

Independent Reporting Mechanism (IRM): Slovakia Special Accountability Report 2014–2015

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Executive Summary: Slovak Republic

Independent Reporting Mechanism (IRM) Special Accountability Report 2014–15

Slovakia's second action plan included a variety of commitments on open data and disclosure of information in education and justice. Commitments, largely of a technical nature, were insufficient for tackling the key policy issues. Civil society stresses the need for the action plan to include measures that directly increase government accountability.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry, to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Slovak Republic (hereafter Slovakia) began participating in OGP in September 2011. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each country that participates in OGP.

This report deals with the entire period of implementation of the second action plan. Although the planned date for adopting the action plan was June 2013, the government did not approve it until February 2015. Therefore, the effective period of implementation did not follow the two-year OGP calendar, and was officially 11 February 2015 through 30 June 2016. This report also includes the status of progress at the end of the plan's seventeen-month period.

The Office of the Plenipotentiary of the Government of the Slovak Republic for Development of the Civil Society (hereafter Office of the Plenipotentiary) was the lead agency responsible for OGP coordination in Slovakia. In 2012, the Office of the Plenipotentiary was transferred from the Government Office to the Ministry of Interior. While responsibilities clearly assigned to a single office ensured continuity and stability, its relocation and frequent personnel changes slowed the pace of development and approval of the second national action plan.

The Office of the Plenipotentiary organized consultations in which public sector agencies and CSOs collaborated on developing commitments. The public also had an opportunity to

At a Glance:

Member since:	2011
Number of commitments:	34

Level of Completion:

Completed:	38% (13)
Substantial:	24% (8)
Limited:	35% (12)
Not started:	3% (1)

Commitment Emphasis:

Access to information:	76% (26)
Civic participation:	29% (10)
Public accountability:	0
Tech & innovation for transparency & accountability:	15% (5)

Commitments that are

Clearly relevant to an OGP value:	94% (32)
Of transformative potential impact:	15% (5)
Substantially or completely implemented:	62% (21)
All three (★):	3

comment on the draft action plan during the official inter-agency review and public comment period.

In August 2013, the OGP Advisory Board of CSOs and high-ranking public servants overseeing the implementation of the previous action plan was given support by several working groups. The working groups consisted of CSOs and public servants, all of whom were invited to participate. Five groups were established in the areas of open data, participatory policy making, the judiciary, monitoring of the EU funds and subsidies portal, and open education. Most operated in person, though some allowed online feedback. The composition of the groups changed over the course of implementation, causing some groups to not engage in ongoing and comprehensive monitoring of progress and correction of commitment activities.

The government published its self-assessment report in March 2016. At the time of writing this report in November 2016-February 2017, the third action plan had been drafted but not approved.

Table 1: Summary of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion at End-of-Term				Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Map datasets			↙		↙					↙				↙					↙		
2. Publish datasets			↙		↙			↙			↙			↙					↙		
3. Identify the most requested datasets				✓		✓					✓					✓			✓		
4. Publish the most requested datasets				✓	✓			✓				✓		✓					✓		
5. Develop a strategy for open data publication				✓	✓			✓				✓			✓			✓			
6. Publish data on EU funds and subsidies			✓		✓			✓			✓				✓			✓			
7. Promote EU funds and subsidies portal			✓		✓					✓					✓			✓			
8. Evaluate EU funds and subsidies portal			✓		✓					✓			✓					✓			
9. Map educational resources for open license		✓			✓					✓						✓		✓			
10. Map repositories for OER				✓	✓					✓					✓			✓			

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion at End-of-Term				Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Analyse procurement process of OER		✓			✓					✓				✓				✓			
12. Propose a new procurement process of OER			✓		✓					✓				✓				✓			
13. Run a pilot procurement process				✓	✓							✓		✓				✓			
14. Raise OER awareness among teachers			✓		✓						✓			✓				✓			
15. Join OER multilateral activities		✓			Unclear					✓				✓				✓			
16. Map repositories for OA resources				✓	✓					✓					✓			✓			
17. Identify barriers to OA			✓		✓	✓				✓						✓			✓		
18. Analyse introducing obligation to provide publications under open licenses				✓	✓					✓						✓			✓		
19. Propose a mechanism for voluntary publication of open research data				✓	✓						✓			✓				✓			

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion at End-of-Term				Did it Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
20. Raise OA awareness in academia		✓			✓						✓					✓			✓		
21. Co-operate on OA strategies internationally		✓			Unclear					✓						✓			✓		
22. Identify policies that will be created in participatory manners				✓		✓				✓						✓			✓		
23. Organise public service trainings in participatory policy making				✓		✓					✓					✓			✓		
24. Develop policies in participatory manners				✓	✓	✓						✓			✓					✓	
25. Create criteria for evaluating participatory policy making				✓		✓						✓				✓			✓		
26. Evaluate participatory policy making			✓			✓					✓					✓			✓		
27. Map Legislative Environment		✓				✓				✓				✓						✓	
28. Public Campaign for Collective e-Petitions		✓			✓					✓					✓			✓			
29. Publish Evaluations of Judges			✓		✓					✓				✓				✓			

30. Analyse publication of judicial decisions			✓		✓					✓						✓			✓		
31. Develop a uniform system for publishing judicial decisions				✓	✓			✓			✓			✓				✓			
32. Publish Prosecutors' names				✓	✓						✓					✓			✓		
33. Evaluate the 2015 OGP Action Plan				✓	✓	✓				✓						✓			✓		
34. Develop new action plan				✓	✓	✓				✓						✓				✓	

Recommendations

The Slovak government should engage more in overseeing the implementation of OGP commitments and facilitate the creation of more ambitious action plans in the future. In addition, the government should raise greater public awareness of Slovakia's participation and achievements in OGP, and provide further funding to the Office of the Plenipotentiary to coordinate OGP in the country. It should also standardize inter-agency processes and set minimum requirements for inter-agency co-operation.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic and are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 2: Top Five SMART Recommendations

The government should standardize inter-agency processes and set minimum requirements for inter-agency co-operation.
The government can demonstrate greater support of the Office of the Plenipotentiary by providing it with additional resources for participation in OGP.
The Office of the Plenipotentiary should raise public awareness of OGP's important accomplishments in Slovakia. Some of these (e.g., the Whistle-blowers Act) affect the daily lives of citizens.
The newly-created Office of the Deputy Prime Minister for Investments and Informatisation should build on existing open data efforts by providing and encouraging the use of data in high demand, and organizing hackathons.
The Ministry of Education should assume ownership of the open education agenda. It could assign a unit to be responsible for all open education and research related tasks, and evaluate its performance regularly.

Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit bit.ly/1929F11.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. National participation in OGP

I.1 History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Slovakia began its formal participation in September 2011, when Prime Minister Iveta Radicova declared the government's intention to participate in the initiative [<http://www.opengovpartnership.org/country/slovakia>].¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, for strengthening citizen engagement, and for fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond the status quo. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Slovakia developed its second national action plan from June 2013 to December 2014. Although the planned date to submit the action plan was June 2013, the government approved it in February 2015.² The effective period of implementation was officially 11 February 2015 through 30 June 2016. This report covers the whole implementation period, including the status of progress at the end of the period. It follows an earlier review of OGP performance, "Slovakia Progress Report 2012-13,"³ which covered the development of the first action plan and implementation from 1 July 2012 to 30 June 2013. The government published its self-assessment report in March 2016. At the time of writing this report, a few commitments from the second action plan were still not completed. Many were carried forward to the third national action plan,⁴ which was expected to be approved at the time of writing this report.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Maria Zuffova, who carried out this evaluation of the development and implementation of Slovakia's second action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP-participating country. Methods and sources are dealt with in a Methodology and sources (Section VI) in this report.

To gather the voices of multiple stakeholders, Maria Zuffova organized two stakeholder forums in Bratislava, which were conducted according to a focus group model. She also conducted several surveys and interviews with government officials and representatives of civil society organizations. Finally, she reviewed two key documents prepared by the government: a report on Slovakia's first action plan,⁵ and the government's March 2016 self-assessment.⁶ Numerous references are made to these documents throughout this report.

Summaries of these forums and more detailed explanations are given in the Annex.

1.2 OGP Leadership in Slovakia

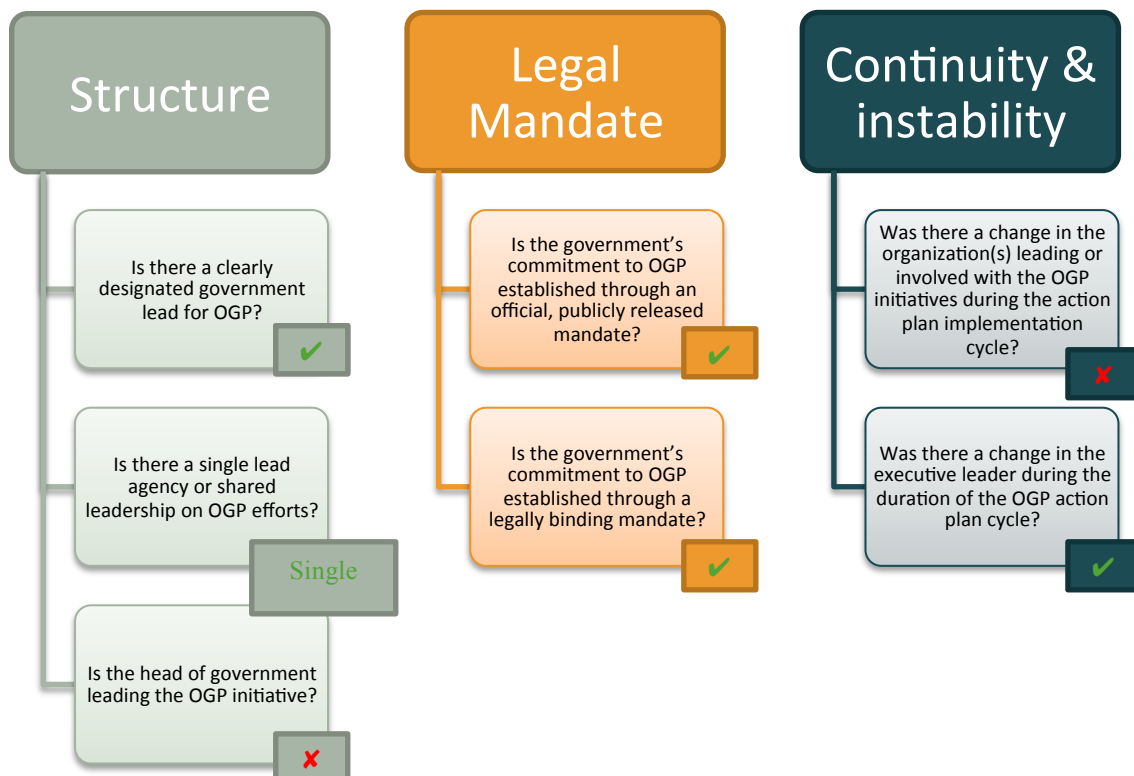
This sub-section describes the OGP leadership and institutional context for OGP in Slovakia. Table I.1 summarizes this structure while the narrative section (below) provides additional detail.

The Office of the Plenipotentiary has been the lead agency in charge of Slovakia's OGP commitments since 2011. In the first year of OGP membership, the agency was a unit in the Government Office.⁷ This meant that the prime minister proposed the plenipotentiary and the unit's budget was part of the Government Office's budget. In 2012, the unit as well as the OGP commitments were relocated to the Ministry of Interior.⁸ Some stakeholders perceived this change as a diminution of the office's political importance.⁹ While a single office in charge of the responsibilities ensured continuity and stability, frequent personnel changes affected both the pace of development and approval of the second action plan, as well as the extent of its impact.

The post of the plenipotentiary (the head of the office) remained vacant for more than a year. The previous plenipotentiary, Filip Vagac, resigned in October 2013, claiming that he was unable to push forward the agenda. Martin Gierl filled the position in November 2014.¹⁰ The year-long absence of the executive leader delayed the development and approval of the second national action plan. It was finally approved by the government in February 2015, a year and a half after the initial schedule.¹¹ Stakeholders also mentioned that the office has continually faced underfunding.¹²

Still, the OGP in Slovakia is legally mandated and the action plans are legally binding documents. This legal mandate has helped to ensure that other departments within the government implement their commitments (See Table I.1 on the leadership and mandate of OGP in Slovakia).

Table I.1: OGP leadership in Slovakia



1.3 Institutional participation in OGP

This sub-section describes which government (state) institutions were involved at various stages in OGP. The next section will describe which non-governmental organizations were involved in OGP.

Table 1.2 Participation in OGP by government institutions

How did institutions participate...?		Ministries, Departments, and agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other, including constitutional independent or autonomous bodies.	Subnational governments
Consult ¹³	Number	18	0	0	0	0
	Which ones?	See endnote ¹⁴				
Propose ¹⁵	Number	18	0	0	0	0
	Which ones?	See endnote ¹⁶				
Implement ¹⁷	Number	18	0	0	0	0
	Which ones?	See endnote ¹⁸				

In Slovakia, public administration is highly decentralized, and the central government has limited capacity to oblige local administrations to take part in national action plans. Hence, participation in OGP was limited to ministries and other executive departments and agencies. Table 1.2 above details which institutions were involved in OGP and at what stage.

Since this was the second national action plan, the Office of the Plenipotentiary could build on relations it had already established with agencies during the previous cycle. The Office of the Plenipotentiary gathered their feedback on proposed commitments and invited them to participate in working groups. Both public agencies and CSOs collaborated on the wording of commitments. It is important to note that, beyond this informal consultation process, public agencies and the public had an opportunity to comment on the draft action plan during the official inter-agency review and public comment period.

During implementation, there was no joint platform created for public agencies to discuss progress. The Office of the Plenipotentiary consulted agencies either individually or in smaller working groups clustered around specific topics. It also established an account on GitHub to track the progress of some commitments, even though it was not actively used by other agencies.¹⁹ The first draft included a commitment that ministries track and present progress on implementing commitments every three months at the meetings of the Government Council of Non-Profit Organisations.²⁰ This commitment was abandoned in the final version as the result of the official inter-agency review.

¹ The Government of the Slovak Republic, "Letter of Intent to join the OGP Initiative" (16 August 2011), accessed 1 September 2016 <http://bit.ly/2af9OBd>.

² The Government of the Slovak Republic, "Government resolution no. 59/2015" (11 February 2015), accessed September 1, 2016, <http://bit.ly/1Wst4PU> (in Slovak).

³ Matej Kurian, Open Government Partnership, "Slovakia Progress Report 2012-13," accessed 1 September 2016, <http://bit.ly/2aijEfd>.

⁴ SLOV-LEX (Legal and information portal), "Draft of the third national action plan," submitted for official public comment period, accessed 1 September 2016, <http://bit.ly/2cFBH7l> (in Slovak).

⁵ The Office of the Plenipotentiary, "Open Government Partnership Action Plan of the Slovak Republic 2015," accessed 1 September 2016, <http://bit.ly/1qRFS4b> (in Slovak and English).

⁶ The Office of the Plenipotentiary, "Government Self-Assessment Report," accessed 1 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

⁷ The Government of the Slovak Republic, “Government resolution no. 134/2011” (3 March 2011), accessed 1 September 2016, <http://bit.ly/2kGI6Dh>.

⁸ The Government of the Slovak Republic, “Government resolution no. 309/2012” (27 June 2012), accessed 1 September 2016, <http://bit.ly/2alvdqQ>.

⁹ IRM Stakeholder meeting – Participation, 29 June 2016; and Gabriel Lachmann (Utopia.sk, Slovensko.digital and EEA, s.r.o.), IRM Stakeholder meeting – Open data, 21 June 2016. See Section VI: Methodology and sources for details.

¹⁰ The Slovak Spectator, “Government appoints new proxy for civic society” (6 November 2014), accessed 1 September 2016, <http://bit.ly/1qS2yBs>.

¹¹ The Office of the Plenipotentiary, “Open Government Partnership Action Plan of the Slovak Republic 2015,” accessed 1 September 2016, <http://bit.ly/1qRFS4b>.

¹² IRM Stakeholder meeting - Participation, 29 June 2016; and IRM Stakeholder meeting – Open data, 21 June 2016. See Section VI: Methodology and sources for details.

¹³ These institutions were invited to or observed the development of the action plan, but may or may not have been responsible for commitments in the plan.

¹⁴ Geodesy, Cartography and Cadastre Office; Government Office; Ministry of Agriculture and Rural Development; Ministry of Culture; Ministry of Defence; Ministry of Economy; Ministry of Education, Science, Research and Sport; Ministry of Environment; Ministry of Finance; Ministry of Foreign and European Affairs; Ministry of Health; Ministry of Justice; Ministry of Labour, Social Affairs and Family; Ministry of Transport, Construction and Regional Development; Ministry of Interior; Office of the Plenipotentiary for the Development of Civil Society; Statistical Office; and Office for Public Procurement.

¹⁵ These institutions proposed commitments for inclusion in the action plan.

¹⁶ Ibid.

¹⁷ These institutions are responsible for implementing commitments in the action plan whether or not they proposed those commitments.

¹⁸ Ibid.

¹⁹ The Office of the Plenipotentiary, <http://bit.ly/2awih0Y> (in Slovak).

²⁰ Draft of the second national action plan submitted for official public comment period, accessed 1 September 2016, <http://bit.ly/2auoH5h> (in Slovak).

II. National OGP Process

Consultations to develop the action plan were open and transparent. The government engaged some CSOs in developing the second national action plan and gave them advance notice for consultations. However, consultations included only familiar experts, who met sporadically.

Countries participating in OGP follow a set of requirements for consultation during development, implementation and review of their OGP action plan. Table 2.1 summarizes the performance of Slovakia during the 2015 action plan.

2.1 Action Plan Development

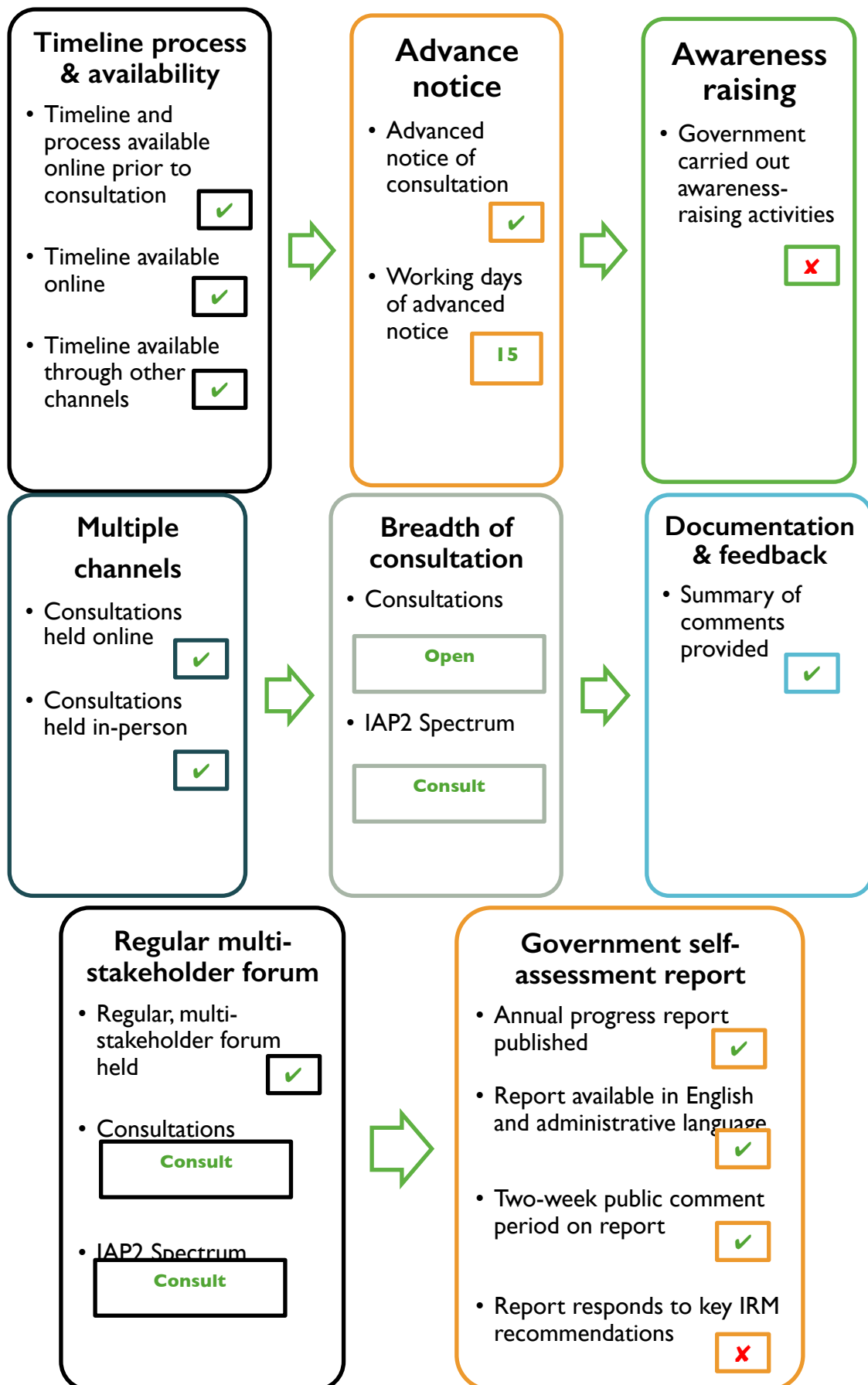
The government developed its second national action plan between June 2013 and December 2014. Although the process was affected by the year-long absence of the Plenipotentiary, it was open and provided different ways to engage and influence the final form of the plan well beyond that which is required by Slovak legislation.

