

Independent Reporting Mechanism (IRM): Slovakia Design Report 2019–2021

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Executive Summary: Slovakia

Slovakia’s fourth action plan focuses on open data and civic participation in several policy areas. A transformative commitment on beneficial ownership transparency will substantially increase the amount of this information publicly available. The co-creation process was open and inclusive with opportunities for civil society to make proposals and receive feedback from government. The multi-stakeholder forum could be formalized, and the next plan could contain commitments tackling corruption issues that have become apparent in recent years.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Slovakia joined OGP in 2011. Since, Slovakia has implemented three action plans. This report evaluates the design of Slovakia’s fourth action plan.

General overview of action plan

Slovakia’s 2019-2021 action plan was adopted shortly before a new government coalition came to power in March 2020. They won the election with a strong anti-corruption focus and have expressed support for the OGP process. Slovakia has a track record of commitments on open data, open education, and open science which continue into this action plan. This action plan also builds on previous measures like beneficial ownership transparency.

Similar to the previous action plan development, the co-creation process was open and inclusive, with multiple opportunities for stakeholder engagement. Despite being a key IRM recommendation, the multi-stakeholder forum was not formalized, but there were consultation meetings and working groups with equal representation of public administration and civil society. Numerous events and meetings enabled ongoing dialogue between government and civil society. The Office of the Plenipotentiary incorporated suggestions from civil society and the public where possible and provided reasons where this was not feasible. Recommendations from the latest IRM Design Report were also considered, such as having a more focused action plan with fewer commitments.

The fourth action plan has far fewer commitments than the previous one, and most of these commitments (91 percent) are relevant to OGP values of access to information or civic participation. The plan’s 11 commitments cover topics such as publishing data on the functioning of government, making more scientific and educational resources publicly available, participation in policymaking, and supporting engagement in EU structural funding programs. There is one transformative commitment about beneficial ownership that will collect and publish information on beneficial owners of all legal entities, not just those which receive public money.

Table 1. At a glance
 Participating since: 2011
 Action plan under review: 4 (2019-2021)
 Report type: Design
 Number of commitments: 11

Action plan development
 Is there a multistakeholder forum: Yes
 Level of public influence: Collaborate
 Acted contrary to OGP process: No

Action plan design
 Commitments relevant to OGP values: 10 (91%)
 Transformative commitments: 1 (9%)




Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
2. Publish open government data and APIs	The Office of the Deputy Prime Minister for Investments and E-government could provide assistance and guidance to implementing institutions to facilitate and ensure the publication of minimum mandatory datasets for proactive publication.	Note: this will be assessed at the end of the action plan cycle.
4. Ensure full disclosure of beneficial ownership data	The beneficial ownership information contained in the public registers needs to be continually checked for consistency and quality as Slovakia has committed to make this data available as high-quality open data. To facilitate greater usability and monitoring, the registers could be actively interconnected with other relevant government registers and datasets.	Note: this will be assessed at the end of the action plan cycle.
5. Support the creation and maintenance of educational resources online	The Ministry of Education could ensure targeted training of teachers and users of open educational resources. Efforts could be made to make open educational resources available in minority languages.	Note: this will be assessed at the end of the action plan cycle.

Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five KEY IRM Recommendations

Establish the formal multi-stakeholder forum, develop and publish its mandate with the participation of public administration, civil society, academia, and business representatives.
Engage high-level government representation with decision-making authority from the government in the working groups.
Strengthen access to information by improving the Freedom of Information Act (FOIA), establishing an independent oversight body that monitors the application practice, and publishing data in high demand in open formats.
Develop effective and non-partisan measures that ensure transparency and oversight measures in judicial and prosecution reform.
Ensure that the beneficial ownership data published on the Register of Legal Entities, Entrepreneurs and Public Authorities meet the highest international standards and connect the register with the Register of Public Sector Partners.

ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



Mária Žuffová collaborated with the IRM to conduct desk research and interviews to inform the findings in this report. Mária is a researcher interested in comparative politics, substantively in the effects and use of government information, and the relationship between digital technologies, media, and politics. She holds a Ph.D. in Politics from the University of Strathclyde in Glasgow and an M.A. in Public Policy from Central European University in Budapest.

I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

Slovakia joined OGP in 2011. This report covers the development and design of Slovakia's fourth action plan for 2019 - 2021.

