



Weekly Briefing

Slovakia political briefing:
The New Government's First 100 Days
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The New Government's First 100 Days

Summary

Slovakia's recently reelected PM is already facing large protests as he seeks to push through policies designed to halt criminal investigations into his inner circle. Robert Fico has not dwelt upon his recent remarkable return from the political wasteland to which he was banished after the 2018 murder of journalist Jan Kuciak ejected him from an eight-year stint as prime minister of Slovakia. Instead, in the 100 days since his Smer-SD party regained power, the populist has sought to rapidly push through radical changes to the judicial system, with plans for other democratic pillars also being drawn up. His all-action performance has provoked protests and worry both at home and abroad. However, at the same time as clamping down on democracy domestically, Fico has seemingly sought to soothe some Western partners' fears that he would seek to realign Slovak foreign policy.

The speaker of Slovakia's Parliament, Peter Pellegrini announced he will run for president. Pellegrini is considered a favorite in the race for the largely ceremonial post, according to public polls. Zuzana Čaputová, the country's first female president, decided not to seek reelection. Therefore, former Foreign Minister Ivan Korčok, a pro-Western career diplomat, is expected to be Pellegrini's main rival in the presidential vote, which will be held in March and April 2024.

Introduction

The first point of business Robert Fico has been tackling since his return as PM was to halt criminal investigations into several members of Smer-SD's inner circle. Police and prosecutors have been working in recent years to try to dismantle the corrupt networks that opponents claim flourished during his previous time in office. Many have been jailed; others still face charges. Fico is pushing amendments to the criminal code that would break up the special prosecutor's office leading the chase. These amendments could also do away with NAKA, the police unit dedicated to fighting organized crime, reduce punishments for corruption and protections for whistleblowers.

The move has spooked Fico's opponents at home and abroad. Tens of thousands have protested across the country over the past three months, fearful of a return of the "Mafia state" they accuse Fico of creating during his previous reign. In its customary fashion, Brussels has expressed concern. Even, in mid-January, the European Parliament passed a resolution questioning the state of the rule of law in Slovakia should the changes be carried out.

The government of Robert Fico is still settling into its role (which, most of the time, has not been a very pretty sight) since taking office in the autumn. Now, another election looms in Slovakia, but it is regarded with much less urgency and zero international attention. This spring, in just a few weeks' time, Slovakia's citizens will take to the polling stations to elect a new president, after Zuzana Čaputová decided last year that she did not intend to run for a second term. It may not seem like such a groundbreaking event, especially given the president's limited powers within Slovakia's parliamentary system, where the most powerful person in the state is effectively the prime minister.

The government changes the Penal Code

The government's plan to change the Penal Code has not been going easy. A day after the government approved major changes to the Criminal Code without prior discussion with experts, the opposition parties Progresívne Slovensko (PS), Sloboda a Solidarita (SaS) and Kresťanskodemokratické hnutie (KDH) gathered outside the Government Office to protest. One of the major changes is the abolishment of the Special Prosecutor's Office, a body that has existed since 2004 and oversees the investigation of the most violent and serious crimes. As soon as the institution began to prosecute people with links to the previous Smer-SD-led governments, Smer-SD began to portray the body as biased, threatened elite investigators and prosecutors, including Special Prosecutor Daniel Lipšic, and accused them of violating human rights.

It is obvious the current government tries to steal the rule of law from Slovakia again. More than 40 people from the past times of Smer-SD convicted of corruption and other crimes prove that organized crime and corruption thrived under the rule of Smer-SD. The government also approved the reduction of penalties for corruption and economic crimes. All the amendments should have been approved through a fast-track legislative procedure in the parliament before Christmas, despite of the fact that the president, Brussels, experts and opposition politicians had criticized the government's approach to the rule of law. Some openly

say that this is not about the Special Prosecutor's Office, but about helping Smer-SD-affiliated people, including charged Smer-SD MP Tibor Gašpar who is a rumored candidate for the secret service chief, out of trouble.

The problem for PM Robert Fico could be that tens of thousands of people all over the country from gathering to protest against planned moves by the government. The names of Ján Kuciak and Martina Kušnírová, the journalist and his fiancée who were murdered in 2018, appeared on one of the banners being waved at the Bratislava protest, a reminder that some people are still waiting to see the changes that demonstrators called for back then. Notably, the numbers protesting people have grown considerably since mid-December, when the previous protest took place. An estimated 35,000 people came out in 19 cities, including Prague. The protest in Bratislava, which was the biggest gathering, attracted an estimated 22,000 people. The theme of the protests is "Let's stop them", which refers to a verse in the Slovak national anthem, but mainly conveys a very literal meaning – the wish to stop the ruling politicians from doing what they are doing: taking the country down what protestors see as being the same, illiberal path that Hungary has followed in recent years.