In August 2013, the OGP Advisory Board overseeing implementation of the previous action plan was supported by working groups. The board consists mostly of CSO members and high-ranking public servants.¹ Members of working groups also included members of CSOs and public servants, all of whom were invited to participate. The newly-established working groups were expected to provide expertise and feedback on draft action plans and to conduct awareness-raising activities. In total, there were three working groups focused on open data,² participatory policy making,³ and the judiciary,⁴ which met sporadically in the capital city of Bratislava. No regional working groups were established. Several interviewees stressed that it was already difficult to fill the working groups based in Bratislava due to a lack of time and capacity among Slovak CSOs.

The Office of the Plenipotentiary posted information about the development of the second action plan regularly on its official website.⁵ It published a timeline of the process as well as invitations to regional meetings planned for Bratislava, Kosice, and Banská Bystrica as part of a wider consultation process, with two weeks prior notice.⁶ In the end, only meetings in Bratislava and Banská Bystrica took place. The meeting in Kosice was cancelled due to lack of interest. Although prior registration was required, anyone interested in the meetings could register and attend. About 20 stakeholders participated in both meetings. Reports from the meetings reveal that some participants' comments were used to inform the final action plan.⁷ Online consultations on the official website⁸ also took place from 17 October to 1 November 2013.⁹ One citizen submitted his comments online.

Plenipotentiary Vagac's sudden resignation halted further development of the second action plan. The draft was submitted for the official inter-agency review and public comment almost a year later, on 9 September 2014. Although the public comment period lasted for more than two weeks, the public was not informed about it on the Plenipotentiary's website until eight days after it began. A few comments came from CSOs and the public. Public agencies, however, submitted over 60 technical comments and more than 30 substantial comments, which were taken into consideration and put through resolution procedures before being sent for approval.¹⁰ The resolution procedures require that ministries that propose draft laws and public agencies that submit substantial comments must find a compromise. If they do not, the government must discuss these at their meetings and make a final decision. Because of the resolution procedures, some commitments in the draft action plan had to be reformulated and a few were dropped entirely.

Table 2.1: National OGP Process



Overall, the action plan was developed in line with the spirit of the previous plan, which aimed to increase public participation in the political process. Stakeholders agreed that any interested person could have taken part in the process.¹⁰ However, they also agreed that the initiative is practically unknown outside of a narrow group of CSOs working on anti-corruption issues. This could have changed if the initiative had greater political support which, they argue, was not the case during the development and implementation of the plan.¹¹ This lack of political support was evident from the allocation of resources. The Office of the Plenipotentiary stated that it did not receive additional funding for its participation in OGP. Officials contended that their budget was small and did not specify which activities it was meant to fund.¹² It is important to mention that participation in OGP is just a small part of the Office of Plenipotentiary's broad agenda. The Office has seven full-time employees (including the plenipotentiary) and, apart from creating and implementing OGP national action plans, fosters cooperative relationships between the government and CSOs. It also proposes and monitors legislation related to CSO operations and public participation.

2.2 Ongoing multi-stakeholder forum

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation — this can be an existing entity or a new one. This section summarizes that information.

Much like the development of the action plan, the Office of the Plenipotentiary used a variety of channels to track its implementation. However, it was unable to maintain the same quality and breadth of consultation for all commitments. The most active and diverse group was the one working on open data commitments.

Two other working groups were established in addition to three already existing (open data, participatory policy making, and judiciary). One was intended to evaluate a data portal on EU funds and subsidies. The other was supposed to track open education related commitments. The groups consisted of representatives mainly from CSOs and the state administration, though a few were from the private sector and academia. They were appointed by the Office of the Plenipotentiary and had a consultative role. Most working groups operated in person, while some allowed online feedback. The former met only sporadically and their members changed during implementation. Therefore, there were circumstances in which some groups did not engage in ongoing or comprehensive monitoring of progress and correction of commitment activities. For instance, the working group focused on the EU funds and subsidies data portal met only once after the launch of the portal. A prominent advocate of the Fair-Play Alliance noted that this was insufficient, especially as the meeting took place after the portal's completion and launch. He added that there was no declared intention to improve the web application in the future or to incorporate comments collected during the working group's meeting.¹³

While it is the habit of the Office of the Plenipotentiary to post information about news and developments routinely on its website and social media, it did not publish the minutes of the meetings held by the various working groups.

Overall and based on stakeholders' opinions,¹⁴ the IRM researcher concludes that consultations during the implementation period included a diverse mix of stakeholders and were open to any interested party. However, interest was low due to low CSO capacity and funds to participate and little awareness about OGP.

2.3 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The Office of the Plenipotentiary approved the self-assessment report on time at the meeting of the Government Council of Non-Profit Organisations on 17 March 2016. It was preceded by very open and broad participatory consultations.

Representatives of CSOs and the public administration were asked to contribute to the draft self-assessment report, summarize their activities in working groups, and present the overall achievements of individual commitments. The draft was subsequently published for comment on the Office of Plenipotentiary's website and social media channels on 16 February 2016.¹⁵ The public comment period was open to everyone for the next 15 working days (see Table 1.2 on the national OGP process in Slovakia). However, the Office of the Plenipotentiary informed the IRM researcher that it did not receive any comments from the public.

With few exceptions, the self-assessment report provided a balanced, accurate, and very detailed picture of the course of implementation and outcomes for all the commitments. It also suggested next steps in implementation for each commitment.

At the same time, the self-assessment was schematic and did not explain the added value of completed commitments in a wider political context. It also did not review or only touched upon consultations held during the development and implementation of the action plan.

Finally, the quick sequence of assessing the second action plan and drafting the third one did not leave the Office of the Plenipotentiary with much room to include lessons learnt in the new action plan. To illustrate, the self-assessment report was approved on 17 March 2016, and the final draft of the next action plan was published just a month later, on 29 April 2016. As explained below, there was very little time to address the comments from IRM reports, due to mismatched time frames.

2.4 Follow-up on Previous IRM Recommendations

Table 2.2: Previous IRM report key recommendations

Recommendation 1	Recommendation 2	Recommendation 3	Recommendation 4	Recommendation 5
Preserve current standards of and track performance of the key accountability tools, especially Freedom of Information Act.	Ensure effective implementation of the action plan. The government should provide the Office of the Plenipotentiary with appropriate resources (both human and political backing) in order for it to receive necessary co-operation from other bodies.	Build on existing efforts. The government should continue basic implementation, especially in the area of open data.	Justify costs. Satisfactorily justify the costs and function of the E-democracy and Open Government project.	Widen consultations. The OGP is generally unknown to many potentially relevant target groups. The government could find and consult additional target groups, especially municipalities, businesses, and academia.
Addressed?	Addressed?	Addressed?	Addressed?	Addressed?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Integrated into next action plan?	Integrated into next action plan?	Integrated into next action plan?	Integrated into next action plan?	Integrated into next action plan?
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Of the five recommendations above, the Slovak government addressed and integrated only two in its self-assessment report and next action plan, respectively. The first draft of the second action plan was ready before this special accountability report was published. As a result, key recommendations from the report could not have been properly addressed.

¹ The official website for Slovak participation in OGP – Otvorenavlada.gov.sk, OGP Advisory Board members advising on the creation and implementation of the first national action plan, accessed 31 August 2016, <http://bit.ly/2a5uy18> (in Slovak). The board members advising on the second action plan were Filip Vagac, Rut Erdelyiova, Juraj Kormuth, Juraj Palus, Martin Butora, Zuzana Wienk, Karolína Mikov, and Lubor Illek. The list is not available online, but was provided to the IRM researcher on request.

² The members of the open data working group were Lubor Illek, Martin Kustek, Gabriel Lachmann, and Eva Vozarova. The list is not available on the website, but was provided to the IRM researcher upon request. The composition of the working groups changed somewhat over the implementation period.

³ The members of the working group on participatory policymaking were Gabriel Bianchi, Karolína Mikova, Vladimír Pirošik, Bohdan Smieska, and Katarína Staronova. The list is not available on the website, but was provided to the IRM researcher upon request. During implementation, the composition of working groups changed to some extent.

⁴ The members of judiciary working group were Zuzana Caputova, Dušan Čimo, Rudolf Čirc, Peter Kresák, Samuel Spac, Robo Urban, Zuzana Wienk, and Pavol Zilincik. The list is not available on the website, but was provided to the IRM researcher upon request. During the implementation period, the composition of working groups changed somewhat.

⁵ Otvorenavlada.gov.sk and Tretisektor.gov.sk.

⁶ The official website for Slovak participation in OGP – Otvorenavlada.gov.sk, Invitation for regional meetings, accessed 31 August 2016, <http://bit.ly/1WShe18> (in Slovak).

⁷ The Office of the Plenipotentiary, meeting minutes, unpublished. The minutes of meetings are not available on the website, but were provided to the IRM researcher upon request.

⁹ The Office of the Plenipotentiary, online consultations, accessed 31 August 2016, <http://bit.ly/1UI05tu> (in Slovak).

¹⁰ SLOV-LEX (Legal and information portal), Official Inter-Agency Review and Public Comment Period, <http://bit.ly/1UI0Jra> (in Slovak).

¹⁰ IRM stakeholder meeting – Open Data, 29 June 2016; IRM stakeholder meeting - Participation, 29 June 2016; and interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

¹¹ Ibid.

¹² Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016. See Section VI: Methodology and sources for details.

¹³ Interview with Peter Kunder (Fair-Play Alliance), 20 June 2016. See Section VI: Methodology and sources for details.

¹⁴ Ibid.

¹⁵ The Office of the Plenipotentiary, “Public Discussion on Government Self-Assessment Report,” accessed 31 August 2016, <http://bit.ly/2aHH9qT> (in Slovak).

III. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.

What makes a good commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and analyses them for their first year of implementation.

While most indicators used to assess each commitment are self-explanatory, a number deserve further explanation.

- **Specificity:** The IRM researcher first assesses the level of specificity and measurability with which each commitment or action was framed. The options are:
 - **High** (Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective)
 - **Medium** (Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective)
 - **Low** (Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be)
 - **None** (Commitment language contains no measurable activity, deliverables or milestones)
- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance of the commitment to OGP values are:
 - **Access to Information:** Will government disclose more information or improve quality of the information disclosed to the public?
 - **Civic Participation:** Will government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - **Public Accountability:** Will government create or improve opportunities to hold officials answerable to their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?¹
- **Potential impact:** The IRM is tasked with assessing the *potential impact* of the commitment, if completed. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan and;
 - Assesses the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a “transformative” potential impact if completely implemented.²
- Finally, the commitment must see significant progress during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Based on these criteria, Slovakia’s action plan contained three starred commitments, namely:

- Commitment 5: Develop a strategy for open government data publication
- Commitment 24: Develop policies in participatory manners
- Commitment 25: Create criteria for evaluating participatory policy making

About “Did it open government?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable ‘did it open government?’ in End-of-Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “Starred commitments” which describe *potential* impact.

IRM researchers assess the “Did it open government?” with regard to each of the OGP values relevant to this commitment. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- **Worsened:** worsens government openness as a result of the measures taken by commitment.
- **Did not change:** did not change status quo of government practice.
- **Marginal:** some change, but minor in terms of its impact over level of openness.
- **Major:** a step forward for government openness in the relevant policy area, but remains limited in scope or scale
- **Outstanding:** a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes as implemented for changes in government openness.

Readers should keep in mind limitations. This IRM report was prepared only a few months after the implementation cycle was completed. The variable focus on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Slovakia and all OGP-participating countries, see the OGP Explorer.³

General overview of the commitments

The second national action plan had multiple drafts. The first draft was already available for public comment on the official website dedicated to Slovak participation in OGP in 2013.⁴ This version had 27 commitments in three key areas: open government data, participatory policy making, and open public administration. The draft submitted for official public comment a year later differed substantially.⁵ Thirteen new commitments on open educational and research resources were added in a new section. Furthermore, some commitments were reformulated and a few were dropped. For instance, commitments on the effective transposition of the Public Sector Information Directive and the evaluation of the implementation of the Whistle-blower protection law were excluded from the draft. Two other commitments were also excluded from the final plan approved on 11 February 2015. These were developing standards for assets declaration for public officials, and evaluating commitment progress every three months. The final action plan focused on four key themes: open government data, open education and research, participatory policy making, and open judiciary system.

Themes

The second national action plan had 34 individual commitments. As many of them were thematically related, the IRM researcher and IRM team grouped them into 14 clusters to make the evaluation more intelligible for its readers.

These themes are:

- Map and publish datasets
- EU Funds and Subsidies Data Portal
- Map Open Educational and Research Resources and Repositories
- New Procurement Process of Educational Resources
- Open Access Conditions and Barriers
- Awareness Raising on Open Educational Resources and Open Access
- Participatory Policy Making
- Map Legislative Environment related to Public Participation in Law Making
- Public Campaign for Collective e-Petitions
- Publish Evaluation of Judges
- Improve Publication of Judicial Decisions
- Publish Prosecutors' Names
- Evaluate the 2015 OGP Action Plan and Develop New Action Plan

¹ OGP Procedures Manual and Articles of Governance, accessed 25 September 2016, <http://bit.ly/2aexwRI>.

² The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>.

³ bit.ly/1KE2Wil.

⁴ The Office of the Plenipotentiary, Development of the second national action plan, accessed 25 September 2016, <http://bit.ly/1UI05tu> (in Slovak only, first draft published on the website).

⁵ The Office of the Plenipotentiary, "Open Government Partnership Action Plan of the Slovak Republic 2015," accessed 25 September 2016, <http://bit.ly/2auoH5h> (in Slovak, second draft submitted for official public comment).

Commitments 1, 2, 3, 4, and ☆5: Map and publish datasets

Commitment Text:

Commitment 1

Develop an updated list of all datasets of organizations listed as responsible, including budgetary and contributory organizations under their authority, together with a plan of their gradual publication at the Open Data Portal.

Commitment 2

Publish datasets on the Open Data Portal according to the planned schedule.

Commitment 4

Based on the evaluation of public demand for the most requested datasets, preferentially publish relevant data sets at the Open Data Portal.

Responsible institutions: Ministers; Chair of the Geodesy, Cartography and Cadaster Office; President of the Statistical Office; Chair of the Office for Public Procurement

Commitment 3

Carry out a survey of most frequently requested datasets and share the results with the ministers and other heads of public administration bodies.

Responsible institution: The Office of the Plenipotentiary

☆ Commitment 5

Develop a strategy for publication and use of open data of public administration and submit it to the Government.

Responsible institution: The Head of the Government Office

Supporting institution(s): Responsibility for and tasks related to the publication of data sets were cross-sectional and cross-departmental. Various central government agencies were responsible for developing a unified strategy for publishing data sets. These were the Ministry of Finance, which was responsible for public administration IT, and the Ministry of Justice, which was responsible for related legislation.

Start date: Not specified

End date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open the government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
1. Map datasets			✓		✓					✓				✓					✓		
2. Publish datasets			✓		✓			✓			✓			✓					✓		
3. Identify the most				✓		✓					✓					✓		✓			

Context and objectives

Open data³ initiatives in Slovakia have taken place in a complex political context. Anti-corruption CSOs and the media have continuously criticized state IT projects for their lack of transparency, competitiveness, and coordination.⁴ In November 2015, Slovak president Andrej Kiska expressed serious concerns that the public was not getting value for money from costly state IT projects.⁵ In response,⁶ the initiative Slovensko.digital was formed in November 2015 to bring about greater openness and propose better state IT solutions and a more open data agenda.⁷

Therefore, in the 2015 action plan, all open data-related commitments directly addressed the lack of useful data and were highly relevant to OGP values. Commitments 1, 2, 3, and 4 reiterated the government's intent to provide data proactively where possible. Commitment 5, which qualifies as a starred commitment and which sought to develop an umbrella strategy for publishing open data, is an important step to guaranteeing strong leadership in this area. If well implemented, this commitment could have a transformative impact in so far as improving inter-agency cooperation for publication of open data. In addition, publication of key datasets on Data.gov.sk could ensure disclosure of information most relevant to the public.

Apart from adopting the Strategy for Open Government Data Publication and Use, and identifying the most requested datasets, three other commitments to map and publish datasets had limited completion.

Data.gov.sk became a part of the national e-government portal, Slovensko.sk, and underwent several improvements, including adding new functionalities for users and state agencies responsible for publishing new datasets.¹⁰

Commitment 1: Limited

Commitment 1, to update the list of all datasets, had limited progress. Despite comprehensive instructions provided by the Office of the Plenipotentiary on Github.com,¹¹ less than half of the 16 responsible agencies¹² developed and published their lists of datasets on Data.gov.sk.

Commitment 2: Limited

Commitment 2, the publication of datasets, did not state any goals (e.g., the number of datasets that should be published by the end of the implementation period). The number of datasets on Data.gov.sk has almost quadrupled since the start of the second action plan. In December 2016, Data.gov.sk contained 1,062 datasets.¹³ The Statistical Office is the largest contributor, accounting for almost 60% of all published datasets. A few agencies, such as the Ministry of Employment, Ministry of Finance, and Ministry of Foreign Affairs, did not publish any datasets¹⁴ during the action plan period.

Commitment 3: Completed

The Office of the Plenipotentiary completed commitment 3 by carrying out an online survey¹⁵ for three weeks in February and March 2015. The survey asked potential users about datasets of interest. Although the response rate was low,¹⁶ it confirmed what previous informal consultations had found — that there was a public demand for all the following datasets: land registry, election results, census data, business registry, registry of addresses, trade registry, road accident data, crime data, timetables for public transport, postal codes, and pollution data.¹⁷

Commitment 4: Limited

The Office of the Plenipotentiary relayed the survey findings to all relevant agencies and requested publication of those datasets most in demand (commitment 4). Some were published in open data format (e.g., election results, crime statistics, census data, postal codes, and registry of addresses). However, as noted in the government self-assessment report, many key datasets had yet to be published.¹⁸ Some agencies complained that the National Agency for Networks and Electronic Services (NASES) did not offer technical assistance for data publication. Some IT staff from a municipality interviewed for this report mentioned that NASES did not always respond to their requests for technical assistance.¹⁹ The Office of the Plenipotentiary insisted, though, that the support for publication of datasets was available to all interested agencies.²⁰ NASES provides technical assistance to agencies to publish open data. Individual agencies — not NASES — are ultimately responsible for publishing their own datasets.²¹ Minutes of government meetings also cited other reasons for not publishing datasets. For instance, the Ministry of Transport and Slovak Railways²² were unable to publish requested timetables due to restrictive licenses with a private company, INPROP, s.r.o. The Office of the Plenipotentiary mentioned that coordinated efforts to pressure the Geodesy, Cartography and Cadastre Authority to publish its cadastre data as open data were unsuccessful.²³

Publication of datasets is closely connected to the operation of Data.gov.sk, which is part of the larger E-democracy and Open Government project. Stakeholders repeatedly addressed their concerns about the costs of the project. One interviewee from the IT sector²⁴ argued that Data.gov.sk was a negligible part of it, and other overpriced parts were justified on the grounds of advancing the open data agenda.²⁵ These concerns notwithstanding, the project continued as planned without any further justification for its costs. The previous progress report recommendation²⁶ to either justify or cut the costs of the E-Democracy and Open Government Project was not addressed.

★ **Commitment 5: Substantial**

Commitment 5, to develop the Strategy for Open Government Data Publication and Use, was substantially completed. The strategy was developed in December 2015, its contents discussed with relevant stakeholders, and online consultations held for ten days in January 2016.²⁷ Since the feedback was not available on either the NASES or Office of the Plenipotentiary websites, it is not known what the feedback was or whether it was reflected in the final draft submitted for official public comment on 31 May 2016.²⁸ As of December 2016, the strategy had not yet been approved.

Did it open government?

Commitments under this theme could significantly contribute to improving access to information. The E-democracy and Open Government project states that publishing open data would save businesses and public agencies a considerable amount of time. It also argues that open data would make the freedom of information (FOI) agenda more effective and decrease the workload needed for responding to FOI requests.²⁹

Commitment 1: Map datasets

Access to Information: Marginal

The commitment to map the datasets of public agencies led to only minor improvement in access to information. This is because not all agencies developed and published a list of their datasets, which limited the commitment's implementation. The commitment spotlighted the data repositories of some ministries and made it easier for the public to request specific data possessed by those ministries.