The Independent Reporting Mechanism of OGP has partnered with Mária Žuffová to conduct this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Slovakia

Slovakia's newly elected government in 2020 has pledged to continue OGP activities. There is room for improvement according to indicators on transparency and civil liberties in Slovakia, despite modest improvements in recent years. The action plan features a commitment to provide better and more centralized access to information on companies' beneficial owners, which is a reform that has already attracted significant international interest.

Slovakia is a parliamentary democracy and is continuously ranked as a free country by Freedom House.¹

Since adopting the action plan, Slovakia held a general election on 29 February 2020. A new government came to power on 21 March in a four-party coalition including three parties that had never been in government before. The new Government Manifesto has pledged to continue OGP activities and maintain the Office of the Government Plenipotentiary for the Development of Civil Society (Office of the Plenipotentiary) that is responsible for the OGP agenda in Slovakia.²

Regarding COVID-19, five days into a state of emergency, a new prime minister emerged with no previous experience in government. Slovakia has managed the contagion exceptionally well in terms of the numbers of reported infections and deaths arising from the epidemic, and the international press³ mentioned it as an example of good practice, although many of the measures were introduced in a chaotic manner. Preventative measures were introduced early on when just a few patients had been identified. However, this was achieved at the cost of human rights and civil liberties restrictions, as a legal scholar⁴ concluded, with the imposition of tougher restrictions than in most other EU member countries. Foreigners without a valid permanent or temporary residence permit in Slovakia were prohibited from entering the country.⁵ The enforcement at the border of mandatory quarantine in often substandard accommodation – on Slovak citizens returning to their immediate family and foreigners with a valid permanent or temporary residence permit – might have led to some being infected in the quarantine accommodation and their return home further delayed. Hundreds protested at the borders at being denied entry despite having no symptoms of COVID-19.⁶ On the other hand, there were also some positive examples of collaboration between government and civil society, such as the central state website korona.gov.sk, which was developed in a participatory spirit and provides guidance and daily data related to COVID-19.⁷ There have been no legal changes to access to information in response to the pandemic. The use of digital technologies for tracking COVID-19 patients, operated by private companies, has raised privacy concerns.⁸

Access to information and Open Data

Slovakia's Freedom of Information Act (FOIA) scores 68 points out of 150 in the Global Right to Information Rating.⁹ The FOIA has clear and simple requesting procedures, and short timeframes to respond to requests (eight working days and another eight in case of the need for an extension). However, the lack of an independent oversight body means there are weak mechanisms for appeals and monitoring compliance. Requesters can only appeal decisions in court.¹⁰

While initiatives over the past few years have failed to amend the FOIA, and its amendment is not included as a commitment in the action plan, the new coalition government has committed in its Manifesto to amend the law.

The 2016 Global Open Data Index gave Slovakia a 47 percent score (stating that 20 percent are fully open), which secured it 32nd place out of the 94 countries and territories surveyed.¹¹ Slovakia scored 44 out of 100 according to the 2016 Open Data Barometer.¹² Slovakia performed well in publishing key national statistical data on demographic and economic indicators, and procurement data in open formats.

Several factors have contributed to successes in open data. First, civil society in this area has been very active since slovensko.digital was established in 2015. It has quickly become a recognized leader and expert on the topic. Public servants have stated in previous reports¹³ that they collaborate with them and seek their advice on a regular basis. Second, the creation of the Office of the Deputy Prime Minister

for Investments and E-government in 2016 contributed to a more focused and coordinated approach to the e-government agenda more broadly. Prior to that, competencies were fragmented and hindered the successful implementation of some commitments.¹⁴

Civil liberties

Freedom House's 2020 Freedom in the World report states that civil liberties are generally protected in Slovakia.¹⁵

Freedom of assembly is constitutionally guaranteed¹⁶ and governed by the Act on the Right of Assembly.¹⁷ Public demonstrations have increased in size and frequency following the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová, an archeologist, in 2018. Civil society representatives and academics interviewed for the previous Design Report¹⁸ agreed that protests organized by civil society organization Za slušné Slovensko (For a Decent Slovakia),¹⁹ represented a major event in Slovakia and demonstrated a strong sense of civic engagement in the country and demand for greater government accountability. However, police investigations targeting the protest organizers have been perceived as a way of intimidating them.²⁰