However, nothing has helped yet and during the vote on February 8, 2024, MPs decided that they would debate amendments to the Criminal Code, including the abolition of the Special Prosecutor's Office, in a fast-track legislative procedure. The opposition has tried to delay the vote for as long as possible. The amendment, supported by 78 MPs in the 150-seat house, sharply reduces the penalties for various crimes. Accepting or demanding a bribe over €700,000, for example, falls from the current 10-15 years to 5-10 in the revised law. It also slashes the statute of limitations for major offences, including for rape, where victims will now have only 10 years to secure a verdict instead of the previous 20 years. The amendment also abolishes the Special Prosecutor's Office as of March 15. The office handles many of the country's most serious prosecutions, including of political corruption. Besides, former national police chief and current MP Tibor Gašpar of the ruling Smer-SD party remains indicted as the alleged head of a criminal group that operated within the police. During debate on the criminal code amendment, Gašpar submitted a change that would reduce the 10-15 years he faces for corruption to only 4-10 years, thereby allowing him to apply for a conditional sentence.

This vote confirmed that the coalition did not take warnings coming from Brussels, the Slovak president, and the opposition seriously. The coalition had been warned against using this legislative tool. (No discussions about the amendments took place.) In addition, coalition

MPs approved a proposal that cut a debate on the changes to the law in the first reading to 20 hours. The opposition and President Zuzana Čaputová criticized the proposal, but PM Robert Fico said that the opposition cannot set the pace for them, because they are the government. Therefore, the opposition considers turning to the Constitutional Court. Opposition MPs argue that their rights have been breached. As a reaction, anti-government protests, which are organized by the opposition in most cases, continued around Slovakia. It is estimated that about 45,000 people walked out to the streets despite a bomb threat. Slovaks in Paris, Prague, Brno, and Krakow also joined the protests.

Besides, MEPs adopted a resolution criticizing the draft amendment to the Criminal Code submitted by Prime Minister Robert Fico's government. Out of 630 MEPs, 496 voted for the resolution, 70 were against and 64 abstained. MEPs are concerned about the ability of the new Slovak government to fight corruption and protect the financial interests of the EU if the amendment is approved. Among other things, the changes will include the abolition of the Special Prosecutor's Office which prosecutes cases against people engaged in high-level corruption. The government has also proposed more lenient punishments for some crimes.

In December 2023, the European Commission asked the government not to proceed with the amendment. The European Public Prosecutor's Office said the steps posed a serious risk of violating the principles of the rule of law.

Presidential race

The presidential elections in the spring of 2024 will follow shortly on from Prime Minister Robert Fico's victory in the September 2023 parliamentary vote. While the president holds little power, the post holder can help set the tone of public debate and counter the government narrative. The election will show how the public feels about Fico's comeback, after being forced to resign after mass protests over the murder of journalist Ján Kuciak and his fiancée Martina Kušnírová in 2018.

Hlas-SD chair Peter Pellegrini has officially joined the race to succeed Zuzana Čaputová as president, announcing his candidacy in the State Opera building in Banská Bystrica. The move has been widely discussed since at least the middle of last year, but the formal trigger was his Hlas-SD party leadership's backing for his candidacy, which came on January 18. A day later, former foreign affairs minister Ivan Korčok submitted to parliament a petition signed

by 40,000 people supporting his candidacy. In Slovakia, a candidate is required to submit at least 15,000 signatures.

Polls to date have put Pellegrini ahead of the other candidates, but the gap between him and Korčok has recently narrowed. According to a few polling agency surveys, Peter Pellegrini would have made it into the two-person second round if the election had taken place in January, with the former gaining 40.6 percent and the latter 37.7 percent. Ex-justice minister Štefan Harabin would have come third in the first round.

At first, Slovenská Národná strana (SNS) leader Andrej Danko was signaling that his support for Hlas-SD leader Peter Pellegrini's presidential run will only come at a significant cost – and that it will use bare-knuckle tactics to get what it wants. SNS and Hlas-SD are, at least notionally, allies in the current coalition government. Later the SNS chair changed his mind and also officially announced his candidacy, although he will have a minimum chance. As the polls indicated, he would have attracted only 1.5 percent of the first-round vote. The SNS leader has no respect for Peter Pellegrini. If Pellegrini wins, Danko argues, the coalition deal should also change. It has been reported that the SNS could be interested in obtaining the jobs of economy minister and speaker (Danko is currently one of four deputy speakers of parliament). Andrej Danko has not denied these reports. However, Hlas-SD has so far refused to re-open the coalition deal. It argues that that deal is based on the results of the parliamentary, not the presidential, elections.

Surprisingly, the last possible day, Slovensko (formerly OĽaNO) leader and former PM Igor Matovič announced he was joining the presidential race. His intention to join the presidential race is to help people to have enough information, and to spice up the campaign for the candidates. Matovič admitted that he does not believe he has any chance of winning. According to the opinion polls his chances are pretty much zero. As Matovič put it during his press conference, the idea behind his running for the post is to have a democratic candidate's back. He said he had no intention to harm ex-foreign minister Ivan Korčok's candidacy – but warned that the latter would have to face unpleasant questions, as would other candidates.