Commitment 2: Publish datasets

Access to Information: Marginal

The commitment on the publication of datasets led to a marginal improvement in access to information. Civil society representatives interviewed for this report expressed satisfaction that some agencies now commonly publish informative datasets. In particular, they welcomed the publication of the registry of addresses. CSOs noted that, although the number of datasets has been increasing, little has been done to attract users. Apart from the Danube Hack,³⁰ which was organized by NASES and Slovak Environmental Agency in October 2015,³¹ public agencies did not create other meaningful opportunities for public engagement. Since open data success relies on its further use, this engagement is crucial. NASES expressed an interest in organizing more hackathons, but stated that it is also dependent upon interest from other public agencies and the allocation of financial support.³² The functionalities recently added on Data.gov.sk are not available without an electronic ID card (eID), nor do they meet user expectations. For example, there is an application that allows users to suggest new datasets for publication, but does not notify potential users once those datasets are published.³³

Commitment 3: Identify the most requested datasets

Civic participation: Marginal

The survey on the most requested datasets was widely disseminated and open to everyone. Thus, the public had a voice in the open data agenda. Interviewees welcomed the opportunity,³⁴ but were concerned that the political and bureaucratic culture is closed, and a negative attitude toward providing government information proactively is still prevalent. A data activist from Fair-Play Alliance stated that '[the] mind-set of some public servants still is that providing information to [the] public is not a right thing to do.'³⁵ In addition, the agencies find it difficult to adopt new ways of working. This was demonstrated when, in attempting to complete commitment 1, the Ministry of Economy sent the Office of the Plenipotentiary the list of datasets in a letter, instead of publishing them online at Data.gov.sk.

Commitment 4: Publish key datasets

Access to Information: Marginal

The commitment on the publication of key datasets resulted in minor improvements in access to information. CSOs believe that, although some important datasets were posted online, information should be published in bulk in a user-friendlier format.³⁶ They also noted that some key datasets in the public's interest still need to be published. A prominent activist from Slovensko.digital argued that agencies cite excuses for not publishing these datasets, such as the possibility for misuse and insufficient data to publish. There could also be a high volume of data that are difficult to handle for publication.³⁷ However, he believes that the main reason is that individuals who are responsible for data publication may not have the mandate to decide what can be published. Other experts interviewed stated that public servants are reluctant to publish information since they believe it weakens their power.³⁸

★ **Commitment 5. Strategy for open data publication**

Access to Information: Did not change

Civil society representatives interviewed acknowledged the importance of the Strategy for Open Government Data Publication and Use, but underlined that its success is contingent upon good implementation. At the time this report was written, the strategy had not yet been approved. Although the Office of the Deputy Prime Minister for Investments and Informatisation³⁹ was created to coordinate a holistic approach to open data initiatives, among other duties, this was not the result of the draft Strategy. It was an independent measure undertaken by the government. Therefore, the commitment did not change practice in terms of improving access to information infrastructure.

Next Steps

Many open data commitments were carried forward in the draft action plan. The open data community worldwide emphasizes that publication of open data should not be an end in itself. Its potential is in its use. However, to use the data, it must be of good quality and potential users should be aware of its existence. The IRM researcher strongly recommends publishing relevant datasets and mapping their use and impact.

Both stakeholders and the IRM researcher agree that the following measures are needed to fully achieve the potential of open data:

- Ensure that the open data agenda has single leadership with strong competencies.
- Guarantee that published data are of good quality, meet standards, and are updated regularly.
- Choose one open license for open data and be consistent in its use (e.g., the Open Government License for public sector information in the UK, or the Creative Commons license (CC-BY) in Austria).⁴⁰
- Publish process data as open data (to serve as public sector performance indicators).⁴¹
- Raise awareness of the benefits of publishing open data. This could be targeted at potential users and public agencies, both of which would also benefit from improving and optimising internal processes.
 - Organize hackathons to encourage open data use.
 - Provide best practices examples from Slovakia (e.g., proactive data publication in municipalities like Presov and Levice) and abroad.

Lastly, the IRM researcher suggests providing public servants with training in data management, storage, and ethics, since they are basic preconditions for the publication of open data. In addition, the surveys on demand for open government data should be conducted routinely, once or twice a year, and agencies should ensure that the demand translates into published data.

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- ¹ Open Knowledge International, Global Open Data Index, accessed 9 September 2016, <http://index.okfn.org/place/>.
- ² World Wide Web Foundation, Open Data Barometer, accessed 9 September 2016, <http://opendatabarometer.org/>.
- ³ In this report, the term “open data” is used for “open government data.” This refers to any information at the government’s disposal that is provided proactively to the public in open format, unless its privacy is restricted, confidential, or classified.
- ⁴ *The Slovak Spectator*, “NGOs: State is wasting millions on e-card,” accessed 25 September 2016, <http://bit.ly/2asEVJX>; Radka Minarechova, “NGOs uneasy over EDUNET tender,” *The Slovak Spectator*, accessed 25 September 2016, <http://bit.ly/2b2pDeF>; *The Slovak Spectator*, “NGOs criticize state IT projects,” accessed 25 September 2016, <http://bit.ly/2azFqk6>.
- ⁵ The Office of the President of the Slovak Republic, “President’s speech on E-government at the ITAPA conference,” accessed 25 September 2016, <http://bit.ly/2akD4tu> (in Slovak).
- ⁶ *The Slovak Spectator*, “IT professionals criticise state digitalisation plan,” accessed 25 September 2016, <http://bit.ly/2aN3cN4>.
- ⁷ Interview with Peter Kunder (Fair-Play Alliance), 20 June 2016. See Section VI: Methodology and sources for details.
- ⁸ Matej Kurian, “Slovakia Progress Report 2012–13,” accessed 25 September 2016, <http://bit.ly/2aiJEfd>.
- ⁹ Ibid.
- ¹⁰ National Agency for Network and Electronic Services, “2015 Annual Report,” accessed 9 September 2016, <http://bit.ly/2czrojO> (in Slovak).
- ¹¹ The Office of the Plenipotentiary, Instructions related to the commitment no. 1, accessed 25 September 2016, <http://bit.ly/2auCSXi> (in Slovak).
- ¹² These were, in particular, Government Office, Ministry of Culture, Ministry of Education, Ministry of Environment, Ministry of Interior, Ministry of Transport, and Statistical Office. In addition to these, National Agency for Network and Electronic Services, which manages Data.gov.sk, served as a good example and published its list of datasets.
- ¹³ Data.gov.sk, accessed 24 September 2016, <http://bit.ly/2ast3VW0>.
- ¹⁴ Geodesy, Cartography and Cadastre Office; Ministry of Employment, Ministry of Finance, and Ministry of Foreign Affairs did not publish any datasets on Data.gov.sk during implementation of the second action plan. The Ministry of Agriculture did not include any information on when the datasets were created; therefore, it is impossible to identify them with a particular national action plan. The Ministry of Health did not publish datasets on Data.gov.sk, but on its official website. Accessed 19 August 2016, Data.gov.sk.
- ¹⁵ The Office of the Plenipotentiary and National Agency for Network and Electronic Services, Public consultation on the most requested datasets, accessed 25 September 2016, <http://bit.ly/2apgH2Z> and <http://bit.ly/2aisl8Z> (in Slovak).
- ¹⁶ Forty-eight responses from Slovakia and 3 from abroad.
- ¹⁷ Results of public consultation on the most requested datasets, accessed 25 September 2016, <http://bit.ly/2aPk2cp> and <http://bit.ly/2aNdkXv> (in Slovak).
- ¹⁸ IRM Stakeholder meeting – Open Data, 21 June 2016; See Section VI: Methodology and sources for details; Interview with Peter Kunder (Fair Play-Alliance), 20 June 2016.
- ¹⁹ An interviewed stakeholder who wished to remain anonymous, 14 July 2016. See Section VI: Methodology and sources for details.
- ²⁰ Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016. See Section VI: Methodology and sources for details.
- ²¹ The National Agency for Networks and Electronic Services, E-mail conversation, 6 October 2016.
- ²² www.rokovania.sk/File.aspx/Index/Mater-Dokum-189704, and www.rokovania.sk/File.aspx/Index/Mater-Dokum-193221.
- ²³ Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016. See Section VI: Methodology and sources for details.
- ²⁴ Gabriel Lachmann (Utopia.sk, Slovensko.digital and EEA, s.r.o.), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.
- ²⁵ Rastislav Janota, “E-services of the Government Office; E-democracy and Open Government,” Presentation at the ITAPA conference, 3 December 2013, accessed, <http://bit.ly/2kGkMV3>. In the presentation, there is information on the estimated costs of the individual modules of the E-democracy and Open Government project.
- ²⁶ Matej Kurian, “Slovakia Progress Report 2012–13,” accessed 25 September 2016, <http://bit.ly/2aiJEfd>.
- ²⁷ National Agency for Network and Electronic Services, Public consultation, accessed 25 September 2016, <http://bit.ly/2aN53BC> (in Slovak).
- ²⁸ Official Public Comment Period, Legal Regulations Portal, The Ministry of Justice, Accessed 25 September 2016, <http://bit.ly/2asdOyB> (in Slovak).
- ²⁹ Office of the Deputy Prime Minister for Investments and Informatisation, “The Call for participation in the E-democracy and Open Government Project,” accessed 22 September 2016, <http://bit.ly/2cgjajw>.
- ³⁰ <http://www.danubehack.eu/>.
- ³¹ IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

³² The National Agency for Networks and Electronic Services, E-mail conversation, 6 October 2016.

³³ Jan Suchal (Slovensko.Digital), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

³⁴ IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

³⁵ Interview with Peter Kunder (Fair-Play Alliance), 20 June 2016. See Section VI: Methodology and sources for details.

³⁶ According to Open Knowledge International, data are available in bulk “if the whole dataset can be downloaded or accessed easily. Conversely, it is considered non-bulk if the citizens are limited to just getting parts of the datasets.”

³⁷ Jan Suchal (Slovensko.Digital), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

³⁸ Peter Hanecak (EEA, s.r.o., Opendata.sk, and Utopia.sk), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

³⁹ *The Slovak Spectator*, “Deputy PM’s office gets new powers” accessed 25 September 2016, <http://bit.ly/2auvvSg>.

⁴⁰ Peter Hanecak (EEA, s.r.o., Society for Open Information Technologies, Opendata.sk and Utopia.sk), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

⁴¹ Ibid.

Commitments 6, 7 and 8: EU Funds and Subsidies Data Portal

Commitment Text:

Commitment 6

Within the scope of available information, publish data on the use of European Structural and Investment Funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other ministry grant schemes for year 2015 and make it available through a web application and on the Open Data Portal. Government departments that do not have technology resources to input the data on subsidies will provide it after the creation of the web interface in the forthcoming application.

Responsible institution: Ministers and the Head of the Government Office

Commitment 7

Carry out a public campaign to promote the web application for the European Structural and Investment Funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and the ministry grant schemes.

Commitment 8

Conduct an evaluation of the functioning of the web application for the European Structural and Investment Funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other ministry grant schemes.

Responsible institution: The Office of the Plenipotentiary was designated as responsible for commitments 7 and 8.

Supporting institution(s): The Office of the Plenipotentiary in cooperation with the Head of the Government Office and the Deputy Prime Minister for Investments

Start date: Not specified

End date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end-of-term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
6. Publish data on EU funds and subsidies			✓		✓			✓			✓				✓			✓			
7. Promote EU funds and subsidies portal			✓		✓					✓					✓			✓			
8. Evaluate EU funds and subsidies portal			✓		✓					✓			✓					✓			

Context and objectives

The European Structural Funds has allocated EUR 15.32 billion through nine national and regional programmes to Slovakia for the period 2014-2020.¹

The idea of providing data on the allocation and use of EU funds and subsidies on a single platform appeared in the first action plan.² It reflected the widely accepted need to bring more openness and accountability to this area, which was repeatedly criticised for maladministration and corruption.³ However, it was not implemented due to insufficient co-operation from individual ministries and lack of funds to develop a web-based application, as cited in the previous IRM Progress Report.⁴ Thus, it was carried forward to the second action plan and implementation was postponed to 2015. As a national open data portal, Data.gov.sk was included in the larger E-democracy and Open Government project. Since the EU funds and subsidies data portal were developed separately, they were not integrated with the Data.gov.sk portal. Commitment 6, to publish data on EU funds and subsidies, could have had the transformative potential of bringing more transparency to EU funds and subsidies management, but its formulation diminished its the impact. Its language was vague and did not indicate which data was to be put onto the newly-created portal, and in what depth and breadth.⁵ The two other commitments are fully contingent upon the development of the portal and published data. On their own, their potential impact is minor.

Completion

Commitment 6: Substantial

Commitment 6, to publish data on EU funds and subsidies, was substantially completed. The EU funds and subsidies portal (MDS)⁶ was launched on time, and agencies submitted available data before the end of 2015. Both government and stakeholders agreed that, to enable meaningful use of the data, several technical and content quality problems (mostly the incompleteness of data)⁷ had to be eliminated.

Commitment 7: Substantial

Commitment 7, to promote the EU subsidies portal, had substantial progress. In autumn 2015, the portal's promotion ads were aired on radio and television nationwide. The ads were part of a larger campaign promoting the national e-government portal, Slovensko.sk.⁸ However, the portal was not launched at that time. The Office of the Plenipotentiary also organized a series of workshops in different cities targeting CSOs and representatives of public agencies.⁹ Participants received theoretical knowledge but no practical application, as the portal was unavailable for use.

Commitment 8: Not Started

At the writing of this report, the MDS evaluation (commitment 8) had just started, long after the official implementation period. After the launch of the portal, the Office of the Plenipotentiary invited stakeholders representing public agencies, contractors, and a few CSOs to discuss its functionalities and published data.

As of December 2016, after a successful crowd-funding campaign,¹⁰ the Stop Corruption Foundation initiated the first steps toward launching an alternative portal to contain more detailed information about EU funds, such as project criteria, project evaluators, and project-related procurement.¹¹

Did it open government?

Access to Information: Did not change

The government did not engage the OGP community early enough to incorporate their suggestions during development of the portal. From the outset, the portal and its functionalities were defined very broadly for public agencies, which resulted in published data of varied quality and structure.

While the commitment to launch the portal was fulfilled, interviewees expressed serious doubts about its usefulness and usability at this stage.¹² They pointed to technical and content quality problems. There are problems with accessing the portal through Data.gov.sk

or Slovensko.sk. The portal is accessible only to users who know the exact URL or through a search engine such as Google. Some features, such as a back navigation, were not functioning properly.¹³ One interviewee stressed that publishing information on EU funds and subsidies as open data would be more useful than creating applications and visualisations, which can be realized by third parties.¹⁴

Interviewees were disappointed with the quality of data published on the portal. The data seem to be poorly structured and incomplete with a key piece of information, such as identification number or subsidy's provider, routinely missing.¹⁵ The Office of the Plenipotentiary acknowledged that the quality of data input is not satisfactory at the moment, since public agencies have not collected it systematically in a unified or, comparable structure.¹⁶ As a result, the published data do not allow for any data comparisons. An advocate from Fair-Play Alliance assumes one of the problems to be the lack of inter-agency cooperation.¹⁷

On the whole, commitment 6 did not contribute to greater access to information, as the execution of the portal and quality of published data is low. Commitment 7 was an awareness-raising activity. However, when the campaign took off, the portal had not yet been launched, which diminished the campaign's impact. Although the evaluation of the portal included a public feature (i.e., CSO representatives were invited to participate), it is unclear how their feedback was addressed.

Next Steps

Given the flaws identified in the implementation of these commitments, the IRM researcher concurs with the government's decision to carry them forward to the next draft action plan. The newly-proposed commitments attempt to address the above-mentioned flaws by prescribing a required minimum content to be put on the portal by public agencies.

The IRM researcher recommends that this required minimum include the following: basic data, such as identification number, legal form, address of the subsidy provider and recipient, amount of subsidy, and the purpose of the awarded project. A detailed breakdown of the budget into individual items and evaluators' names should be published as well. Finally, carrying out wider and regular consultations with the portal's potential and actual users and incorporating their feedback to improve the portal's functionalities, should be considered.

¹ European Commission, "European Structural and Investment Funds: Country factsheet – Slovakia," accessed, <http://bit.ly/2exk89B>.

² The Office of the Plenipotentiary, "Open Government Partnership Action Plan of the Slovak Republic 2012-2013," accessed 25 September 2016, <http://bit.ly/2bkVI82>. See Commitment 10.

³ *The Slovak Spectator*, "EC report highlights corruption in Slovakia," accessed 25 September 2016, <http://bit.ly/2anEEGp>.

⁴ Matej Kurian, Open Government Partnership, "Slovakia Progress Report 2012-13," accessed 25 September 2016, <http://bit.ly/2aijEfd> (both in Slovak and English).

⁵ The Office of the Plenipotentiary, "Government Self-Assessment Report," accessed 25 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

⁶ <https://data.gov.sk/dotacie>.

⁷ Martin Turcek (Stop Corruption Foundation – Zastavme korupciu), IRM Stakeholder meeting – Open Data, 21 June 2016; and interview with Peter Kunder (Fair Play-Alliance), 20 June 2016. See Section VI: Methodology and sources for details.

⁸ <https://www.youtube.com/watch?v=nLGisSiyQpY>.

⁹ The Office of the Plenipotentiary, "Programme of workshops," accessed 25 September 2016, <http://bit.ly/2bloUm8> (in Slovak).

¹⁰ <http://bit.ly/2dPWAHq> (In Slovak).

¹¹ Matej Hruska, The Stop Corruption Foundation, E-mail conversation, 24 October 2016.

¹² IRM Stakeholder meeting – Open Data, 21 June 2016; and interview with Peter Kunder (Fair Play-Alliance), 20 June 2016. See Section VI: Methodology and sources for details.

¹³ Interview with Peter Kunder, (Fair Play-Alliance), 20 June 2016. See Section VI: Methodology and sources for details.

¹⁴ Gabriel Lachmann (Utopia.sk, Slovensko.digital and EEA, s.r.o.), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

¹⁵ Interview with Peter Kunder, (Fair Play-Alliance), 20 June 2016; and Martin Turcek (Stop Corruption Foundation – Zastavme korupciu), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

¹⁶ Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016. See Section VI: Methodology and sources for details.

¹⁷ Interview with Peter Kunder (Fair Play-Alliance), 20 June 2016; and Martin Turcek (Stop Corruption Foundation – Zastavme korupciu), IRM Stakeholder meeting – Open Data, 21 June 2016. See Section VI: Methodology and sources for details.

Commitments 9, 10, 16 and 19: Map Open Educational and Research Resources and Repositories

Commitment Text:

Commitment 9

Map existing digitally available educational resources at the Ministry of Education, Science, Research and Sport and its directly managed organizations and identify those that can be released under the Creative Commons Attribution open license.

Commitment 10

Map existing repositories at the Ministry of Education, Science, Research and Sport and its directly managed organizations. Define what characteristics should be satisfied by the central repository for storing open educational resources. Determine which of the existing repositories can be used for publishing open educational resources, including estimated necessary adjustments and anticipated financial impacts.

Commitment 16

Map existing repositories at the Ministry of Education, Science, Research and Sport and its directly managed organizations. Define what characteristics should be satisfied by a central repository for storing scientific publications (text, data). Determine which of the existing repositories can be used for storing scientific publications, including estimated necessary adjustments and anticipated financial impacts.

Commitment 19

Propose a mechanism for voluntary publication of data related to scientific publications as Open Data.

Responsible institution: The Ministry of Education, Science, Research, and Sport

Supporting institution(s): Not specified

Start date: Not specified

End date: 31 October 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
9. Map educational resources for open license		✓			✓					✓					✓			✓			
10. Map repositories for OER				✓	✓					✓					✓			✓			
16. Map repositories for OA resources				✓	✓					✓					✓			✓			

aware that the contract relates to the OER repository,¹³ it states specifically that “the supplier is expected to implement functionalities for publishing OER in line with OGP national action plan.”¹⁴ The IT section of the Ministry of Education also acknowledged that the platform could be used for storing and publishing OER.¹⁵ With regard to commitment 16, the Slovak Centre of Scientific and Technical Information (CVTI), the national reference point for open access policies, plans to create a new repository for scientific data at the national level. However, this will likely be implemented by 2020 through the EU Framework Programme for Research and Innovation, Horizon 2020.

Commitment 19: Limited

According to the government self-assessment report, the deadline for proposing a mechanism for voluntary publication of open research data (commitment 19) had been postponed to 30 June 2016. At the writing of this report, the Ministry of Education published on its website a report which discussed open research data.¹⁶ It summarized the key benefits OA could bring and laid out a set of minimum requirements for publication of research data as open data. However, it did not propose a concrete mechanism for voluntary data publication.