As for media freedom, Slovakia's score in the World Press Freedom Index²¹ slightly worsened from 2018 to 2019, although since then, the two accused of murdering Kuciak and Kušnírová were found guilty.²² Relations between the government and the media improved under Peter Pellegrini as Prime Minister (who took office on 22 March 2018 after the fall of his party colleague, Robert Fico, in the wake of the protests over the murders of Kuciak and Kušnírová, and remained in office until 20 March 2020), however, the editorial independence of public broadcasting service RTVS continued to be undermined by political pressure.²³

Although minority rights are legally protected in Slovakia, there are still challenges in ensuring equal representation of their voices in practice. As mentioned in previous IRM reports,²⁴ although *de jure* the Roma minority has full political rights, *de facto* they are poorly represented and are structurally disadvantaged in participating in public life. Addressing the segregation of Roma communities has been identified as a priority in several European Commission policy documents,²⁵ but it still remains a major problem in Slovakia. In its latest report,²⁶ the Office of the Public Defender of Rights identified several human rights infringements against Roma, such as segregating Roma children in schools by placing them in ethnically homogenous classes. Also, several cases of police brutality against the community were documented in the past²⁷ and still occur.²⁸ Local and international human rights organizations also criticized how the compulsory quarantine of Slovak Roma settlements during the COVID-19 pandemic was handled.²⁹ Three MPs of Roma ethnicity³⁰ were elected to the parliament in 2020.

People who identify as LGBT+ are also poorly represented in high-level politics, and Slovakia does not recognize same-sex partnership or civic unions. The Office of the Public Defender of Rights³¹ concluded that they face discrimination, such as having fewer rights than heterosexual couples. There have been cases where third country nationals who are partners of Slovaks have been refused permanent residency and eventually forced to leave the country. The Public Defender of Rights also noted several efforts to limit women's reproductive rights took place in the past term of office. The report was recently presented in Parliament, but MPs refused to acknowledge its findings.³² Some members of parliament, in particular, those representing the far-right Kotlebovci (People's Party Our Slovakia), verbally attacked Roma and LGBT+ people in the past and also during the recent election campaign.³³

At the 2020 elections, Hungarian minority (or, since 2010, predominantly Hungarian minority) parties lost representation in the parliament for the first time since Slovakia's independence, which came into effect on 1 January 1993.

On 16 March 2020, the government declared a limited (maximum of 90 days) state of emergency in the healthcare system in response to COVID-19.³⁴ As a result, freedom of movement and freedom of assembly were restricted. Slovak citizens arriving from abroad were forced to stay in 14-day state quarantine facilities run by the Ministry of Interior. Political leaders also created an *othering* narrative suggesting that foreigners and Slovaks coming back represented a threat.³⁵ Sport, cultural, and social

events were prohibited, which also affected religious groups.³⁶ CSOs emphasized that greater attention must be devoted to the needs of vulnerable groups, such as marginalized Roma communities (whole settlements were forced to go into quarantine).³⁷

Consultation and participation in policymaking

Slovakia has many formal procedures in place to enable participation, and all legislative proposals submitted to the government require prior consultations. The Government's Legislative Rules adopted in 2016 introduced the publication of the *preliminary information*, which requires brief information on the developed draft law (such as the law's aims and how civil society was engaged in its development) to be published well in advance on the legal and information portal Slo-lex to inform the public. Legislative proposals are also subject to the official comment period, which normally lasts 15 days and is facilitated on Slo-lex. An important platform that represents civil society's interests before the state is the Government Council for CSOs, chaired by the Office of the Government Plenipotentiary for the Development of Civil Society.

Anti-corruption and accountability

Corruption is perceived as the third major problem in the country³⁸ despite a number of anti-corruption laws. The anti-corruption fight was also the leitmotif of the election campaign of OĽaNO party,³⁹ which won the 2020 general election receiving 25 percent of all votes.⁴⁰ Over the past few years, Slovakia has sustained a stable position (of 50-51 out of 100 points) in the Transparency International Corruption Perceptions Index⁴¹ which places it in the top half globally, but in the bottom half of the Western Europe and EU region in terms of perceived corruption.

