



Office for Democratic Institutions and Human Rights

**Information Submitted to the  
Office of the United Nations High Commissioner for  
Human Rights  
as a Stakeholder in the  
Universal Periodic Review of the  
Slovak Republic**



**WARSAW, 12 JULY 2018**

**The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:**

**Participating/Partner State:** Slovak Republic

**UPR Session and Date of Review:** 32nd Session, January 2019

## **Background**

Slovak Republic has been a participating State in Organization for Security and Co-operation in Europe (OSCE) since 1993 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Slovak Republic, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Slovak Republic and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Slovak Republic.

## **Overview of this Submission**

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) last deployed an Election Assessment Missions (EAM) to observe the 5 March 2016 parliamentary elections. Key findings and corresponding recommendations are presented below.

## **Elections**

### **Parliamentary elections 5 March 2016**

Following an invitation from the Ministry of Foreign and European Affairs of the Slovak Republic to the Organization for Security and Co-operation in Europe (OSCE), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Missions (EAM) to observe the 5 March parliamentary elections.

---

<sup>1</sup> OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

The elections were held in a competitive and pluralistic environment and fundamental freedoms were respected. Stakeholders expressed confidence in most stages of the electoral process. Voters had the opportunity to make an informed choice from a variety of political options.

**Key findings:**

Independent candidates cannot stand, contrary to OSCE commitments and other international obligations and standards. Some political parties included in their lists candidates who publicly declared themselves as independent.

**Recommendation:**

Limitations on the right to stand should be reviewed to ensure full compliance with OSCE commitments and other international obligations and standards. The withdrawal of individual franchise in case of a criminal conviction must be proportionate to the severity of the offence. The legislation should be amended to allow citizens to run as independent candidates.

**Key findings:**

Many OSCE/ODIHR EAM interlocutors voiced allegations of misuse of administrative resources for campaign purposes by the ruling party.

**Recommendation:**

As previously recommended, consideration should be given to introducing provisions prohibiting the misuse of administrative resources for campaign purposes.

**Key findings:**

In line with previous OSCE/ODIHR recommendations, the system of political party and campaign financing was reviewed and a number of improvements were introduced. Recent amendments included the provisions on registration of ‘third parties’ and on financing campaigns only through a ‘transparent account’, with details of all transactions made available for public scrutiny. However, the possibility to cover various campaign expenses with a single transaction limited the effect of such measures. Some campaign finance aspects remain to be addressed, including the ease of circumventing the expenditure ceiling through third parties and absence of interim reporting by election contestants.

**Recommendation:**

To increase the transparency of political party financing, consideration should be given to requiring that political parties disclose all types of income, including donations, bank loans and in-kind contributions, on a quarterly basis.

**Key findings:**

The State Commission is tasked with overseeing political party and campaign financing, along with the Ministry of Interior (MoI). However, functional dependence of the State Commission on the MoI may potentially reduce the State Commission’s independence.

**Recommendation:**

Consideration should be given to providing the State Commission financial and human resources independent from the Ministry of Interior, so that the commission fulfils its role as a fully independent political party and campaign finance oversight body.

**Key findings:**

The concentration of ownership of media led to increased concerns over editorial independence. Also, high damages in civil defamation cases and criminalization of defamation are thought to have a detrimental effect on journalism.

**Recommendation:**

To prevent self-censorship and remove unjustified strain on the financial stability of the media, defamation should be decriminalized and proportional legal limitations of damages in civil libel cases should be introduced.

**Key findings:**

The elections act provides for the citizen and international observation of the voting and counting process. Despite previous OSCE/ODIHR recommendations, the law provides no further detail about observation of the other stages of the electoral process, or about the status and rights of observers, both citizen and international. The OSCE/ODIHR EAM was able to conduct its activities enjoying the support of the State Commission, as well as other relevant bodies in charge of organizing the elections.

**Recommendation:**

Legal provisions should be introduced to ensure full access to all stages of the electoral process to citizen and international observers, including accreditation arrangements.

**Key findings:**

Despite previous OSCE/ODIHR recommendations, there are no mechanisms for adjudication of campaign-related complaints and lower-level commissions have no authority to review complaints. There are no specific timelines for the resolution of election-related disputes and the general deadline of 60 days to decide on administrative complaints is applied. The lack of legal deadlines for considering various types of election-related complaints can undermine the right to effective remedy.

**Recommendation:**

Adequate time limits for election-related complaints at all levels should be provided by the legislation to ensure the implementation of the right to effective remedy.

The full ODIHR EAM final report is available at  
<https://www.osce.org/odihr/elections/slovakia/221201>.