Did it open government?

Access to Information: Did not change

Based on the stakeholder interviews and available documents, the outcome of commitment 9 (i.e., the conclusion that there are no educational resources that can be published under open license) is unsatisfactory. An expert on open education who worked with the Office of the Plenipotentiary on the second action plan argued that this commitment should be carried forward. He was concerned that the Ministry of Education does not have the right to use educational resources that have been created with previous funds. He argued that since people employed by the Ministry authored some of the educational resources, the Ministry should be able to come to an agreement about their copyrights.¹⁷

Although the mapping processes for commitments 10 and 16 were carried out, their results did not contribute to greater access to OER and research data. Different stakeholders representing the IT and education sectors raised serious concerns about choosing the Planeta vedomosti platform for OER.¹⁸ First, the company was awarded the project through negotiations without publication, which means it did not have to face competition. The Ministry argued that — in line with Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts, and public service contracts — it was not obliged to publish a call since it did not concern a new project, but an existing one that was only being improved.¹⁹ Second, the contract is restrictive. It does not oblige the contractors to provide the ministry with the source codes. Any required updates or improvements must, therefore, be realized by the contractor, which strengthens monopolies in the Slovak IT market.²⁰

Regarding commitment 19, the proposed minimum requirements for publication of research data as open data are that they must be of good quality and reflect international practices. The commitment is only a recommendation; hence, the scope of its impact is limited. It also does not propose any particular mechanism for voluntary data publication.

The IRM researcher believes that, while the commitments helped to open a discussion about OER and OA, their completion did not contribute in any way to greater access to open educational and research resources.

Next Steps

Commitments 9, 10, and 16 were carried forward to the next draft action plan. The newly proposed commitments oblige the ministry to launch a central repository for OER. The IRM researcher believes this is a logical step guaranteeing continuity of previous work in the area. Nonetheless, bearing in mind stakeholder concerns about the costs and restrictiveness of the planned central repository using Planeta vedomosti, the IRM researcher recommends

the Public Procurement Office investigate whether the negotiations without publication was appropriate in this case, and/or launch a new competitive procurement process to settle the rights to source code.

The newly proposed commitments expect the Ministry of Education to address their partners (authors and publishers) and propose publication of their work under the open license, Creative Commons Attribution CC-BY. The Ministry should also guarantee that all future contracts for publicly-funded educational resources contain a condition that these will be shared under the Creative Commons license. One of the new commitments further obliges the ministry to support translation of available foreign open educational resources. The IRM researcher supports this measure as a potentially inexpensive and quick solution. In addition, she recommends providing teachers and students with adequate training on copyright, differences between online and open educational resources, and critical examination of online resources. Finally, she recommends disseminating “the Report on voluntary publication of research data as open data”²¹ among academic staff and researchers.

¹ Budapest Open Access Initiative (<http://bit.ly/2brnVHH>), Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (<http://bit.ly/2b523w9>), and The Cape Town Open Education Declaration (<http://bit.ly/2b9n8Yt>) to name a few.

² “Third open government national action plan for the United States of America,” accessed, <http://bit.ly/2b53UBh>.

³ The Ministry of Education, “The Government Manifesto about Education, Science, Research, and Sport,” accessed 25 September 2016, <http://bit.ly/2aS7Vw7> (in Slovak).

⁴ The Ministry of Education, “The Report on the State of Education,” accessed 25 September 2016, <http://bit.ly/2b5mKsU> (in Slovak).

⁵ Internet Live Stats, “Internet Users by Country,” accessed 25 September 2016, <http://bit.ly/2b1800H>.

⁶ An example is the EU initiative, Opening Up Education, which Slovakia joined to increase the use of OER. It was not the Ministry of Education, but the Ministry of Finance, in particular its section on e-government, which informed about the project.

⁷ Anneke Zuiderwijk, Natalie Helbig, J. Ramón Gil-García, and Marijn Janssen, “Special Issue on Innovation through Open Data - A Review of the State-of-the-Art and an Emerging Research Agenda: Guest Editors’ Introduction,” accessed 25 September 2016, <http://www.scielo.cl/pdf/jtaer/v9n2/art01.pdf>.

⁸ The Office of the Plenipotentiary, Open Education, accessed 25 September 2016, <http://bit.ly/2aQWNIN> (in Slovak). See excel table, “Elektronicky dostupné vzdelávacie zdroje MŠVVŠ.”

⁹ The Office of the Plenipotentiary, “Government Self-Assessment Report,” accessed 25 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

¹⁰ The Ministry of Education, Science, Research and Sport, E-mail conversation, 6 October 2016.

¹¹ The Office of the Plenipotentiary, “Government Self-Assessment Report,” accessed 25 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

¹² The Central Registry of Contracts (www.crz.gov.sk), “Contract on services and licensing contract no. 1030/2015,” accessed 25 September 2016, <http://bit.ly/2b6A541> (in Slovak).

¹³ The Office of the Plenipotentiary, E-mail conversation, 6 September 2016.

¹⁴ The Central Registry of Contracts (www.crz.gov.sk), “Contract on services and licensing contract CRZ ID: #744344,” accessed 25 September 2016, <http://bit.ly/2bemEIO> (in Slovak).

¹⁵ The Ministry of Education, E-mail conversation, 23 September 2016.

¹⁶ The Ministry of Education, “Voluntary publication of scientific data as open data,” accessed 25 September 2016, <http://bit.ly/2bm38SW> (in Slovak).

¹⁷ Jan Gondol, E-mail conversation, 26 September 2016.

¹⁸ Slovensko.Digital, “On A Central Depository for Online Educational Resources,” accessed 25 September 2016, <http://bit.ly/2aQmAox> (in Slovak).

¹⁹ The Journal of Public Procurement, “The Announcement 531 – VBS,” accessed 25 September 2016, <http://bit.ly/2b6Ke0x> (in Slovak).

²⁰ The Central Registry of Contracts (www.crz.gov.sk), “Contract on services and licensing contract CRZ ID: #744344,” accessed 25 September 2016, <http://bit.ly/2bemEIO> (in Slovak); The Journal of Public Procurement, “The Announcement 3679 – DES,” accessed 25 September 2016, <http://bit.ly/2boXeR9> (in Slovak).

²¹ The Ministry of Education, ‘The Report on voluntary publication of research data as open data,’ accessed 23 December 2016, <http://bit.ly/2bm38SW>.

Commitments 11, 12 and 13: New Procurement Process of Educational Resources

Commitment Text:

Commitment 11

Analyse the procurement process of educational resources in primary and secondary education and identify possible barriers to their publication under "Creative Commons Attribution" open license.

Commitment 12

Propose a new procurement process for textbooks and other learning resources in primary and secondary education, which will enable the release of procured educational resources under "Creative Commons Attribution" open license.

Responsible institution: The Ministry of Education, Science, Research, and Sport

Supporting institution(s): In addition, the Deputy Prime Minister and Minister of Interior, Minister of Health, Minister of Culture, and the Chair of the Office for Public Procurement will co-operate on commitments 11 and 12.

Commitment 13

Run a pilot of the procurement process, releasing procured materials under "Creative Commons Attribution" open license.

Responsible institution: The Ministry of Education, Science, Research, and Sport

Supporting institution(s): Not specified

Start date: Not specified

End date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
11. Analyse procurement process of OER		✓			✓					✓				✓				✓			
12. Propose a new procurement process of OER			✓		✓					✓				✓				✓			
13. Run a pilot procurement process				✓	✓							✓		✓				✓			

Context and objectives

Building on previous commitments on open education resources (OER) and open access (OA), the Ministry of Education sought to analyse the current procurement process for educational resources, propose a new one to allow their publication under open licenses, and run a pilot procurement process. The specificity and potential impact of these commitments vary greatly. For instance, the wording of commitment 11, to analyse the actual procurement process of educational resources, is general. It is unclear who will contribute to the analysis, whether it will be carried out in a participatory manner, and how its results will be considered. Commitment 12, to propose a new procurement process, is more specific, whereas commitment 13 (to run a pilot procurement process) is concrete and could have significant impact, since it has the potential to introduce a new practice in managing educational resources.

Completion

Commitment 11: Limited

According to the government self-assessment report, the ministry analysed the procurement process of educational resources (commitment 11) in primary and secondary education, with a focus on copyright issues. It identified the barriers preventing educational resources from being published under open licenses.¹ However, this analysis is neither publicly available, nor available to the Office of the Plenipotentiary. The IRM researcher filed a freedom of information request to obtain the analysis, but the Ministry claimed it was an internal document,² even though it does not contain information that would allow for an exemption to the FOI legislation.

Commitment 12: Limited

Commitment 13: Limited

A new procurement process was proposed and tested (commitment 12) using Creative Commons License for non-commercial use (CC-BY-NC) for textbooks in two courses — high school geography³ and primary school science.⁴ The pilot procurement process (commitment 13) was run, but there was a delay due to changes in copyright legislation.⁵ At the writing of this report, the Ministry had not procured any textbooks under CC-BY.⁶ The government self-assessment report claimed that the ministry plans to run a similar procurement process for textbooks in other courses.

Did it open government?

Access to Information: Did not change

Research shows that textbooks in Slovakia are strongly centralised and lacking in quality.⁷ Stakeholders surveyed agreed that the current public procurement process is rigid and limiting. A university lecturer stated that if she published under the open CC-BY license, she would not be able to do it with the university as the publisher. It would not be recognised officially, whereas research published with the university but under restrictive licenses would. There is a common agreement among university lecturers that the market for educational resources should be liberalised, allowing schools and teachers to make the final choice and motivating them to create educational materials themselves.⁸

These commitments did not change the status quo. Since the analysis of the procurement process for educational resources (commitment 11) is not publicly available, it did not contribute to greater access to information. Moreover, as no textbooks were procured under the open CC-BY license, the commitment did not contribute to greater access to OER.

Next Steps

These commitments were carried forward to the next draft action plan. Newly-proposed commitments oblige the Ministry of Education to guarantee that all future contracts for publicly-funded educational resources contain the condition that resources must be shared under the open CC-BY license. The IRM researcher welcomes this step and recommends

making the processes of selecting and approving educational resources more transparent. The government reflects upon this in the next draft action plan and mandates that the Ministry of Education inform about these processes on its website. In line with stakeholders' views, the IRM researcher recommends that the ministry leave more choices of educational materials to schools and teachers.

¹ The Office of the Plenipotentiary, "Government Self-Assessment Report," accessed 25 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

² The Ministry of Education, Science, Research and Sport, E-mail conversation, 6 October 2016.

³ The Journal of Public Procurement, "The announcement 2164 – MNA," accessed 25 September 2016, <http://bit.ly/2bzfACa> (in Slovak).

⁴ The Journal of Public Procurement, "The announcement 1634 - MNA," accessed 25 September 2016, <http://bit.ly/2bthJev> (in Slovak).

⁵ As of 1 January 2016, a new Copyright Act no. 185/2015 Coll. became effective, substituting the old Copyright Act no. 618/2003 Coll.

⁶ The Ministry of Education, Science, Research and Sport, E-mail conversation, 6 October 2016.

⁷ Michal Rehus, "Bound textbooks" (The Institute of Educational Policy at the Ministry of Education, 2016), accessed 16 September 2016, <http://bit.ly/2d6nPFn> (in Slovak).

⁸ Results of the survey on open education and access commitments, accessed 25 September 2016, <http://bit.ly/2b3dJo9> (in Slovak).

Commitments 17 and 18: Open Access Conditions and Barriers

Commitment Text:

Commitment 17

Together with the affected institutions identify possible barriers of full Open Access implementation, e.g. exclusive contracts with publishers, grant schemes, etc.

Commitment 18

Submit to the Government an analysis of the requirement that all publications recorded in the publications tracking system, at least categories A and B (first letter) or equivalents, shall be provided to the public in an open and free manner.

Responsible institution: The Ministry of Education, Science, Research, and Sport

Supporting institution(s): Although the Ministry of Education, Science, Research, and Sport has the primary responsibility for implementing this commitment, other governmental agencies should also be included, in particular, the Ministry of Interior, Ministry of Health, Ministry of Defence, Ministry of Culture, and the Office for Public Procurement.

Start date: Not specified

End date: 31 October 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
17. Identify barriers to OA			✓		✓	✓				✓						✓			✓		
18. Analyse introducing obligation to provide publications under open licenses				✓	✓					✓						✓			✓		

Context and objectives

Building on commitment 16, to map repositories for storing scientific publications and research data, the Ministry of Education sought to identify what barriers prevented the implementation of open access (OA) in Slovakia. It also pledged to submit to the government an analysis introducing an obligation to provide all publications recorded in the publication tracking system under open license. Overall, these commitments have the potential to contribute to better implementation of OER and OA in Slovakia. Identifying barriers to OA, and analysing the conditions under which scientific publications can be published under open licenses, are necessary steps in moving OA practice forward.

Completion

Commitment 17: Complete

Commitment 18: Complete

Both commitments were fully completed. However, the real results are contingent upon further creation and implementation of repositories where open research data and scientific publications can be published and stored.

The government self-assessment report states that the Ministry of Education, along with invited experts from the main research donors and grantees, drafted a document identifying the state of the art in OA.¹ The analysis found that both the old and new copyright acts are not obstacles to OA if a grantee ensures that rights over all work are settled with all authors from the outset.² The Public Procurement Office also confirmed that a procurer has the right to demand that contracted work be licensed under open unrestrictive licenses to allow re-use free of charge.³ The document also emphasized the need to build repositories within individual institutions or one central repository for all. There is currently no unified strategy, and each university and research institution deploys different OA policies. Most of them do not have internal rules on licensing and leave it up to their employees. The analysis further stressed the need to unify formats, set minimum requirements for metadata, and ensure interoperability of information systems.

The Ministry of Education completed commitment 18 when, on 11 November 2015, it submitted its “Analysis of introducing open access to selected research outputs”⁴ to the government. The document is only informative and does not oblige authors to publish their work under open licenses, and draws upon the document identifying barriers to OA. Its conclusion is that OA policies can be implemented in Slovakia, apart from a few areas of research that cannot be disclosed (e.g., military research).

Did it open government?

Commitment 17: Identify barriers to open access

Access to Information: Marginal

Civic participation: Marginal

Experts representing research donors and grantees were included in the consultation process, and the analysis was not conducted solely within the ministry as an internal process. Therefore, it created an opportunity for public participation. The consultations could have been extended to stakeholders in business and academia, since OA is relevant to them as well. As the analysis is publicly available, the commitment also led to a minor improvement in access to information.

Commitment 18: Analyse introducing obligation to provide publications under open licenses

Access to Information: Marginal

Commitment 18 led to a minor improvement in access to information, since the analysis under commitment 17 is publicly accessible. To achieve greater impact, however, researchers should apply this in practice and publish their work under open licenses.

Next Steps

Since both analyses did not reveal any substantial barriers to implementation of OA in Slovakia, the Ministry of Education is advised to take further measures to move OA forward. The IRM researcher welcomes the carrying forward of commitments to the next draft action plan, as it guarantees continuity of previous work in this area. The proposed commitments oblige the ministry to incorporate open licenses into its documents, manuals, etc., lead by example, and raise awareness of OA. It also promised to launch a central repository for open scientific publications and research data. Since the launch of the repository is scheduled for the end of 2018, the IRM researcher recommends the Ministry of Education identify and consult with relevant stakeholders in academia and business, and consider their suggestions in the development stage of the repository.

¹ The Ministry of Education, “Identifying barriers to open access implementation,” accessed 25 September 2016, <http://bit.ly/2aVgKIT> (in Slovak).

² Copyright Act no. 185/2015 Coll. substituted Copyright Act no. 618/2003 Coll., SLOV-LEX (Legal and information portal), accessed 25 September 2016, <http://bit.ly/2b3eVrj> and <http://bit.ly/2biY42R>.

³ The Ministry of Education, “Identifying barriers to open access implementation,” accessed 25 September 2016, <http://bit.ly/2aVgKIT> (in Slovak).

⁴ The Ministry of Education, accessed 25 September 2016, <http://bit.ly/2btjN27> (in Slovak only).

Commitments 14, 15, 20, and 21: Awareness Raising on Open Educational Resources and Open Access

Commitment Text:

Commitment 14

Propose measures and their implementation to raise awareness among teachers and other educational staff about open educational resources.

Commitment 15

Join multilateral activities in Europe and beyond that support the creation, improvement, sharing and re-use of open educational resources.

Commitment 20

Inform Slovak educational and research institutions how Open Access can benefit themselves, the commercial sector, NGOs and the general public.

Commitment 21

Co-operate with other countries on the creation of their own Open Access strategies and share the knowledge gained during the implementation in Slovakia.

Responsible institution: The Ministry of Education, Science, Research, and Sport was designated as a leading institution responsible for commitment 14 and 15, the Office of the Plenipotentiary for commitment 20 and 21.

Supporting institution(s): Although the supporting institutions responsible for implementing this commitment are not addressed in the action plan directly, from the commitment wording it is clear that successful implementation would not be possible without cooperating with different international, and national public institutions, and civil society organizations, such as Open Knowledge International etc.

Start date: Not specified

End date: 30 November 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
14. Raise OER awareness among teachers			✓		✓						✓			✓				✓			
15. Join OER multilateral activities		✓			Unclear					✓				✓				✓			
20. Raise OA awareness in academia		✓			✓						✓					✓			✓		

21. Co-operate on OA strategies internationally		✓				Unclear		✓						✓			✓		
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Context and objectives

The commitments above build on the preceding ones related to open educational resources (OER) and open access (OA). Commitments 14 and 20, to propose measures and raise OER and OA awareness, have a moderate potential impact, since most stakeholders believe awareness about OER is particularly low among teachers and students. Commitments 15 and 21, both of which focus on international cooperation in OER and OA, are less relevant, unless they create systematic opportunities for Slovak teachers and academics to participate. They are also less specific, as they do not precisely identify the activities in which Slovakia will be involved. As a result, they too have a lesser potential impact, although an exchange of ideas facilitated by international cooperation may result in best implementation practices from abroad in Slovakia.

Surveyed experts believe that both teachers and students are unfamiliar with Slovak copyright legislation, and that their use of educational materials may, unwittingly, conflict with that legislation. While everyone agrees that raising awareness about OER and OA is a good step,¹ some noted other priorities in education that should be addressed first.

There are several barriers to the use of open educational and research resources, including the lack of motivation (financial and personal) on the part of teachers to follow new trends and search for new resources, poor language skills, the availability of many open resources in English, and low digital literacy.² The commitments to raise awareness about OER and OA do not fully respond to these primary problems. Although well intended and useful, they have only a minor impact and address consequences, rather than causes.

Completion

Commitment 14: Limited

Commitment 15: Limited

Commitment 14, to propose measures to raise awareness about OER, is still under way. The Ministry of Education identified the program of continuous education for teachers as an appropriate platform for familiarizing them with the topic. As the government self-assessment report stated, the Methodology and Pedagogy Centre, the main state provider of continuous education for teachers, is preparing the course contents for this topic.³ Once the Accreditation Board approves it, it will be available to teachers. An independent organisation may also provide a course on the topic. However, there was no organization accredited to organize such a course at the writing of this report. The government self-assessment report stated that the Ministry of Education joined several multilateral efforts that support the creation and use of OER, but gave the EU Consumer Classroom project⁴ as the only example. Consumer Classroom is a collaborative platform for EU teachers funded by the European Commission. It is unclear, though, how the ministry participates in the project, as it has not published any educational materials on the platform.

Commitment 20: Complete

Commitment 21: Complete

Commitments 20 and 21 were completed. Their low level of specificity makes it difficult to measure whether achievements met initial objectives. The Office of the Plenipotentiary did organize or actively participate in several OA conferences and workshops in Slovakia,⁵ and cooperated with prominent foreign CSOs and the public administration to share OA experiences.⁶ It also published an article in the peer-reviewed open access journal, *Open Praxis*, on OGP as a useful platform for enhancing open educational policies.⁷ The article does not assess the implementation of OER and OA commitments in Slovakia.

Did it open government?

Commitment 14: Raise awareness on open educational resources (OER) among teachers

Commitment 15: Join OER multilateral activities

Access to Information: Did not change

Limited implementation of OER commitments by the Ministry of Education meant that commitment 14, to raise awareness of OER, did not change the status quo. Although the government self-assessment report highlighted the EU Consumer Classroom project as an example of the Ministry of Education taking part in OER activities, there was no convincing evidence that the ministry actively participated on the platform, where CSOs and teachers may find, propose, and exchange OER. After consulting intellectual property lawyers,⁸ the IRM researcher concluded that this project does not constitute an example of good practice in providing OER.⁹

Commitment 20: Raise open access awareness in academia

Commitment 21: Co-operate on OA strategies internationally

Access to Information: Marginal

Stakeholders welcomed the fact that OGP has facilitated debate on OER and OA and is attempting to raise public awareness of the subject. All awareness-raising activities and international partnerships in OER, but mostly in OA, realized by the Office of the Plenipotentiary increased access to OA information in Slovakia.

