrary, there is a decrease of human resources in corruption cases at the special prosecutor's office.

Human right at stake: Right to a fair trial is violated, when the fairness of trials as a whole is in question. Negative reputation of judiciary decreases the public acceptance of systematic protection of human rights and its ability to seek court protection of rights in case of their violation.

Good practice

In 2012, an initiative including responsible actors from the private sector supports the elimination of corruption in Slovakia. Transparent Slovakia Fund collects financial and non-financial funds provided by its members, which are allocated towards watchdog organizations in order to tackle corruption on a nation-wide citizen level. To this date, the Transparent Slovakia Fund has 20 members and has managed to raise more than 620 000 EUR towards the anti-corruption agenda.⁴

Good practice

On 1 June 2017, the Committee on Corruption Prevention was established as an advisory body to the Office of the Government of the Slovak Republic with a mandate to among other things “raise awareness on anti-corruption mechanisms, assess corruption risks and provide appropriate prevention schemes”.

In 2019, the office published the National Anticorruption Programme, which is yet to be fully implemented into practice. The National Anti-corruption Policy for the Years 2019 – 2023⁵ was adopted by a Decree of the Government of the Slovak Republic No. 585/2018, but does not expressly mention any human rights implications of its implementation. The underlying human rights aspects can be found in the priority goal and measures “Effective protection of whistleblowers reporting on corruption, other antisocial activities and unethical behaviour”.

Challenges faced

⁴ Available in Slovak at: <https://www.nadaciapontis.sk/en/projekty/fund-for-transparent-slovakia/about-us/>

⁵ Available in Slovak at: https://www.bojprotikorupcii.gov.sk/data/files/7339_protikorupcny-program-uv-sr_final.pdf



One of the main challenges is the public perception of corruption and the perceived unavailability of procedural steps to tackle this issue. The aforementioned impunity of high-profile actors serves as an example for other perpetrators that aim to participate in corruption, that their conduct will not be sanctioned. In the Eurobarometer survey conducted in 2017, 53 % of respondents deem it acceptable to provide a small token of appreciation for a government employee when receiving governmental services such as doctor's appointment or other. According to the same survey, 91 % of responders would never report such conduct. These data showcase, how deeply rooted is corruption in the Slovak society and how little awareness is being raised towards appropriate measures for tackling corruption on national level.⁶

Human right at stake: The right to legal remedy and right to fair trial are violated when the system of reporting and sanctioning corruption is deemed non-functioning by the public.

Challenges faced

Public perception of high-profile corruption and the impunity of its perpetrators creates space for so called "small corruption". Such conduct is found in hospitals when setting up a doctor's appointment or in regional offices while obtaining permission to build on a clean water source or other such cases. Some cases of corruption in university exams or during a routine traffic pull over are also common, however, substantial information is missing about these issues. This corruption happens on lower levels of public administration and is easier to overlook by the authorities.

Human rights at stake: depending on the nature of the bribe, the right to adequate healthcare, the right to accessible education and the right to equality before law are all endangered, when perpetrators of corrupt their access to public services.

⁶ Available at:

<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2176>