The Slovensko movement submitted the proposal just a few minutes before the deadline. In addition to Matovič, Nation's Memory Institute's historian Patrik Dubovský also announced his candidacy. He attracted publicity last November when he filed a criminal complaint against Smer-SD MP Ľuboš Blaha for displaying a portrait of communist revolutionary Che Guevara in his parliamentary office. Dubovský will run as the candidate of the Za Ľudí and Kresťanská

Únia (Christian Union) parties, and is also being supported by Slovensko. Both Matovič's and Dubovský's nominations were signed by 15 MPs from the three parties. The other way to get onto the ballot is to submit a petition signed by at least 15,000 citizens, as Korčok has done.

The vote is likely to be a showdown between the ruling coalition led by Prime Minister Robert Fico and independent candidates who are closer to the liberal opposition. The EU and NATO country's presidents do not wield much day-to-day power, but they can veto laws or challenge them in the constitutional court. A victory by Pellegrini, leader of the government Hlas-SD party, would solidify the coalition's grip on power.

Main opponents so far are former foreign minister in the previous government Ivan Korčok and an international diplomat and foreign minister from Fico's past more pro-western era, Jan Kubiš. Opinion polls have shown Pellegrini would have an edge over others in a hypothetical second round. Further candidates may yet appear, including from nationalists in the government camp.

PM Robert Fico, who has turned anti-western and opposes military aid to Ukraine, formed a government coalition with former party ally Peter Pellegrini and the nationalist SNS party after winning a September 2023 parliamentary election. The new government has halted official military aid to Ukraine, and has started pushing through a fast-track reform of the criminal law and prosecution that raised worries in the European Union and the United States for potentially weakening the rule of law.

Presidents can slow down legislation by using vetoes, and can also turn to the constitutional court to question adopted laws - tactics Zuzana Čaputová has used against past and current governments. Slovak presidents are elected for five years, and can seek two consecutive terms, which the human rights lawyer Čaputová will not. She has frequently been criticized for her liberal stance by Fico, who has alleged, without proof, she was a U.S. puppet and served the interests of U.S. financier George Soros.

The final candidates are as follows: SNS chair Andrej Danko, Patrik Dubovský, Aliancia party leader Krisztián Forró, pro-Russian politician and former top judge Štefan Harabin, Ivan Korčok, far-right politician Marian Kotleba, diplomat Ján Kubiš, former PM Igor Matovič, former police officer and eurosceptic Milan Nahlik, Hlas-SD chair Peter Pellegrini and Robert Švec, another far-right politician. The first round of the presidential election will take place on Saturday, March 23. The second round, should it be required, will take place on April 6, 2024.

Conclusion

The coalition MPs adopted Penal Code changes, what means that the Special Prosecutor's Office will cease to exist and several Smer-SD people who are facing corruption or organized crime charges, including Smer-SD MP Tibor Gašpar and ex-finance minister and central bank's governor Peter Kažimír, will not be tried or may receive only a suspended sentence. At the beginning of February, the coalition MPs approved an extensive amendment to the Penal Code and other related laws, including the Criminal Procedure Law, despite the opposition's obstacles in the parliament, protests throughout Slovakia and criticism from Brussels. The coalition has been trying to change criminal laws since last December.

President Zuzana Čaputová is prepared to veto these changes, but the coalition has enough votes to override it. The president and the opposition will also turn to the Constitutional Court, which can suspend the effectiveness of all the adopted changes to the Penal Code. If this doesn't happen, the amendment will come into effect in mid-March.

In a fact, the adoption of the amendment to the Penal Code is bad news for Slovakia and all its citizens. Some of the changes include reducing penalties for corruption and economic crimes, shortening statutes of limitations (for rape and other crimes), changes to working with cooperating defendants, strengthening the protection of judges from prosecution, and reducing penalties for drug cultivators.

Slovakia will elect its sixth president on Saturday, March 23, 2024, when the first round takes place. According to the constitution, presidential elections must be held at least 60 days before the end of the outgoing head of state's term. President Zuzana Čaputová will leave office on June 15, 2024. Facing numerous attacks from the now ruling coalition, she announced last year that she would not run for the post a second time.

In the history of presidential elections, the first round has always been followed by the second round as no candidate managed to obtain more than half of all the votes cast in the election. Should the situation repeat this year, the second round will take place on April 6, 2024. Thus far, former foreign minister and diplomat Ivan Korčok, supported by two liberal parties Progresívne Slovensko (PS) and Sloboda a Solidarita (SaS), has announced that he will run for office. Another foreign minister and diplomat, Ján Kubiš, has managed to collect at least 15,000 signatures to join the presidential race as well. However, the current Speaker of Parliament, Peter Pellegrini from Hlas-SD is considered as a favorite in the presidential race.

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