Next Steps

The commitments were carried forward to the next draft action plan. Proposed commitments oblige the Ministry of Education to continue awareness-raising activities and international cooperation. The IRM researcher recommends that the ministry and Office of the Plenipotentiary gear these activities more toward local stakeholders than those abroad. While Slovak initiatives in OER and OA should be known externally, they first need to be known and accepted by Slovak teachers and researchers. Hence, the IRM researcher agrees with the proposed commitment to establish an OA point of contact at the Ministry of Education. This contact would serve as a guidance officer, providing practical information, expertise, and financial assistance in implementing OA in Slovakia. Since OER and OA were not ministry priorities before the second action plan, and did not have an ideological owner, creating the OA contact would be a critical step forward.

¹ For results of the survey on open education and access commitments, see <http://bit.ly/2b3dJo9> (in Slovak).

² Ibid.

³ The Office of the Plenipotentiary, "Government Self-Assessment Report," accessed 25 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

⁴ <https://www.consumerclassroom.eu/sk>.

⁵ These included Open Access Policy of Slovakia in the European Context 2015 – Current State and Perspectives, Open Education Kick-off Meeting, and Meeting of the Government Council of Non-Profit Organizations.

⁶ There were a few meetings with foreign partners in the area of OA. These were Open Education Global Conference 2015, eGovernment Conference, NL PRES, ARede Educa Conference, OGP Global Summit in Mexico, and OpenCon Conference.

⁷ Nicole Allen and Jan Gondol, "Open government partnership as a platform for advancing open education policy," *Open Praxis*, accessed 25 September 2016, <http://bit.ly/2aAqZ1N>.

⁸ Interview with Tomas Zuffa (IP lawyer), 5 August 2016. See Section VI: Methodology and sources for details.

⁹ The project website contains a copyright clause, which generally allows use (reproduction only) with attribution, unless stated otherwise. This clause is rather basic. According to IP lawyers interviewed for this report, it might be difficult for a potential user to define the extent of the content to which it applies. They further explain that it is not clear whether the clause applies to all website content, educational content on the website, the website itself (design, illustrations, photos, fonts, texts, etc.), and/or the content provided by third parties. This might constitute a legal uncertainty for both the website provider and its potential users. Moreover, the general copyright clause allowing use with attribution might be overruled by specific restrictive clauses. These might presumably be applied to a particular content and reduce the possibility of its use. The issue is that a range of restrictions might vary significantly and is not entirely controlled, as it might depend on a deliberate decision of the website provider or third parties. A brief examination of the website content revealed that some third

parties provided the educational content under restrictive licenses. Some of them even conditioned any use with a prior explicit written consent. This might make proper use of the Consumer Classroom project intricate for potential users.

Commitments 22, 23, 24, 25, and 26: Participatory Policy Making

Commitment Text:

Commitment 22

Identify at least one public policy at each government department that will be created in a participatory manner.

Commitment 23

Conduct workshops focused on public involvement in the development of public policies for government employees who will be responsible for the identification and subsequent creation of public policies in a participatory manner.

24 Commitment 24

Develop a selected public policy with the civil society and prepare the conditions for its implementation.

25 Commitment 25

Develop criteria for evaluating participatory processes of formation and implementation of public policies.

Commitment 26

Evaluate the creation and implementation of selected public policies carried out in a participatory manner.

Responsible institution: Deputy Prime Minister and Minister of Interior; Deputy Prime Minister and Minister of Finance; Minister of Economy; Minister of Transport, Construction and Regional Development; Minister of Agriculture and Rural Development; Minister of Defense; Minister of Justice; Minister of Education, Science, Research and Sport; Minister of Culture; and Minister of Health are responsible for commitments 22 and 24, and support commitments 23, 25, and 26.

Supporting institution(s): The Office of Plenipotentiary is the lead institution responsible for commitments 23, 25 and 26, and serves as a supporting institution for commitments 22 and 24.

Start date: Not specified

End date: 29 February 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
22. Identify policies that will be created in participatory				✓		✓				✓						✓			✓		

manners																						
23. Organise public service trainings in participatory policy making				✓		✓						✓				✓				✓		
✿24. Develop policies in participatory manners				✓	✓	✓							✓		✓						✓	
✿25. Create criteria for evaluating participatory policy making				✓		✓						✓				✓				✓		
26. Evaluate participatory policy making			✓			✓						✓				✓				✓		

🌐 Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented, hence, qualifies as a starred commitment.

Context and objectives

This cluster of commitments sought to make government policy making more participatory.

The latest (2013) Civicus Enabling Environment Index ranked Slovakia 34th among 109 countries.¹ The 2016 OECD Better Life Index, which examines levels of civic engagement, presents a mixed picture of Slovakia.² While voter turnout is below the OECD average, Slovakia scores above the OECD in providing opportunities for the public to engage in developing legislation and regulation.

The previous action plan emphasized the importance of participatory policy making, and included a pilot participatory policy making process. Several ministries — such as the ministries of Environment, Foreign Affairs, and Labour — developed pilot policies in a participatory manner (e.g., the Law on Nature Protection, National Strategy of Human Rights Protection and Promotion, and Law on Social Services). Experts from the Institute for Research in Social Communication evaluated these processes,³ but their evaluation was not well received by some stakeholders in public agencies.⁴ The Office of the Plenipotentiary agreed to develop unified criteria for evaluating participatory policy making (commitment 25), an important step since participatory policy making and its evaluation varied greatly among public agencies. If well implemented and obligatory for public agencies, this commitment might have a transformative impact in so far as radically changing government practice. In the second action plan, participatory processes were extended to all remaining ministries. Each ministry was expected to identify and develop a specific policy in a participatory manner (commitments 22 and 24). They would then be evaluated using the newly-created criteria to support a dialogue between public agencies and CSOs throughout the whole policy cycle (commitment 26).

A necessary complement to the above measures was the training organized by the Office of the Plenipotentiary for public servants in charge of participatory policy making processes (commitment 23). All stakeholders interviewed agreed that the participatory nature of the process needed to be understood by all partners for the process to be meaningful.⁵ It is a core precondition for successful engagement of the public in policy making. If the training is

well designed and accepted, it could have positive spillover effects onto other public servants, and contribute to more proactive public agencies becoming standard.

Stakeholders maintained that participatory policy making is a necessary, but not sufficient condition, to increase trust in government and institutions. Other measures should be taken as well.⁶

Completion

Commitment 22: Complete

Commitment 23: Complete

★ **Commitment 24: Substantial**

★ **Commitment 25: Complete**

Commitment 26: Complete

Commitments 22, 23, 25, and 26 were fully completed, while commitment 24 demonstrated substantial progress in implementation. Both commitments 24 and 25 qualify as “starred commitments.”

Because of the first action plan, the government approved the Guidelines for Participatory Policy Making.⁷ These guidelines are only recommendations, but they are useful guides to public servants wishing to engage citizens in developing, implementing, and evaluating policies.

As a first step, each ministry identified a particular policy for which it would seek the public’s input. Some ministries sought to engage the public in ongoing processes that began prior to the commitment and approval of the second action plan in February 2015. Others chose new public policies to fulfil the commitment. The following policies were chosen at the discretion of the ministries themselves:

- Freedom of Information Act Amendment (Ministry of Justice)
- Strategy for Improving Buildings Accessibility for Physically Challenged (Ministry of Transport, the policy was suggested by the Slovak Disability Council)
- Strategy for Implementing the New Building Act (Ministry of Transport, the policy was suggested by the Slovak Disability Council)
- Development of Public Transport, Cycling and Walking (Ministry of Transport)
- Strategic Healthcare Framework 2014-2030 (Ministry of Health)⁸
- Strategy for Culture Development 2014-2020 and Related Action Plan 2015-2017 (Ministry of Culture)⁹
- Consumer Code (Ministry of Economy)
- Law on CSOs’ Registry (Ministry of Interior)
- Development of Policies Supporting Small-scale, Young and Family Farmers (Ministry of Agriculture)¹⁰
- Defence Strategy (Ministry of Defence)
- Tax Assignment of Legal Entities and Individuals (Ministry of Finance)¹¹
- Concept to Support Youth Work (Ministry of Education)¹²

The Consumer code and Law on CSOs’ registry is yet to be adopted, but their drafts were prepared in a participatory manner. For instance, the Office of the Plenipotentiary used the Docs.google.com platform for public consultations and comments on the Law on CSOs’ registry.¹³ The development of the Defence strategy was postponed, due to the preparation of the larger Security Strategy.¹⁴ The Ministry of Health is still implementing some of the measures proposed in the Strategic Healthcare Framework. Other proposed documents, policies, and laws were developed with citizens’ input.¹⁵ A few involved the public at the development stage, but failed to deliver the desired results or even reflect on the process with citizens. For instance, the Freedom of Information (FOI) Act was withdrawn from the Government meeting after receiving 757 comments during the official public comment period. Many of the comments, if addressed, would have worsened access to information for

requesters. Eventually, only Directive 2013/37/EU on the re-use of public sector information was transposed into FOI legislation. No other amendments were adopted. The government submitted the Building Act, but the Transport Minister withdrew it from the Parliament meeting¹⁶ after facing criticism for many flaws in the proposed act.¹⁷

In April and May 2015, the Office of the Plenipotentiary organized five half-day or all-day trainings for public servants in charge of participatory policy making processes. An experienced facilitator¹⁸ led these trainings. Thirty-four representatives from all relevant ministries familiarized themselves with the four levels of public involvement in policy making, shared their experiences, and simulated their planned policy making processes.

The Office of the Plenipotentiary created a wider working group¹⁹ of representatives from public agencies, academia, and CSOs to draft the criteria for evaluating participatory policy making. They were officially published on 20 February 2016.²⁰ The criteria draw upon the previously-adopted Guidelines for Participatory Policy Making and their consultation processes (from informing the public about policy making to co-creating policies with the public). They contain simple checklists for each level of participatory policy making, which public agencies may follow to self-evaluate the course and quality of their policy making process. The criteria were also included in the Government legislative rules, which set procedures for drafting, proposing, and discussing legislation and government regulations.²¹ The result is that those who propose legislation are now obliged to declare the public's involvement, by either using the checklists provided or writing their own narratives.

The Office of the Plenipotentiary prepared its own report evaluating selected participatory processes using the checklists. Sixty participants were also asked to complete a survey.²² The report, published on 1 August 2016,²³ acknowledged that most of the views came from public agencies, which should be taken into consideration when reading the results. It concluded that public servants saw the participatory process as a step toward "greater trust" between state agencies and citizens and "policies of better quality." It stated, furthermore, that public officials welcomed the opportunity to "lead a dialogue and exchange experiences." However, some public officials complained, about "demands on their time and preparation, excessive formalism of the process, broad spectrum of stakeholders, and their poor knowledge of relevant legislation."²⁴

Did it open government?

Commitment 22: Identify policies that will be created in participatory manners

★ **Commitment 24: Develop policies in participatory manner**

Access to Information: Marginal

Civic participation: Major

CSO stakeholders interviewed for this report saw participatory policy making as important.²⁵ Those familiar with the development of the policies above confirmed that there was some public involvement. The ministries used a variety of methods to engage citizens (e.g., in-person consultations, workshops, round table discussions, and commenting on drafts). However, some CSOs were concerned about the transparency of these processes and their results. The government's evaluation report on the participatory policy making processes admitted that stakeholders from CSOs complained about late or no information.²⁶ One of the interviewees emphasized openness as a key prerequisite for successful participatory processes. She explained that "Meetings' minutes, call for participants, etc. should be published. If they are not, participants might acquire a feeling that something is being hidden from them, and that leads to frustrations."²⁷

Interviewees mentioned other sources of frustration, such as the lack of intra-agency and inter-agency cooperation, and the limited or unclear competencies of public servants. Both often result in long policy making processes with no policy adopted.²⁷ These factors played a role in the Freedom of Information Act (FOIA) that was withdrawn from the Government meeting, and the Building Act that was withdrawn from the Parliament meeting.²⁸ Although

the process was well organised, participatory in nature, transparent, and very professional,²⁹ the Ministry of Justice had to abandon the draft FOIA and months of work in favour of the EU PSI Directive. This is because some ministries submitted substantial comments that went against the core principles of the act.³⁰

The procedural part of participatory policy making is well managed. Many public agencies organise regular meetings that are open to relevant CSOs and experts. For instance, the creation of the concept to support youth work, approved by the government on 13 January 2016, included a few such meetings. A representative of the Youth Council of Slovakia stated that the meetings were transparent and professional, minutes were available, and CSOs had the opportunity to provide feedback.³¹ Still, the end policy was not clearly communicated. In his opinion, it was unclear how the concept related to other strategic documents. The lack of data on youth work in Slovakia meant the concept drew from personal experience and opinions only. Finally, compensation for his participation could not be accepted as there were formal limitations to accepting money on behalf of his organization. He concluded that this approach was eroding the CSOs' capacities.³²

Overall, commitments 22 and 24 resulted in a minor improvement in access to information. Some processes could have been more transparent; ministries could have documented the processes. Instead, none of them are available as case studies, which means a learning opportunity was missed. Still, the commitments created opportunities for public engagement, even though their outcomes were not all satisfactory.

Commitment 23: Organise public service trainings in participatory policy making

Civic participation: Marginal

According to the survey conducted by the Office of the Plenipotentiary, participants thought the trainings were useful and beneficial. In another online survey conducted by the IRM researcher,³³ participants (there were no responses from the Ministry of Defence) found the trainings “motivating,” “well-organised,” and “highly professional.” The facilitator contends that these trainings are often very useful for clarifying and managing expectations and refuting myths. She added that the “public has often exaggerated expectations and mistakes an opportunity to have its voice heard for having it transformed into policy. It is important for the public to know how agencies further work with their feedback, how they use it, but in no way does this mean that all feedback has to be accepted. On the other hand, public servants have different fears and support myths that participatory policy making forces them to include everyone in the broadest sense. They were relieved to learn that it is up to them, that taking all aspects into consideration they have a right to decide which policies they will adopt in participatory manners and which not.”³⁴

Despite limited time and different levels of experience with participatory policy making, participants evaluated the trainings positively. Citizens benefit indirectly through their interactions with public officials who are better equipped with new skills for public engagement. Therefore, the commitment enabled greater civic participation.

★ Commitment 25: Create criteria for evaluating participatory policy making

Commitment 26: Evaluate participatory policy making

Civic participation: Marginal

Stakeholders welcomed the initiative to set criteria for and evaluate participatory policy making. One person emphasized that public participation should not stop once policy is adopted, but that citizens should also be part of policy evaluation.³⁵ Although the commitments were perceived positively and the quality of the criteria assessed highly, serious reservations were voiced about the form of evaluation. “Self-evaluation is a very low ambition,” an interviewee argued. “In Slovakia, there is no tradition or culture of evaluating public policies. This should not be left [to] public agencies solely as they are not able to keep a distance from their work.” She concluded that external input would make the evaluation

independent and beneficial. The current form allows for very formalistic evaluations only.³⁶ Overall, the commitments created several opportunities for the public to engage in co-creating criteria for evaluations, then in evaluating selected participatory policy making processes. This could be an important development, if carried forward.

Next Steps

Of the six commitments included under this cluster, two were carried forward to the next action plan (which has yet to be approved). These were commitments 23 (public servant training) and 26 (evaluation of selected participatory policy making processes).

The government self-assessment report recommended that the training for public servants continue on a regular basis.³⁷ The newly-proposed commitment obliges the Office of the Plenipotentiary to organize workshops for public servants to exchange experiences about participatory policy making. Since the stakeholders interviewed mentioned that participatory policy making had achieved better results at the local, rather than national level, the IRM researcher recommends widening these workshops, including examples of best practices from municipalities, and inviting local public servants to take part in trainings. Similarly, including CSO representatives in the trainings could enhance mutual understanding and inject a real-world perspective into the trainings.

Regarding commitment 26, the IRM researcher recommends that in the next action plan, the government invite an independent external evaluator to assess public participation in law making.

Other recommendations for the government are:

- Improve capacity building among CSOs and provide resources for them to participate (one interviewee emphasized “they cannot work for free”³⁸).
- Be transparent: Inform the public about upcoming policy making opportunities well in advance, and explain why particular public policies were selected for citizen involvement.
- Guarantee good intra- and inter-agency communication and cooperation.
- Ensure that public servants who participate in policy making have strong mandates to act on behalf of their agencies.
- Document participation processes, from policy design to adoption, and provide feedback on which input was adopted and which was not, and why.

¹ Civicus, The 2013 Civicus Enabling Environment Index, accessed 13 September 2016, <http://civicus.org/eei/>.

² OECD, Better Life Index, accessed 13 September 2016, <http://bit.ly/2cCpUYW>.

³ Gabriel Bianchi, Barbora Lasticova, and Karolina Mikova, “Analysis and evaluation of four dialogues on public policies – Final Research Report,” Institute for Research in Social communication, accessed 13 September 2016, <http://bit.ly/2bjqRq5> (in Slovak).

⁴ The Office of the Plenipotentiary, “Government Self-Assessment Report,” accessed 13 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

⁵ IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

⁶ IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

⁷ The Office of the Plenipotentiary, “Guidelines for participatory policy-making,” accessed 13 September 2016, <http://bit.ly/2alxPIU> (in Slovak); approved by Government resolution no. 645/2014, accessed 13 September 2016, <http://bit.ly/2aNQ9df> (in Slovak).

⁸ Ministry of Health, “Strategic healthcare framework 2014-2030,” accessed 13 September 2016, <http://bit.ly/2bb8DE8> (in Slovak).

⁹ Ministry of Culture, “Strategy for culture development 2014-2020 and related action plan 2015-2017,” accessed 25 September 2016, <http://bit.ly/2alObd3> (in Slovak); approved by Government resolution no. 11/2015, accessed 13 September 2016, <http://bit.ly/2alvdqQ> (in Slovak).

¹⁰ Ministry of Agriculture, “Development of policies supporting small-scale, young and family farmers,” accessed 25 September 2016, <http://bit.ly/2aOGWlc> (in Slovak); approved by Government Resolution no. 598/2014, accessed 25 September 2016, <http://bit.ly/2aOGhjW> (in Slovak).

¹¹ Ministry of Finance and CSOs, “Memorandum on stability and transparency of the tax assignment to CSOs,” accessed 13 September 2016, <http://bit.ly/2aOF2RZ> (in Slovak).

- ¹² Ministry of Education, “The Concept to support youth work,” accessed 13 September 2016, <http://bit.ly/2aHj27F> (in Slovak).
- ¹³ Daniela Krajanova, “Pociatek withdrew the new Building Act from the Parliamentary meeting after facing criticism”. DennikN.sk, accessed 13 September 2016, <http://bit.ly/2kHNjcX> (in Slovak).
- ¹⁴ The government of the Slovak republic, “The proposal to cancel some task that were assigned to the Ministry of Defence by the Government Resolution,” accessed 13 September 2016, <http://bit.ly/2aCdprS> (in Slovak).
- ¹⁵ Strategy for culture development 2014-2020 and related action plan 2015-2017; Tax assignation of legal entities and individuals; Development of public transport, cycling and walking; and Development of policies supporting small-scale, young and family farmers.
- ¹⁶ “Parliamentary Notice no. 1733”, The 54th Parliamentary meeting on 19 September 2015, accessed 23 December 2016, <http://bit.ly/2kHQT6O>.
- ¹⁷ <http://bit.ly/2kLyCsA>.
- ¹⁸ The trainings were led by Karolina Mikova from Partners for Democratic Change Slovakia.
- ¹⁹ The Office of the Plenipotentiary, “A working group established with regard to the commitment no. 25,” accessed 13 September 2016, <http://bit.ly/2baxqeI> (in Slovak).
- ²⁰ The Office of the Plenipotentiary, “Criteria for evaluating participatory policy-making,” accessed 13 September 2016, <http://bit.ly/2aJETBG> (in Slovak).
- ²¹ Government Office, “Government Legislative Rules,” accessed 13 September 2016, <http://bit.ly/2blkNjw> (in Slovak only); approved by Government resolution no. 164/2016, accessed 13 September 2016, <http://bit.ly/2ajwJ6o>, (in Slovak).
- ²² As the response rate was low (18), collected information was complemented by phone surveys (10).
- ²³ The Office of the Plenipotentiary, “Evaluating selected participatory policy-making,” accessed 13 September 2016, <http://bit.ly/2aVuDUu> (in Slovak).
- ²⁴ *ibid*
- ²⁵ IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.
- ²⁶ The Office of the Plenipotentiary, “Evaluation report on selected participatory policy-making processes.” The report is not available on the website, but was provided to the IRM researcher upon request (in Slovak).
- ²⁷ Interview with stakeholder who wished to remain anonymous, 29 June 2016. See Section VI: Methodology and sources for details.
- ²⁷ IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.
- ²⁸ SITA, “The New Building Act will have to wait for the next government,” accessed 25 September 2016, <http://bit.ly/2doGdJC> (in Slovak).
- ²⁹ Marcel D. Zajac (Centre for Philanthropy and Government Council for Non-Profit Organisations), IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.
- ³⁰ The Ministry of Justice, Official Public Comment Period, Legal Regulations Portal, accessed 13 September 2016, <http://bit.ly/2bc4y4h>, (in Slovak).
- ³¹ Andrej Schulcz, E-mail conversation, 20 September 2016.
- ³² *Ibid*.
- ³³ Responses on the survey: Trainings for public servants on participatory policy making, accessed 13 September 2016, <http://bit.ly/2aPirof> (in Slovak).
- ³⁴ Karolina Mikova (Partners for Democratic Change Slovakia), IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.
- ³⁵ Interview with stakeholder who wished to remain anonymous, 29 June 2016, See Section VI: Methodology and sources for details.
- ³⁶ *Ibid*.
- ³⁷ The Office of the Plenipotentiary, “Government Self-Assessment Report”, accessed 13 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).
- ³⁸ Marcel D. Zajac (Centre for Philanthropy and Government Council for Non-Profit Organisations), IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

Commitment 27: Map Legislative Environment related to Public Participation in Law Making

Commitment Text:

Map the current legislative environment with regards to involving the public in shaping public policies and propose adjustments.