Slovakia's performance in punishing *smaller* bribery cases – below €500 – has significantly improved⁴² according to a recent Transparency International Slovakia (TIS) report.⁴³ However, as mentioned in the previous Design Report,⁴⁴ dealing with grand corruption still presents a challenge. In 2017, two former ministers were successfully sentenced to prison for corruption in a public procurement case dating back to 2007. In 2020, 13 judges were arrested on suspicion of corruption, influencing the judgments and hindering justice.⁴⁵ Some commitments in previous action plans have helped to increase transparency in the judiciary. As a result of Commitment 53 in the previous action plan, qualitative evaluations of judges were made publicly available and provided useful information on the network of judges potentially engaged in the latest corruption scandals. In addition to judiciary, corruption allegations also emerged in the Prosecutor General's Office. Dobroslav Trnka, former Attorney General, is suspected of taking bribes from Marián Kočner, who is also accused of the Kuciak and Kušnírová murders.⁴⁶

The most notable anti-corruption reform introduced in recent years, but outside of OGP, was the Act on the Register of Public Sector Partners,⁴⁷ which created the legal framework for launching Slovakia's beneficial ownership register⁴⁸ in 2017. Compared to the previous version of the act that concerned only companies that participate in public procurement, the new version extended the obligation to register in the newly established Register of Public Sector Partners⁴⁹ and disclose beneficial owners to any public sector partners in receipt of public money.⁵⁰ The legislation includes robust sanction mechanisms if inaccurate information is provided in the register. In addition, every application for registration is checked by the District Court of Žilina, which is the registering authority and can refuse the application if it does not meet the conditions stated in the act. Slovakia was one of the first countries in Europe to launch the register, and the reform has already seen some results. In particular, it helped investigative journalists and anti-corruption CSOs disentangle the ownership structure of companies doing business with the state and revealed some politicians were in conflict of interest. Several examples are mentioned in the analysis of Commitment 4.

As part of the previous OGP action plan, the Whistleblowers Protection Act was amended in 2019 to establish a new public agency safeguarding whistleblowers and to specify appeal mechanisms against decisions where protection was not granted. The amendment was generally well-received and on paper strengthened whistleblowers' protection; however, the head of the new agency has not yet been appointed.

In terms of asset declarations in Slovakia, both public officials and administration declare assets (income, real estate, other tangible personal property, money). However, as mentioned in the previous Design

Report⁵¹, “Slovakia does not have a separate agency managing asset declaration data. The membership in the Committee on Conflicts of Interest is exclusive to members of parliament, and thus a risk of politicized decisions being taken is high”.

Budget transparency

The state of budget transparency in Slovakia continues to be problematic, as the government does not publish enough material to support informed public debate on the budget. The International Budget Partnership’s (IBP) 2019 assessment gives Slovakia 60 points out of 100.⁵² The IBP identifies civic participation as a major limitation as Slovakia performs lower than the OECD and global averages. The key recommendations for the government are to create more opportunities for the public to engage in budget formulation, monitor implementation, and participate in audit investigations.⁵³

¹ Freedom House, Freedom in the World 2020 report on Slovakia, <http://bit.ly/39zMj3q>

² Government Office, The 2020 – 2024 Government Manifesto, page 17, <https://rokovania.gov.sk/RVL/Material/24756/1> (in Slovak).

³ Yasmeen Sehran, The Atlantic, Lessons From Slovakia—Where Leaders Wear Masks, <https://bit.ly/2ZPG> and Shaun Walker and Helena Smith, the Guardian, Why has eastern Europe suffered less from coronavirus than the west?, <https://bit.ly/3gwplOu>

⁴ Max Steuer, IACL-AIDC Blog, Slovak Constitutionalism and the COVID-19 Pandemic: The Implications of State Panic, <https://bit.ly/2ZVBs11>

⁵ Ministry of Foreign and European Affairs of the Slovak Republic (Ministerstvo zahraničných vecí a európskych záležitostí SR), Entrance of foreigners into Slovakia (Vstup cudzincov na územie SR), <https://bit.ly/3gxnclP>

⁶ Aktuality.sk, Repatrianti blokujú v Jarovciach diaľnicu D4 (Repatriates are blocking the D4 motorway in Jarovce), 22 May 2020, <https://bit.ly/2Wmh8ny> (in Slovak).

⁷ Office of the Deputy Prime Minister for Investments and E-government, Nový web korona.gov.sk je ukázkovým príkladom spolupráce štátu a IT komunity (New web korona.gov.sk is an exemplary case of collaboration between state and IT community), <https://bit.ly/3aOqv40> (in Slovak).

⁸ The Financial Times, Slovakia to track coronavirus victims through telecoms data, <https://on.ft.com/3ey0dFk>, and Nina Hrabovská Francelová, The Slovak Spectator, Green light for government to collect data from mobile phones to halt the virus, <https://bit.ly/3docAUg>

⁹ Access Info Europe and Centre for Law and Democracy, Global Right to Information Rating, <https://www.rti-rating.org/country-detail/?country=Slovakia>

¹⁰ Ibid.