Responsible institution: The Office of the Plenipotentiary

Supporting institution(s): Deputy Prime Minister and Minister of Interior; Deputy Prime Minister and Minister of Finance; Minister of Economy; Minister of Transport, Construction and Regional Development; Minister of Agriculture and Rural Development; Minister of Defence; Minister of Justice; Minister of Education, Science, Research and Sport; Minister of Culture; and Minister of Health

Start date: Not specified

End date: 30 September 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
		↙				↙				↙				↙						↙	

Context and objectives

CSOs have long pointed out the need for more public engagement in making new laws. The first national action plan included a commitment to propose rules for public participation in legislation.¹ However, the government officially withdrew from it, due to delays in implementing SLOV-LEX, a legal and information portal that was supposed to contain a module for creating legislation. The commitment was substituted in the second action plan by a less ambitious commitment to map the legislative environment related to public participation in making laws.

The Act on Law-making was adopted in 2015 and became effective on 1 January 2016.² Slovak CSOs that participated actively in drafting and commenting on the act, welcomed the public right to participate in law making. The Act enshrined an obligation to carry out both a public consultation procedure and an appeals procedure in cases where there were over 500 signatures. However, despite the Act, the details of all public consultation processes were subject to the Government Legislative Rules. The latest version of these Rules was approved on 4 May 2016.³ The Office of the Plenipotentiary considered it “an extraordinary success,”⁴ as it incorporated the criteria for evaluating participatory policy making and obliged those who propose legislation to ensure public engagement. CSOs criticised the Rules, however, because no public law-making procedures were included, and they were not created in a participatory manner.⁵

Interviewees argued as well that the new legislative rules enabled state agencies to either circumvent the public comment procedure or exclude the public from it.⁶ A high-ranking

official from the Ministry of Justice claimed it was not the friendliest solution, but noted several situations in which it was crucial to act rapidly and circumvent the public comment process to sustain the basic functions of the state.⁷

The commitment to map current legislation on the public's engagement in shaping policies and making laws is useful if followed by an amendment to create more opportunities for public participation. However, this can only be assumed, as the wording of the commitment is vague.

Completion

Limited

Implementation of the commitment has been limited. The Office of the Plenipotentiary has not mapped the legislative environment related to public participation in law making. The government self-assessment report stated that the Office asked the prime minister to postpone the deadline for implementation to 31 January 2019.⁸ The reason was so the Office of the Plenipotentiary could realize a national project focused on promoting dialogue and cooperation between public agencies and CSOs from 2016 to 2019. In this way, the commitment would be implemented in a more “complex way.”⁹ Despite lack of progress in implementation, there was major improvement in legislation related to public participation when the Act on Law-Making and Government Legislative Rules were passed.

Did it open government?

Civic participation: Major

Since the implementation of this commitment was officially postponed, its contribution to public participation cannot be assessed. However, the Act on Law-making and the Government Legislative Rules represent major improvements for civic participation.

Next Steps

The commitment was not carried forward to the next action plan. Bearing in mind the concerns raised by different CSOs over the current wording of the Government Legislative Rules, the government may:

- Reconsider removing the ability to circumvent the public comment procedure from the Government Legislative Rules.
- Reconsider stricter conditions for shortening the public comment procedure.

In addition, the Act on Law-Making and Government Legislative Rules should extend public engagement in law making to the parliamentary level, which is currently off limits to the public.¹⁰

¹ The Office of the Plenipotentiary, “Open Government Partnership Action Plan of the Slovak Republic 2012-2013,” accessed 13 September 2016, <http://bit.ly/2bkVI82>. See commitment 13.

² “The Act on Law making no. 400/2015 Coll.,” SLOV-LEX (Legal and information portal), accessed 25 September 2016, <http://bit.ly/2blI2D1> (in Slovak).

³ Government Office, “Government Legislative Rules,” accessed 13 September 2016, <http://bit.ly/2blkNJw> (in Slovak); approved by Government resolution no. 164/2016, accessed 13 September 2016, <http://bit.ly/2ajwJ6o>, (in Slovak).

⁴ The Office of the Plenipotentiary, “Government Legislative Rules approved,” accessed 13 September 2016, <http://bit.ly/2bn5Ref> (in Slovak).

⁵ Stefan Szilva (independent IT consultant), IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

⁶ Via Iuris, “New legislative rules extent the scope for circumventing public comment procedure,” accessed 13 September 2016, <http://bit.ly/2aR2Naa> (in Slovak); and Marcel D. Zajac, (Centre for Philanthropy and Government Council for Non-Profit Organisations), IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

⁷ Interview with Juraj Palus (Ministry of Justice), 18 July 2016. See Section VI: Methodology and sources for details.

⁸ The Office of the Plenipotentiary, “Government Self-Assessment Report,” accessed 13 September 2016, <http://bit.ly/2agz0Gy> (in Slovak).

⁹ Ibid.

¹⁰ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

Commitment 28: Public Campaign for Collective e-Petitions

Commitment Text:

Carry out a public campaign to promote the Collective Electronic Petitions.

Responsible institution: The Office of the Plenipotentiary

Supporting institution(s): Not specified

Start date: Not specified

End date: 31 October 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
		↙			↙					↙					↙			↙			

Context and objectives

The commitment to launch collective e-petitions was included in the first action plan. It was planned to happen in 2013, but there were no financial resources allocated for the project. Moreover, the government decided not to use the source code of the well-known U.S. e-petition project, "We the People," citing technical problems.¹ Hence, the development of the collective e-petitions was continued only after it was incorporated into the E-democracy and Open Government project. The government later approved the proposal for submitting, processing, and handling collective e-petitions, which detailed how a citizen should create and submit a collective e-petition, and how the government should proceed upon its receipt.² The collective e-petitions were launched on the national e-government portal, www.slovensko.sk, on 31 December 2015.

The basic process is as follows. Once a collective e-petition is submitted, its author receives a link and is expected to collect at least 100 signatures within the first five days. If she succeeds, the e-petition is published on www.slovensko.sk. The petition should collect 15,000 signatures within the next 30 days for government consideration. If it succeeds to collect this many signatures, it is submitted to the government directly, which has to discuss it at its regular meetings. This differentiates collective e-petitions from standard petitions, which are submitted to the affected organizations (ministers, departments, municipalities etc.), not to the government.

The commitment was adopted to raise the awareness and usage of the new e-petition portal.

Completion

Substantial

The commitment was substantially implemented. The Office of the Plenipotentiary organised a series of workshops in different Slovak cities, where it presented collective e-petitions and other topics.³ The workshops explained the difference between e-petitions and regular

petitions, and how e-petitions can be submitted. It is important to note that no live demonstrations of collective e-petitions took place, as they had not yet been launched. The Office of the Plenipotentiary, along with the National Agency for Network and Electronic Services, also aired a series of short television and radio ads nationwide. Again, these were promoted at the time when e-petitions were still not ready to use. At the time of writing this report, no one had used the platform yet.

Did it open government?

Access to Information: Did not change

The non-use of collective e-petitions seven months after its launch suggests that there is no demand for such a platform, citizens are unaware of its existence, or there are potential/actual shortcomings that preclude its use. Mass teacher protests, several large-scale corruption scandals, and the collective resignations of nurses since the launch of the platform presented opportunities to use the platform. A stakeholder interviewed for this report argued that the current collective e-petitions do not have any substantial advantage over regular petitions. He claimed that the eID requirement for the initiator of collective e-petitions is an unnecessary obstacle to use of the platform. According to him, “The requirement of eID is supported by the argument, that a person who submit collective e-petitions has to be clearly identifiable. However, even a petition can be submitted using a false identity. It is a breach of legislation, but it is possible. Therefore, this argument is weak.”⁴

Stakeholders all agreed that the threshold is very high.⁵ “There has to be a particularly strong issue to attract so many people,” an advocate from Via Iuris added.⁶ On the contrary, the Office of the Plenipotentiary argued that all these claims are speculative, since no one has tested the e-petitions yet.⁷

Next Steps

This commitment was carried forward to the next action plan. The Office of the Plenipotentiary plans to analyse and evaluate the use and effectiveness of e-petitions. To encourage their use, the IRM researcher and stakeholders interviewed recommend:

- Reconsidering thresholds and reducing significantly the number of signatures required within the 30-day period.
- Identifying, addressing, and encouraging individuals and organisations to use the e-petition system for their causes.

¹ The Office of the Plenipotentiary, “E-petitions – Executive Summary,” accessed 13 September 2016, <http://bit.ly/2jo1ff9> (in Slovak).

² Government Office, “The proposal for submitting, processing and handling collective e-petitions,” approved by the Government resolution no. 636/2015, accessed 13 September 2016, <http://bit.ly/2aZyeOE> (in Slovak).

³ The Office of the Plenipotentiary, “Programme of workshops,” accessed 13 September 2016, <http://bit.ly/2bloUm8> (in Slovak).

⁴ Stefan Szilva (independent IT consultant), IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

⁵ IRM Stakeholder meeting – Participation, 29 June 2016. See Section VI: Methodology and sources for details.

⁶ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

⁷ Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016. See Section VI: Methodology and sources for details.

Commitment 29: Publish Evaluations of Judges

Commitment Text:

Prepare a legislative proposal that will enable publishing of evaluations of judges and submit it to the Government.

Responsible institution: The Ministry of Justice

Supporting institution(s): Not specified

Start date: Not specified

End date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
			↙		↙					↙				↙				↙			

Context and objectives

In past years, public trust in the Slovakian judicial system has been alarmingly low.¹ The 2013 Flash EU Barometer on justice in the EU revealed that, on average, a majority of the population trust the judicial system, whereas Slovakia and two other member states fall far below the EU average.² The 2014 Special EU Barometer found that 56% of Slovaks considered corruption and abuse of power for personal gain to be widespread among the courts.³ In the same opinion poll, only 10% of Slovaks trust the judiciary to handle reported cases of corruption.

Since 2012, judges in Slovakia have been subject to peer evaluations.⁴ There are annual statistical reports on judges' performance published on the ministry's website regularly, and judges undergo different types of evaluations:⁵ a general performance evaluation every five years, an evaluation related to participation in selection procedures, and an evaluation within disciplinary procedure. A judge can also request to be evaluated. Evaluations must be carried out within a year if a judge's performance was assessed as unsatisfactory in the latest evaluation.⁶ (A judge's performance can be assessed as "excellent," "good," or "unsatisfactory," and must be accompanied by an explanation).

As judges are key representatives of the judiciary, the commitment to publish their evaluations could contribute to greater openness in the system. However, experts doubt the quality of the evaluations and point to the limited, technical nature of the commitment. A high-ranking public servant at the Ministry of Justice criticised the peer system of evaluation: "Judges evaluate judges, and all of them perform great."⁷ These evaluations are not available to the public. Thus, their quality and objectivity is a key issue to be addressed. More trustworthy judges' evaluations require an external feature, such as the independent specialized senate the government is currently considering to oversee those evaluations. Yet, the wording of the commitment does not address the quality of the evaluations, is

technical in nature, and falls short of addressing the greater problem of lack of trust in the judiciary. Therefore, if implemented, it would have only a minor potential impact.

Completion

Limited

Progress on this commitment was limited. The Ministry of Justice missed the deadline to prepare a legislative proposal to enable publication of judges' evaluations. A high-ranking public servant at the Ministry of Justice argued that it was not sensible to start a legislative process two months prior to the upcoming parliamentary elections.⁸ Therefore, the Ministry asked for an extension of the deadline to 31 July 2017, and plans to submit a much more complex proposal (now in progress). A commitment to improve the evaluation of judges was mentioned in the 2016-2020 Government Manifesto.⁹ An advocate from Transparency International Slovakia (TIS) described the same course of events and reason for the ministry not acting earlier.¹⁰

Did it open government?

Access to Information: Did not change

The stakeholders interviewed for this report perceived a postponed, but more complex legislative proposal, as sensible. A TIS advocate contended that current evaluations are not sufficiently informative.¹¹ The act on judges and assessors allows for subjectivity, as the evaluator can draw upon "his personal knowledge of assessed judge."¹² A stakeholder from Via Iuris, a CSO working in area of judicial reform, relayed a discussion she had with the Justice Minister, Lucia Zitnanska. She claimed Zitnanska plans to introduce changes to judges' evaluations this year to foster greater independence and transparency.¹³ A high-ranking official at the ministry as well as media reports have confirmed this, referring to the minister who criticized this year's evaluations.¹⁴

As progress has been limited, and judges' evaluations have not been published, this commitment did not enable additional access to information. The commitment is included in the current Government Manifesto, however, so the prepared amendment can be expected to make judges' evaluations publicly available and to increase their quality soon.¹⁵

Next Steps

This commitment was carried forward to the draft action plan,¹⁶ and addresses the issue of the quality of judges' evaluations. The IRM researcher believes this is a positive step and recommends a more complex legislative proposal. She also suggests introducing an external feature to increase the quality and trustworthiness of evaluations. The independent specialized senate proposed by Justice Minister Zitnanska is a sensible solution. A public feature could be introduced as well; that is, citizens who interacted with a particular judge could be asked for feedback. This would add an element of public accountability, not just access to information.

The advocate from Via Iuris added further recommendations regarding selection criteria for judges (such as, compliance with professional requirements and personal qualities of judges). CSOs working in area of the judiciary are also in favour of unified standards for evaluating candidates for judges.¹⁷

¹ Transparency International, "Corruption Perception Index," accessed 31 August 2016, <http://bit.ly/2aS6huS>.

² European Commission, "Justice in the EU Report," accessed 31 August 2016, <http://bit.ly/2aS9Cdr>.

³ European Commission, "Special Eurobarometer 396: Corruption report," accessed 31 August 2016, <http://bit.ly/2bfZhKe>.

⁴ "The Act on Judges and Assessors no. 385/2000 Coll.," SLOV-LEX (Legal and information portal), accessed 31 August 2016, <http://bit.ly/2b1IHUQ> (in Slovak).

⁵ Ministry of Justice, Basic information on the annual statistical reports on judges' performance, accessed 31 August 2016, <http://bit.ly/2b3FZ6x> (in Slovak).

⁶ "The Act on Judges and Assessors no. 385/2000 Coll.," SLOV-LEX (Legal and information portal), accessed 31 August 2016, <http://bit.ly/2b1IHUQ> (in Slovak).

⁷ Interview with Juraj Palus (Ministry of Justice), 18 July 2016. See Section VI: Methodology and sources for details.

⁸ Ibid.

⁹ The Government Office, “The government manifesto,” accessed 8 September 2016, <http://bit.ly/2cceHdN> (in Slovak).

¹⁰ Interview with Samuel Spac (Transparency International Slovakia), 23 June 2016. See Section VI: Methodology and sources for details.

¹¹ Ibid.

¹² “The Act on Judges and Assessors no. 385/2000 Coll.,” SLOV-LEX (Legal and information portal), accessed 31 August 2016, <http://bit.ly/2b1IHUQ> (in Slovak).

¹³ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

¹⁴ Daily Sme, “Zitnanska is not content with evaluation of judges performance, and plans changes,” accessed 31 August 2016, <http://bit.ly/2aWmEn5> (in Slovak).

¹⁵ The Government Office, “The government manifesto,” accessed 8 September 2016, <http://bit.ly/2cceHdN> (in Slovak).

¹⁶ “Open Government Partnership Action Plan 2016-2019 for Slovakia,” accessed 13 September 2016, <http://bit.ly/2cFBH7I> (in Slovak).

¹⁷ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

Commitments 30 and 31: Improve Publication of Judicial Decisions

Commitment Text:

Commitment 30

Carry out an analysis of the current publication of judicial decisions and propose measures to improve the situation.

Commitment 31

Based on the recommendations of the analysis, ensure a uniform reporting system of judicial decisions and provide oversight of its operation.

Responsible institution: The Ministry of Justice

Supporting institution(s): The Office of the Plenipotentiary

Start date: Not specified

End date: 30 June 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
30. Analyse publication of judicial decisions			✓		✓					✓						✓			✓		
31. Develop a uniform system for publishing judicial decisions				✓	✓			✓			✓			✓					✓		

Context and objectives

Both commitments 30 and 31 address the problem of courts not publishing judicial decisions, despite the legal obligation to do so. Publication of judicial decisions is stipulated in the act on courts, which details all its stages.¹ First, a judge, her assistant, or a high-level judicial officer is obliged to create a judicial decision within the internal IT case management; anonymize any identifiers herself or authorize another judicial officer to do so; and subsequently publish the decision on the Ministry of Justice website.² Judicial decisions must be published 15 days after they become effective. Although nearly every judicial decision should be published (there are a few exceptions³), CSO reports find “ten thousands of them are not published” despite the legal obligation to do so.⁴ There is a need for detailed analysis of the problem and possible solutions.

Commitment 30, to analyse problems related to the publication of judicial decisions, is useful, but its potential impact is minor. This is because it does not state further whether the

analysis will be publicly available and how its findings will be addressed. Still, it is a pre-condition for development of a uniform system for publishing judicial decisions to identify the current flaws. The system aims to guarantee the accuracy of published decisions, enhance their comparability, and increase openness, which in turn could contribute to the public's perception of a more transparent judiciary. The commitment reflects on different problems related to the publication of judicial decisions (discussed briefly below). With very low public trust in judges and courts,⁵ the commitment to develop a uniform system for publishing judicial decisions could have an impact and increase the judiciary's transparency.

Completion

Commitment 30: Complete

Commitment 30 has been completed. The Office of the Plenipotentiary, in cooperation with the Ministry of Justice, created a working group that included high-ranking public officials and an advocate from Transparency International Slovakia (TIS). The group drafted the Analysis of the Publication of Judicial Decisions, summarizing the current legal status, the publication process, and its flaws.⁶ Several of the problems identified by CSOs were: no systematic control of the publication of judicial decisions, insufficient anonymization of data, and Supreme Court decisions published on their website in a different format. The group identified additional problems, such as the administrative burden on courts obliging them to publish all judicial decisions anonymized (such as payments orders), manual anonymization, and insufficient publication of metadata. The report proposed useful recommendations (See 'Next steps' below).

Commitment 31: Limited

Commitment 31, to develop a uniform system for publishing judicial decisions, has had limited progress. Judicial decisions have been published on the website, www.rozhodnutia.sk, which is operated by the Ministry of Justice, since 1 January 2012. Prior to that, they were available through freedom of information requests. In April 2015, SLOV-LEX, a legal and information portal, was launched. In comparison with www.rozhodnutia.sk, SLOV-LEX was supposed to contain different modules dealing with all aspects of the judiciary system. It also included a module for the publication of decisions by the Supreme Court, ordinary courts, the European Court of Human Rights, and the EU Court of Justice (all as metadata and PDF documents). These modules were successively introduced in the first half of 2016. However, the problem of courts not publishing judicial decisions despite the legal obligation to do so persisted, and was transferred from www.rozhodnutia.sk to SLOV-LEX. Therefore, the completion of this commitment has been limited.

Did it open government?

Access to Information: Marginal

Stakeholders agree on the creation of a larger judicial electronic portal. However, they believe the portal itself does not solve the problem of unpublished judicial decisions, the issue it was supposed to tackle. An advocate from TIS stressed that SLOV-LEX does not help the ministry control which judicial decisions have been published or not. He argued that it "does not have any substantive advantages over [the] previous portal, www.rozhodnutia.sk, apart from a better search engine."⁷

The analysis conducted by the Office of the Plenipotentiary, in cooperation with the Ministry of Justice and CSOs, offered useful recommendations to improve the publication of judicial decisions. These include replacing manual publication with an automatized process, and reconsidering the extent of anonymization where possible and appropriate.

Overall, commitment 30 did not make the government more transparent or open for a variety of reasons. It was realized internally – open only to experts from CSOs, but not the public. It contributed to minor improvements in access to information, since it was an important and logical step toward commitment 31, development of a system for publishing judicial decisions. However, interviewees agreed that SLOV-LEX did not address the main

problem with publishing judicial decisions. It provides a one-stop-portal for different types of judicial decisions, but does not guarantee their completeness.

Next Steps

This commitment was carried forward to the draft action plan. If approved without major modification, the Ministry of Justice will reconsider which judicial decisions should be published and which not, based on the results and recommendations of the working group.

¹ SLOV-LEX (Legal and information portal), “The Act on courts no. 757/2004 Coll.,” accessed 31 August 2016, <http://bit.ly/2bjnmvU> (In Slovak).

² Presently, it is the www.rozhodnutia.sk and www.slov-lex.sk.

³ Exceptions to publication of judicial decisions are also stipulated in the Act on courts no. 757/2004 Coll. For instance, judicial decisions are withheld if the public was excluded from a part of or the whole hearing.

⁴ Transparency International Slovakia, “Ten thousands judicial decisions are not published despite this being a legal obligation,” accessed 31 August 2016, <http://bit.ly/2aMWnZP> (in Slovak).

⁵ European Commission, “Justice in the EU Report,” accessed 31 August 2016, <http://bit.ly/2aS9Cdr>; and European Commission, “Special Eurobarometer 396: Corruption report,” accessed 31 August 2016, <http://bit.ly/2bfZhKe>.

⁶ The Office of the Plenipotentiary, The Analysis of the Publication of Judicial Decisions, accessed 12 May 2017, <http://bit.ly/2psugZR>

⁷ Interview with Samuel Spac (Transparency International Slovakia), 23 June 23, 2016. See Section VI: Methodology and sources for details.

Commitment 32: Publish Prosecutors' Names

Commitment Text:

Prepare a legislative proposal that will enable the publishing of the list of names of prosecutors and submit it to the Government.

Responsible institution: The Ministry of Justice

Supporting institution(s): Not specified

Start date: Not specified

End date: 31 December 2015

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
32. Overall				✓	✓						✓					✓			✓		

Context and objectives

The commitment to publish prosecutors' names was designed to address the lack of transparency of the Prosecutor General's Office. Slovakia has continuously been the subject of criticism in this area. The latest report from the European Anti-Fraud Office (OLAF)¹ ranks Slovakia very low in terms of resolving EU funds fraud and issuing indictments. While the EU average indictment rate is 50%, it is 13% in Slovakia. In its 2014 report, the Group of States Against Corruption (GRECO) and Council of Europe (CoE) made the following recommendations to Slovakia: improve the management of prosecutors' potential and actual conflicts of interest, set clear ethical standards, and publish the information included in their affidavits² and asset declarations.³ The report highlighted the fact that prosecutors' names were not published on their offices' websites or on the website of the Prosecutor General's Office. This information was unavailable even through freedom of information requests. Since affidavits are linked to prosecutors' names, this reduces, if not entirely restricts, access to them. The Prosecutor General's Office has not been open to public scrutiny, and the commitment to publish prosecutors' names was a symbolic measure to initiate a change toward greater transparency.

Stakeholders interviewed agreed that publication of prosecutors' names is a positive first step toward greater openness and transparency of the Prosecutor General's Office.⁴ It allows the public to understand personal connections better and to hold prosecutors more accountable in executing their powers. The commitment to prepare a legislative proposal to enable disclosure of prosecutors' names could open prosecution offices up to public control, and has the potential to instil further changes.

Completion

Complete

The commitment was completed. In 2015, the Prosecutor General's Office proposed several changes to the act on prosecutors and prosecutor candidates.⁵ The Ministry of Justice, which was responsible for disclosing prosecutors' names, used the official public comment period to remind the Prosecutor General's Office of this commitment, as it had been reluctant to disclose names in the past. The act was amended to oblige the Office to publish and regularly update a list of prosecutors' names on its website. The Act went into force on 1 January 2016, and the Office published the first list of prosecutors' names on its website on 15 January 2016.⁶ Since then, the list has been updated regularly. At the time of writing this report, the latest update had been made on 1 December 2016.

Did it open government?

Access to Information: Marginal

CSOs working in judicial reform welcomed the publication of the list of prosecutors. An advocate from Transparency International Slovakia (TIS) believes that the list would not have been published if it were not for this particular commitment in the national action plan.⁷ The list of prosecutors, previously unavailable, has now been made public. CSOs still have reservations about the quality of the published lists. A TIS advocate cited repetitions and errors in the excel spreadsheet containing the names. It is not clear whether they are errors, or different family members are prosecutors.⁸ There is also no information on the location of prosecutors, which is crucial for linking them to their decisions. An advocate from a prominent CSO, Via Iuris, argued that publication of the names is but a minor issue, compared to other more fundamental problems regarding prosecutors.⁹ There is a need to reduce political influence on the Prosecutor General's Office, to decrease its powers, and to introduce public scrutiny.

Next Steps

CSOs recommend that the Prosecutor General's Office publish and regularly update the list of prosecutors, including their location, and explain ambiguities, such as duplicate names.¹⁰

The IRM researcher recommends further work on this commitment, particularly considering the GRECO and CoE reports. As the prosecutor carries out his or her role in the public interest, it is essential to allow some public control. The IRM researcher proposes that the Prosecutor General's Office further enhance access to information and address public accountability by:¹¹

- Introducing external features of public control (e.g., by including in the Prosecutor's Council experts who are not prosecutors);
- Reducing prosecutors' executive powers, while strengthening the powers of the Prosecutors' Council (e.g., by allowing the Council to participate in disciplinary procedures. i.e. co-create disciplinary senates, etc.); and
- Making selection procedures for prosecutors more transparent.

Some of these recommendations were carried forward to the next action plan, which is yet to be approved.

¹ European Anti-Fraud Office, "The OLAF report 2015," accessed 31 August 2016, <http://bit.ly/2ajleKX>.

² The affidavit is a written declaration made under an oath. It should include information on the prosecutor's citizenship and permanent residence in Slovakia; absence of charges for criminal offences or proceedings leading to limitation or deprivation of legal capacity, independence and non-partisanship; compliance with the limitation on the exercise of additional activities as detailed above; and non-performance of other paid office or other employment incompatible with the prosecutor's duties. The affidavit should also include a statement on the performance of scientific, teaching, lecturing, and literary, publishing or artistic activities, including information on the client as well as related income and benefits for the previous calendar year.

³ Group of states against corruption and Council of Europe, "Evaluation report Slovak republic: Corruption prevention in respect of members of parliament, judges and prosecutors," accessed 31 August 2016, <http://bit.ly/2b5HjSl>.

⁴ Interview with Zuzana Caputova (Via Iuris), 29 June 2016; and interview with Samuel Spac (Transparency International Slovakia), 23 June 2016. See Section VI: Methodology and sources for details.

⁵ SLOV-LEX (Legal and information portal), “The Act on prosecutors and prosecutor candidates no. 154/2001 Coll.”, accessed 31 August 2016, <http://bit.ly/2b7Pc1P> (in Slovak).

⁶ The list of prosecutors published on the website of the Prosecutor General’s Office, accessed 1 December 2016, <http://bit.ly/2aYKyk2> (in Slovak).

⁷ Interview with Samuel Spac (Transparency International Slovakia), 23 June 2016. See Section VI: Methodology and sources for details.

⁸ Ibid.

⁹ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

¹⁰ Interview with Samuel Spac (Transparency International Slovakia), 23 June 2016. See Section VI: Methodology and sources for details.

¹¹ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

Commitments 33 and 34: Evaluate the 2015 OGP Action Plan and Develop New Action Plan

Commitment Text:

Commitment 33

Carry out final evaluation of the OGP Action Plan for 2015

Commitment 34

Develop OGP Action Plan for the next period and submit it to the Government

Responsible institution: Plenipotentiary for the Development of the Civil Society for commitment 33, and in cooperation with ministers, Deputy Prime Minister for Investments, Head of Government Office, Chair of the Geodesy, Cartography and Cadastre Authority, President of the Statistical Office and Chair of the Office for Public Procurement for commitment 34.

Supporting institution(s): Not specified

Start date: Not specified

End date: 31 March 2016

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion (at end of term)				Did it open government?				
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsened	Did not change	Marginal	Major	Outstanding
33. Evaluate the 2015 OGP Action Plan				✓	✓	✓			✓							✓			✓		
34. Develop new action plan				✓	✓	✓			✓						✓					✓	

Context and objectives

At the end of each implementation cycle, governments are expected to publish a self-assessment report evaluating implementation of the action plan. The Office of the Plenipotentiary published the government's first self-assessment report in 2013,¹ and pledged to publish the second one by the end of March 2016. Once this evaluation is complete, governments are expected to draft a new action plan. In preparation for the third plan, the Office of the Plenipotentiary took several actions described below.

Completion

Commitment 33: Complete

Commitment 34: Substantial

The Office of the Plenipotentiary approved the self-assessment report on time (17 March 2016) at the meeting of the Government Council of Non-Profit Organisations. Stakeholders from CSOs and public agencies were involved in the self-assessment itself and drafting of the report. The public had an opportunity to comment on the draft for 15 days. The

consultation began on 16 February 2016 and was widely promoted through the official channels of the Office of the Plenipotentiary.² Although no comments were received from the public, the process itself was very open. The report is available online in both Slovak and English.

Several meetings of advisory and expert groups took place in January and February 2016 to assess the 2015 action plan and suggest goals for the next implementation cycle.³ The Office of the Plenipotentiary also organized regional meetings in Bratislava, Banská Bystrica, and Košice in March 2016 to solicit feedback from different stakeholders on the draft action plan.⁴ Finally, the public was allowed to comment on the draft in online consultations for a full month (15 March-15 April 2016).⁵ Only a handful of people took advantage of this opportunity. In June 2016, the action plan was reviewed within agencies, which provided feedback on the commitments and calculated expenses related to their implementation. In September 2016, the plan was submitted for the inter-agency review and public comment period, which lasted two weeks.⁶ Information about it was published on the Office of the Plenipotentiary's website as well as its social networks.⁷ Most comments came from public agencies which, altogether, submitted more than 50 technical and almost 40 substantial comments. At the writing of this report, it was not yet clear how these would be resolved or how they would affect the final draft of the action plan.

The previous IRM Progress Report⁸ recommended that future action plans include estimated expenses per agency and individual activity, engage businesses and academia more, consider how municipalities could participate in OGP, and publish members of the advisory and expert groups online. Many of these recommendations were addressed in the newly-proposed draft action plan. For instance, municipalities are now included in open data implementation and their umbrella organisations were involved in the consultation process (commitment 4 in Open Data Portal section). The draft builds upon many commitments from the 2015 action plan, but also introduces new ones, such as making e-government services available through publicly available API (commitments 11-14 in Open API section), and using and promoting open source (commitments 15-19 in Open Source section). As part of the intra-agency review process, public agencies calculated anticipated expenses related to the implementation of their commitments. Regarding the recommendation to publish members of the advisory and expert groups, the Office of the Plenipotentiary has begun publishing minutes from all meetings online.⁹ Greater engagement of businesses and academia in drafting and assessing action plans remains an issue.

Did it open government?

Commitment 33: Evaluate the 2015 OGP action plan

Access to Information: Marginal

Civic participation: Marginal

The consultations that preceded approval of the government self-assessment report were pluralistic. There were several opportunities for civic participation, even though they were not widely used. Since the Office of the Plenipotentiary published and informed the public about the self-assessment report on its website, the commitment contributed to greater awareness about OGP. The report was generally balanced, accurate, and very detailed. It described the goals of the commitments, problems they addressed, and results they achieved. It also suggested further steps to be taken in relation to these commitments in the next action plan. At the same time, the self-assessment did not explain the added value of completed commitments in a wider political context. It also did not identify clearly which agencies failed to fulfil commitments. Finally, the report did not address recommendations set out in the IRM Progress Report.

Commitment 34: Develop new action plan**Access to Information: Marginal****Civic participation: Major**

The draft action plan was developed in an open, transparent, and pluralistic manner, and created several opportunities for civic engagement. Since the information on the development of the action plan was widely circulated, it also increased awareness about OGP in Slovakia. The government has yet to approve the action plan and, as of December 2016, the final version is not available. It is, therefore, difficult to foresee how the action plan will contribute to greater adherence to OGP values. Slovensko.digital, one of the very few CSOs to submit comments during the official inter-agency review and public comment period, pointed out that the draft plan did not include any sanction mechanisms for agencies not fulfilling their commitments. They also criticized public agencies' calculation of expenses to implement their commitments. They believed the expenses were determined randomly and, in some cases, were 'absurdly high.'¹⁰ These issues have yet to be resolved with the approval of the final action plan.

Next Steps

The IRM researcher recommends that the Office of the Plenipotentiary:

- Continue with wide and pluralistic consultations, and consider ways to include academia and business in consultations when drafting the next action plan.
- Clarify which public agencies did not fulfil their commitments and why.
- Allow greater time between assessing the action plan and drafting a new one to address recommendations offered in IRM reports.

1 The Office of the Plenipotentiary, "Government Self-Assessment Report," accessed 31 August 2016, <http://bit.ly/2eeLOIU> (in Slovak).

2 The Office of the Plenipotentiary, "Public Discussion on Government Self-Assessment Report," accessed 31 August 2016, <http://bit.ly/2aHH9qT> (in Slovak).

3 The Office of the Plenipotentiary, "First meetings of expert and advisory groups to assess previous action plan and co-create a new one took place," accessed 1 October 2016, <http://bit.ly/2dOkf3H> (in Slovak).

4 The Office of the Plenipotentiary, "The Office of the Plenipotentiary launches a discussion on OGP Action Plan 2016-2019," accessed 1 October 2016, <http://bit.ly/2fjNBqC> (in Slovak).

5 The Office of the Plenipotentiary, Online consultations, accessed 1 October 2016, <http://bit.ly/2eK6Lm0> (in Slovak).

6 Facebook of the Office of the Plenipotentiary, accessed 1 October 2016, <http://bit.ly/2dMnKY6> (in Slovak).

7 SLOV-LEX (Legal and information portal), Official Inter-Agency Review and Public Comment Period, accessed 1 October 2016, <http://bit.ly/2dMnSHg> (in Slovak).

8 Matej Kurian, "Slovakia Progress Report 2012-13," accessed 25 September 2016, <http://bit.ly/2aiJEfd>.

9 The Office of the Plenipotentiary, "Meeting minutes," accessed 31 August 2016, <http://bit.ly/2ehW6ym> (in Slovak).

10 Official Inter-Agency Review and Public Comment Period, Legal Regulations Portal, The Ministry of Justice, accessed 1 October 2016, <http://bit.ly/2dMnSHg> (in Slovak).

IV. Country context

Implementation of the second national action plan occurred alongside two important events: parliamentary elections in March 2016, and preparations for the Slovak EU presidency in the second half of 2016. While the scope of the plan included a variety of important issues, the commitments were largely of a technical nature and insufficient for tackling the key issues. Stakeholders stressed that measures to increase government accountability should be the main priority.

The second national action plan was implemented in a complex political climate. In Slovakia and other OECD countries, trust in government and public institutions has declined significantly.¹ Corruption is perceived as a major problem.² According to the 2014 Special EU Barometer on corruption, 90% of the Slovak population believed corruption was widespread across different sectors of the country.³ In addition, Slovakia has been weak in resolving the EU funds frauds.⁴ A poor track record ‘on initiating criminal proceedings and prosecuting high-level corruption cases’ was also stressed as one of the main problems in the European Commission Staff working document.⁵

A significant criticism of the OGP action plan is that it does not sufficiently address these issues. The commitment period was beset by several large-scale corruption scandals involving high-ranking politicians.⁶ The national tone suggested, therefore, that the fight against corruption occurred on paper, rather than within the justice system. Two major corruption cases affected the political atmosphere during the implementation period: the discovery of overpricing in the health sector, and an alleged VAT fraud case involving businessman Ladislav Basternak, Interior Minister Robert Kalinak, and former Transport Minister Jan Pociatek.⁷

These scandals received vast media coverage and resonated with the public. They led to several public protests, most which were organised by the opposition. All criminal charges were eventually dropped in the health sector procurement case,⁸ and the Basternak case did not lead to any criminal charges. Instead, charges were levelled against whistle-blower Filip Rybanic, who revealed the bank transactions between Basternak and Kalinak, and Vasil Spirko, the prosecutor investigating the case. The latter charges were eventually dropped.⁹ These cases illustrate the findings of several international reports, that measures against corruption in Slovakia have had limited impact.¹⁰ They suggest that, although the first and second action plans introduced many non-trivial anti-corruption measures, the government has failed to oversee, evaluate, or enforce their application.

Moreover, the action plan and Slovakia’s participation in OGP are not widely known. Outcomes of the national action plans have not received significant media coverage, nor have they been linked to participation in OGP. The Office of the Plenipotentiary claimed that it does not have the time or resources to run a larger campaign.¹¹

Several other developments directly affected the open government agenda in Slovakia. While implementing the second national action plan, the government also adopted the Action Plan for Strengthening Rule of Law in Slovakia in 2015.¹² The plan had three main aims: (1) ensuring transparency and uniformity of the legislative process, (2) preventing corruption, and (3) increasing trust in the judiciary system. These goals targeted longstanding challenges in Slovakia. Stakeholders from CSOs expressed concern that adopting the plan too close to the upcoming parliamentary elections limited the opportunity to propose or implement any far-reaching plans.¹³ Then Prime Minister Robert Fico argued that the plan’s goals “should be picked up by any following government.”¹⁴ Criticism of the plan was directed at its lack of time for implementation, and the vagueness of its commitments.¹⁵

Other anti-corruption measures have been implemented in the past decade. Some, such as the Central Registry of Contracts, were a great success and served as examples of best practices for other governments.¹⁶ They caused greater openness and transparency, though not necessarily greater government accountability. The continuing inability to investigate large-scale corruption scandals with ties to high-level politicians and their impunity has long frustrated the Slovak public.

Nevertheless, several important pieces of legislation were passed. The Whistle-blowers Protection Act became effective on 1 January 2015,¹⁷ after being postponed several times. The Act guarantees protection of whistle-blowers from employer retaliation. Several months after its passage, Transparency International Slovakia (TIS) revealed that only a small number of requests for protection or for suspension of an adverse employment action were filed.¹⁸ This could be due to low public awareness, as there was no large public campaign on how to report malpractice. In addition, the labour inspectorates in charge of implementing the act did not receive any additional funding or staff, and were insufficiently trained to take on their new role.¹⁹ Stakeholders generally agreed that a commitment to protect whistle-blowers was important, but existed largely on paper. Therefore, it is very positive that the commitment to raise awareness about this act was carried forward to the next action plan.

The Ministry of Justice prepared, and the government approved, an Anti-shell Act²⁰ aimed at reducing corruption involving shell companies. Shell companies have played a role in major Slovak corruption scandals, and several Slovak companies had ties to the Panamanian law firm, Mossack Fonseca. The act will require companies interested in public tenders to disclose their ownership structure in the public registry of beneficial owners. Many important opposition proposals have also been passed along (e.g., a person who notices incorrect or incomplete information in the public registry of beneficial owners will receive the same level of protection as a whistle-blower). However, stakeholders from CSOs were sceptical about its efficacy and suggested that it could be circumvented.²¹ For instance, a final beneficiary who owns less than a 1/4 stake in the company does not have to be identified.

The previous IRM Progress Report²² noted CSOs' concerns about the planned amendment to the freedom of information act potentially limiting requesters' rights. However, the draft legislation came to be approved by CSOs, since it included many improvements. However, the Ministry of Justice withdrew it from the government meeting and transposed the EU Public Sector Information Directive, which focuses on the economic aspects of information re-use, rather than the right to access government information. The withdrawal was due to substantial comments against the core principles of the act made by some ministries during the inter-agency review and public comment period²³ (see Commitment 22 and 24: Participatory Policy Making). While a chance to improve the act was missed, the conditions for requesters did not change.

Finally, it is important to note that the action plan was implemented a year before the 2016 parliamentary elections. Completing some of the commitments, especially those requiring legislative action, was difficult, if not impossible within the given time span.

Stakeholder priorities

Stakeholders agree that participation in OGP is important for Slovakia. Commitments widening access to information were particularly important. An advocate from Transparency International Slovakia (TIS) believes that the action plans have opened up discussions on issues, such as disclosing prosecutors' names.²⁴ That advocate and another from the Fair-Play Alliance also believe they encourage less cooperative public agencies to engage with stakeholders to complete the commitments, since the action plan is an officially binding document approved by the government.²⁵ For these reasons, all stakeholders thought OGP participation has benefitted the country.

Stakeholders further agree that the government should use the OGP platform to put forth ambitious commitments to help restore public trust in government and hold high-level public servants and politicians accountable. They believe this action plan focused on minor issues,

while failing to meaningfully tackle major challenges of public accountability. Many argue that emphasis should continue to be placed on commitments related to access to information, where success has already been achieved (such as, development of Data.gov.sk, and improvement in the Central Registry of Contracts).

Many stakeholders were concerned that the scope of the second action plan was too broad and fragmented.²⁶ They thought it was missing a clear strategy for achieving concrete and measurable improvements. Fewer, more ambitious commitments were more desirable. This was especially emphasized regarding the third action plan submitted for official public comment at the writing of this report. Regarding the third plan, one interviewee mentioned that including “too many commitments in different areas makes it easy for public agencies to cherry-pick tasks that are not too controversial, and easy to complete, as nobody expects them to complete all.”²⁷

Finally, it is the view of stakeholders that the Plenipotentiary needs more resources, both financial and human, to implement commitments.

Scope of action plan in relation to national context

Stakeholders believe that the national action plan should include commitments that set stronger standards for public accountability. Several stakeholders mentioned that adopting new legislation to achieve greater transparency, proactive information disclosure, or whistleblower protection makes a difference only if it they are implemented well. They concluded that, generally, Slovak legislation sets high standards, but are often circumvented or loosely enforced. Often there are no sanction mechanisms in place, and even when they are, they are not strictly followed. One of the stakeholders argued that unless high-level politicians are required to perceive ethics as a priority, “all plans and commitments, however well written, will only be on paper.”²⁸

¹ OECD, “Government at Glance 2015,” accessed 31 August 2016, <http://bit.ly/2bivY59>.

² European Commission, “EU Anti-Corruption Report, Slovakia Annex,” accessed 31 August 2016, <http://bit.ly/2bnhFRa>.

³ European Commission, “Special Eurobarometer 396: Corruption report,” accessed 31 August 2016, <http://bit.ly/2bfZhKe>.

⁴ European Anti-Fraud Office, “The OLAF report 2015,” accessed 31 August 2016, <http://bit.ly/2ajleKX>.

⁵ European Commission, “Country report – Slovakia 2016” (Commission staff working document), accessed 31 August 2016, <http://bit.ly/2bkqz1J>.

⁶ *The Slovak Spectator*, “Further ties between politicians and prosecutors and Bašternák revealed,” accessed 31 August 2016, <http://bit.ly/2aS97k>; Beata Balogova, “CT scandal rocks politics,” *The Slovak Spectator*, accessed 31 August 2016, <http://bit.ly/2bkGSdU>; Roman Cuprik, “Thousands demand stop to corruption in front of parliament,” *The Slovak Spectator*, accessed 31 August 2016, <http://bit.ly/2b1x9Hb>; *The Slovak Spectator*, “An octopus is plaguing Slovak health care,” accessed 31 August 2016, <http://bit.ly/2aXQwzi>; Michaela Terenzani, “Study uncovers possible cronyism,” *The Slovak Spectator*, accessed 31 August 2016, <http://bit.ly/2bkHD6M>; Michaela Terenzani, “Star EU won 70 out of 70 tenders it applied for,” *The Slovak Spectator*, accessed 31 August 2016, <http://bit.ly/2bD2T9k>.

⁷ Roman Cuprik, “Scandal persists as Kaliňák leaves questions unanswered,” *The Slovak Spectator*, 15 June 2016, <http://bit.ly/2pGluBe>.

⁸ Matus Burcik, “The investigation of the overpriced CT is impeded by prosecutors,” *SME.sk*, accessed 31 August 2016, <http://bit.ly/2bQwCah> (in Slovak).

⁹ Michaela Terenzani, “Spirko to remain on Basternak case,” *The Slovak Spectator*, accessed 31 August 2016, <http://bit.ly/2bAEnGe>.

¹⁰ Group of states against corruption and Council of Europe, “Evaluation report Slovak republic: Corruption prevention in respect of members of parliament, judges and prosecutors,” accessed 31 August 2016, <http://bit.ly/2b5HjSl>; European Anti-Fraud Office, “The OLAF report 2015,” accessed 31 August 2016, <http://bit.ly/2ajleKX>.

¹¹ Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016. See Section VI: Methodology and sources for details.

¹² The Government of Slovak republic, “The action plan for strengthening the rule of law in Slovakia,” approved by Government resolution no. 403/2015, accessed 31 August 2016, <http://bit.ly/2bnlFWv> (in Slovak).

¹³ Slovak Governance Institute, “Comments on the Action plan for strengthening the rule of law in Slovakia,” accessed 31 August 2016, <http://bit.ly/2beQrYE> (in Slovak).

¹⁴ The Government Office, “Robert Fico: The action plan for strengthening the rule of law in Slovakia is ever actual document,” accessed 31 August 2016, <http://bit.ly/2bv4HxI> (in Slovak).

¹⁵ Slovak Governance Institute, “Comments on the Action plan for strengthening the rule of law in Slovakia,” accessed 31 August 2016, <http://bit.ly/2beQrYE> (in Slovak).

¹⁶ Petr Bouda, Martin Fadrny, Michala Chatrna, Bartosz Kwiatkowski, Maria Zuffova, and Frank Bold, “Shedding Light on Public Contracts: The Register of Contracts in Public Spending Oversight,” accessed 16 September 2016, <http://bit.ly/2cZKzbf>.

¹⁷ SLOV-LEX (Legal and information portal), “Whistleblowers Act no. 307/2014 Coll.,” accessed 31 August 2016, <http://bit.ly/2b3GA98> (in Slovak).

¹⁸ Transparency International Slovakia, “Government’s protection of whistle-blowers is insufficient,” accessed 31 August 2016, <http://bit.ly/2b3MerA>.

¹⁹ Ibid.

²⁰ SLOV-LEX (Legal and information portal), “Law on Registry of Public Sector’s Partners (The Anti-Shell Act),” accessed 23 December 2016, (in Slovak).

²¹ Michaela Terenzani, “New law targets shell firms,” *The Slovak Spectator*, accessed 31 August 2016, <http://bit.ly/2b0kSB4>.

²² Matej Kurian, “Slovakia Progress Report 2012–13,” accessed 31 August 2016, <http://bit.ly/2aiJEfd>.

²³ SLOV-LEX (Legal and information portal), “Official Public Comment Period,” accessed 13 September 2016, <http://bit.ly/2bc4y4h>, (in Slovak).

²⁴ Interview with Samuel Spac (Transparency International Slovakia), 23 June 2016. See Section VI: Methodology and sources for details.

²⁵ Interview with Peter Kunder (Fair-Play Alliance), 20 June 2016. See Section VI: Methodology and sources for details.

²⁶ Interview with Samuel Spac (Transparency International Slovakia), 23 June 2016. See Section VI: Methodology and sources for details.

²⁷ Interview with stakeholder who wished to remain anonymous, 29 June 2016. See Section VI: Methodology and sources for details.

²⁸ Interview with Zuzana Caputova (Via Iuris), 29 June 2016. See Section VI: Methodology and sources for details.

V. General recommendations

Demonstrate more high-level political support of OGP and include more ambitious overarching goals in the next action plan.

The second national action plan served as an effective tool to push through useful, but minor changes. This may have been due to the lack of high-level political backing, which was mentioned repeatedly in interviews with stakeholders. The IRM researcher recommends the government to engage more in overseeing and enforcing implementation of OGP commitments. For this purpose, the first action plan committed to establish the Transparency and Open Government Council chaired by the prime minister and consisting of representatives of civil society, academia, and business¹. Nonetheless, the government later withdrew from it without any explanation. While it might not be necessary to create an additional council, government should demonstrate greater political support of OGP and enable inclusion of more ambitious overarching goals in the next action plan. For instance, it would be highly desirable if the prime minister or other high-level politicians attend at least some of the meetings of the Government Council for Non-Profit Organisations where OGP commitments are discussed. This is important, since national action plans should ultimately serve as a platform for pioneering new ideas and pushing through more complex and courageous institutional or procedural changes.

Guarantee and strengthen intra- and inter-agency cooperation.

Implementation of some of the commitments revealed that cooperation within and between agencies could be improved. The amendment of the Freedom of Information Act is an example how poor intra- and inter-agency cooperation could mar an otherwise well-planned participatory policymaking process. Commitments in open data also require the cooperation of different agencies. Standardizing inter-agency processes and setting minimum requirements for joint work could boost the implementation of commitments.

Provide additional funding for participation in OGP.

The Office of the Plenipotentiary is short of human and financial resources. Additional government funding for the office would help it better engage with the wider public to draft and monitor commitments.

Raise awareness of Slovak participation in OGP and present examples of best practices.

In Slovakia, awareness of OGP and the outcomes of national action plans is low. Except for the OGP launch in Slovakia in 2011, the media have reported on the multilateral initiative and its outcomes very scarcely. For instance, there has been no larger campaign on the Whistle-blowers Act or the national open data portal, Data.gov.sk. Greater promotion of the results achieved in Slovakia through OGP is important.

Continue pursuing the open data agenda and encourage open data use.

The national open data portal, Data.gov.sk, was launched as a result of the first action plan and improved upon during implementation of the second. However, most datasets in high demand from the public have not been published.² Public access to information can be improved by publishing more datasets that are useful and usable. In addition, the government could demonstrate more effort in measuring demand and current usage, and building a community around the open data portal. The open data agenda could go hand in hand with anti-corruption measures, such as fostering the right to government information, to achieve greater transparency and accountability.

Guarantee ownership of open education agenda.

Slovakia was one of the few countries to recognize the value and potential of open educational resources (OER) in its OGP national action plan.³ The results of many OER commitments have been mixed, however. The conclusions suggested that the Ministry of Education does not have strong ownership of this topic nor a clear vision as to where and how it wants to move forward in this area. OER could tackle the problem of the lack of high quality educational resources facing the ministry.⁴ To guarantee strong leadership in this area, the Ministry of Education should devote more attention to OER by assigning it to a specific unit and staff within the ministry, and evaluate performance in this area regularly.

Table 5.1: Top Five SMART Recommendations

1.	• The government should standardize inter-agency processes and set minimum requirements for inter-agency co-operation.
2.	• The government should demonstrate greater support of the Office of the Plenipotentiary by providing it with additional resources for participation in OGP.
3.	• The Office of the Plenipotentiary should launch an awareness-raising campaign targeted at the wider public, and promote important OGP results that affect the everyday lives of Slovak citizens, such as the Whistleblowers Act.
4.	• The newly-created Office of the Deputy Prime Minister for Investments and ICTs should strengthen the open data agenda by providing data in high public demand, organizing hackathons, and encouraging open data use.
5.	• The Ministry of Education should strengthen ownership of the open education agenda by assigning a unit within the ministry to be responsible for all open education and research related tasks, and evaluating its performance regularly.

¹ The Office of the Plenipotentiary, “Open Government Partnership Action Plan of the Slovak Republic 2012-2013,” accessed 25 September 2016, <http://bit.ly/2bkVI82>, see commitment 18.

² According to the survey conducted by the Office of the Plenipotentiary the most demanded datasets are land registry, election results, census data, business registry, registry of addresses, trade registry, road accident data, crime data, timetables for public transport, postal codes, and pollution data. So far only election results, census data, registry of addresses, and some crime data have been published.

³ The Office of the Plenipotentiary, “Open Government Partnership Action Plan of the Slovak Republic 2015,” <http://bit.ly/1qRFS4b> (both in Slovak and English).

⁴ Michal Rehus, The Institute of Educational Policy at the Ministry of Education, “Bound textbooks” (2016), accessed 16 September 2016, <http://bit.ly/2d6nPFn>.

VI. Methodology and sources

Well-respected governance researchers based in each OGP-participating country write the IRM Special Accountability Report. All IRM reports undergo a process of quality control to ensure the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants — governmental or nongovernmental — is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Each report undergoes a 4-step review and quality control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole
3. Pre-publication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report

This review process, including the procedure for incorporating comments received, is outlined in greater detail in section III of the Procedures Manual¹.

Interviews and focus groups

Each IRM researcher is required to hold at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means might be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

The IRM researcher organized two public information gathering focus groups in Bratislava. She ensured that they were homogenous (consisting mostly of CSO representatives) so that participants could speak freely and openly. In Slovakia, CSO specializations are rather narrow, hence, the pool of experts available and willing to evaluate implementation of OGP commitments is limited. Moreover, most those who accepted invitations had already been involved in the development of the action plan, a point that should be considered when reading the report and their stances. Owing to the small number of experts in different areas of the national action plan, it was difficult to identify additional specialists who were not involved in OGP in any way. The IRM researcher tried to balance this by surveying and interviewing experts, and holding one more public information gathering event than that

required for this report. The focus groups dealt with two large areas of the national action plan (i.e., open data and participatory policymaking). Below is a list of attendees, information on data and location of the focus groups, and a short synopsis.

Focus group 1- Open data, Bratislava, 21 June 2016

The following experts participated in the consultation:

Mr. Gabriel Lachmann, EEA, s.r.o., Slovensko.Digital and Utopia.sk
Mr. Jan Suchal, Minio, s.r.o. and Slovensko.Digital
Mr. Martin Tuchyna, Slovak Environmental Agency
Mr. Martin Turcek, Stop Corruption Foundation (Zastavme korupciu)
Mr. Peter Hanecak, EEA, s.r.o., Opendata.sk and Utopia.sk
Mr. Stefan Szilva, independent IT consultant

The interviewees were very knowledgeable about most of the open data commitments, since they actively cooperated with the Office of the Plenipotentiary in developing and even implementing some of the commitments. The discussion focused on two main applications — the national open data portal, Data.gov.sk, and the EU funds and subsidies portal (MDS).²

Participants welcomed the continuity in open data commitments and generally agreed that progress had been made in this area. However, they emphasized that key datasets identified as being in demand were still missing from the portal. They argued that open data should be a higher priority for the government and that greater coordination was needed, especially since competencies and responsibilities were fragmented among several different agencies. Participants were all aware of the limited resources and competencies of the Office of the Plenipotentiary, hence, they advocated engaging potential users of published data and stressed the need for more hackathons co-organized by public agencies.

Most attendees had no information about the EU funds and subsidies portal. Only one participant had had a close look at the portal and found it of little use to his work as an activist. Data structure and granularity are poor, and a key piece of information (e.g., identifier, legal form, and addresses of subsidy's provider and recipient) is missing. The discussion during the focus group also touched upon e-petitions, which were debated in greater detail during the focus group on participatory policy making.

The following other face-to-face interviews were conducted:

- An interviewee who wished to remain anonymous, 14 July 2016
- Representatives of the National Agency for Network and Electronic Services, Bratislava, 4 August 2015
- Mr Peter Kunder, Fair-Play Alliance, Bratislava, 20 June 2016

Available documents corroborated the evidence gathered from the focus groups and interviews. In addition, a few clarifying questions were addressed to the National Agency for Network and Electronic Services.

Focus group 2 – Participatory Policy Making, Bratislava, 29 June 2016

The following experts participated in the consultation:

Mr Marcel D. Zajac, Centre for Philanthropy and Government Council for Non-Profit Organisations
Mr Stefan Szilva, independent IT consultant
Ms Zora Pauliniova, Partners for Democratic Change Slovakia
An interviewee who wished to remain anonymity

The discussion focused on four main issues: participatory policy making processes and their evaluation, public service training in participatory policy making, e-petitions, and law-making public participation rules. The extent of knowledge of Slovakia's participation in OGP and its second action plan varied among experts. Some had more complex knowledge of OGP

beyond the commitments related to participatory policy making and were able to discuss the development of the action plan and consultation process. They all agreed that, despite its limited resources, the Office of the Plenipotentiary managed to organize open and transparent consultations with a wide range of relevant stakeholders. Still, they mentioned that interest was low. They stressed that OGP needs greater political support and the high-level politicians should subscribe to OGP values.

While they welcomed the continuity in commitments related to participatory policy making, one person emphasized that other issues were more pressing and needed attention, such as the low trust in government and institutions, the high perception of corruption, and resurgent nationalism and xenophobia. Everyone agreed that several of the participatory policy making processes within OGP commitments were conducted very professionally, and were open and transparent, but failed due to poor intra-agency and inter-agency cooperation. They argued that public servants participating in working groups should have a strong mandate. They believed that participatory policy making training for public servants was an opportunity to deconstruct some of its myths and encourage public servants to engage citizens. Evaluations of participatory policy making processes were a positive development. One participant considered the government self-assessment questionnaire highly subjective, and stressed the need for an external feature in evaluations. Focus group participants did not see the advantage of e-petitions over standard petitions, and considered the threshold of 15,000 signatures (required to be collected within 30 days) as unnecessarily high. They welcomed the adoption of the Act on Law-making, but criticised the Government Legislative Rules, which set rules for drafting, proposing, and discussing legislation, and government regulations. Finally, they raised the issue that CSOs simply did not have the resources to take part in future participatory policy making processes.

To gather information on commitments in area of the judiciary the IRM researcher conducted the following face-to-face interviews:

Dr Juraj Palus, Ministry of Justice, Bratislava, 18 July 2016

Mr Samuel Spac, Transparency International Slovakia, Bratislava, 23 June 2016

Ms Zuzana Caputova, Via Iuris, Pezinok, 29 June 2016

The IRM researcher also consulted Dr. Martin Husovec, Assistant Professor in Law at the University of Tilburg, the Netherlands, on licensing issues related to open educational resources and open access. This component of the action plan was also discussed with Dr. Jan Gondol, who previously coordinated OGP's agenda at the Office of the Plenipotentiary. The IRM researcher conducted the following face-to-face interviews with representatives of the Ministry of Education IT section, to gain information on commitments in this area:

Mr Martin Hornak, Ministry of Education, 11 August 2015

Mr Martin Janacek, Ministry of Education, 11 August 2015

The IRM researcher also filed a freedom of information request with the Ministry to obtain additional information.

Finally, the IRM researcher met with officials from the Office of the Plenipotentiary to discuss all stages of the national action plan – its development, implementation, and evaluation (i.e., the government self-assessment report). Below is a list of attendees, information on data and place of the meeting, and a short synopsis.

Meeting at the Office of the Plenipotentiary – National Action Plan, 19 July 2016

The following representatives participated in the meeting:

Mr Bystrík Antalík

Ms Iveta Ferciková

Mr Martin Giertl

Mr Milan Andrejkovic

Ms Skarlet Ondrejčáková

Representatives of the Office of the Plenipotentiary met with the IRM researcher several times throughout the implementation period to inform her of developments. This larger meeting in July was held to assess the progress of individual commitments at the end of the implementation period, and to discuss a few ambiguities in the government self-assessment report as well as conflicting statements from representatives of CSOs and public agencies. The meeting also served as an opportunity to discuss the office's priorities and capacities. The Office of the Plenipotentiary acknowledged its limited media presence and few OGP awareness-raising activities, but stated that it had not been allocated additional funds for its OGP work. It believed that the execution of the agenda was far more important than its public relations activities, given its available budget.

Survey-based data

The IRM researcher conducted two surveys, which yielded qualitative information on specific clusters of commitments. The first sought to ascertain how public servants trained in participatory policy making (commitment 23) perceived the training. A short questionnaire was sent to all the relevant ministries.³ The response rate was high and the feedback largely positive. All but the Ministry of Defence responded to the questionnaire. The second survey addressed seven education experts, five of whom responded.⁴ They all had limited knowledge about OGP and its open education and open access commitments. Nonetheless, they applauded the commitments (given the low awareness of copyright issues among teachers and students) and the benefits of open educational resources.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is

- Hazel Feigenblatt
- Hille Hinsberg
- Anuradha Joshi
- Ernesto Velasco
- Mary Francoli
- Jeff Lovitt
- César Nicandro Cruz-Rubio
- Brendan Halloran
- Showers Mawowa
- Fredline M'Cormack-Hale

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ Link to procedures manual: <http://opengovpartnership.org/about/independent-reporting-mechanism/about-irm>

² <https://data.gov.sk/dotacie>.

³ <http://bit.ly/2dhtAB8>.

⁴ <http://bit.ly/2cXpSNp>.

VII. Eligibility Requirements Annex

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Table 7.1: Eligibility Annex for Slovakia

Criteria	2012	Current	Change	Explanation
Budget transparency ²	4	4	No Change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information ³	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (9.12) ⁵	4 (8.53) ⁶	No change	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	16/16 (100%)	16/16 (100%)	Increase	75% of possible points to be eligible

¹ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

² For more information, see Table I in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

³ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections>, and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

⁴ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), accessed <http://bit.ly/19nDEfK>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009* (OECD, 2009), accessed <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), accessed <http://bit.ly/1cl0kyf>. For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.

⁵ The Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010), <http://bit.ly/eLC1rE>.

⁶ The Economist Intelligence Unit, Democracy Index 2014: Democracy and its Discontents (London, 2014), <http://bit.ly/18kEzCt>.