¹¹ Open Knowledge International, Global Open Data Index 2016, <https://index.okfn.org/place/>

¹² World Wide Web Foundation, Open Data Barometer 2017, <http://bit.ly/2Pse2Np>

¹³ Ibid.

¹⁴ Mária Žuffová, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Ws>

¹⁵ Freedom House, Freedom in the World 2020, <https://freedomhouse.org/country/slovakia/freedom-world/2020>

¹⁶ Slov-lex (Legal and information portal), Ministry of Justice, Ústava Slovenskej republiky č. 460/1992 Zb. z. (The Constitution of the Slovak republic no. 460/1992 Coll.), Article 28, <http://bit.ly/32VfgnQ> (in Slovak).

¹⁷ Slov-lex (Legal and information portal), Ministry of Justice, Zákon č. 84/1990 Zb. o zhromažďovanom práve (The Act no. 84/1990 Coll. on the Right of Assembly), <http://bit.ly/2vKioXD> (in Slovak).

¹⁸ Mária Žuffová, Open Government Partnership, IRM: Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>. Surveys for representatives of CSOs, academia, and the private sector, <http://bit.ly/tretisektor>, and <http://bit.ly/politickykontext> (in Slovak).

¹⁹ Za Slusne Slovensko, <https://zaslusneslovensko.sk/> (in Slovak).

²⁰ The Slovak Spectator, *UPDATED: Police investigate protest organizers over Soros allegations*, 13 November 2018, <http://bit.ly/2LkbU5g>

²¹ Reporters Without Borders, 2019 World Press Freedom Index: Slovakia, <https://rsf.org/en/slovakia>

²² Kristína Garaiová, Aktuality.sk, *Kuciak's murder trial: The killer has confessed. Accused mastermind didn't*, 12 January 2020, <https://bit.ly/3eUYniK>

²³ Reporters Without Borders, Journalists at Slovak public broadcaster feel pressure and fear it will grow ahead of the election, <http://bit.ly/2vCYNcl>, and Transparency International Slovakia, *Po TASR pomáha Rezník Dankovi aj v RTVS (Rezník now helps Danko also in RTVS not only in TASR)*, <http://bit.ly/2TPFqUS> (in Slovak).

²⁴ Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Ws> and IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

²⁵ The European Commission’s European Platform for Roma inclusion and its meetings minutes. <https://bit.ly/2AYmoWG>, or European Union Agency for Fundamental Rights (2014). *Education: the situation of Roma in 11 EU Member States: Roma survey – Data in focus*, <https://bit.ly/3cSza1F>

²⁶ Office of the Public Defender of Rights, Report of the activities of the Office of the Public Defender of Rights, <https://bit.ly/2A3gyTF>

²⁷ European Parliament, Parliamentary questions, Subject: Police brutality against Roma, 23 March 2018, <https://bit.ly/2ZyXAib>

²⁸ Matúš Burčík, The Slovak Spectator, *Inspectorate deals with police intervention against Roma children in Krompachy*, 29 April 2020, <https://bit.ly/2zrVp9C>

²⁹ Angel Krasimirov, Reuters, *Rights group criticises quarantine of Roma settlements in Bulgaria and Slovakia*, <https://reut.rs/2LTRFwi>

³⁰ These elected MPs are Jarmila Vaňová, Peter Pollák ml. a Ján Herák.

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- ³¹ Office of the Public Defender of Rights, Report of the activities of the Office of the Public Defender of Rights, <https://bit.ly/2A3gyTF>
- ³² The Slovak Spectator, MPs fail to acknowledge ombudswoman's report. President disagrees with such an approach, <https://bit.ly/2ZAIt93>
- ³³ For instance, Milan Mazurek, MP for the far-right Kotlebovci – People's Party Our Slovakia (Kotlebovci - ĽSNS) lost a seat in parliament due to a court ruling, which found him guilty of racist comments against the Roma. The Slovak Spectator, *Far-right MP Mazurek found guilty. He will lose his seat*, 3 September 2019, <https://bit.ly/2y2dpCW>
- ³⁴ The Slovak Spectator, State of emergency over coronavirus. What does it mean? (Q&A), <https://bit.ly/2XOr5KQ>
- ³⁵ Facebook posts of the Prime Minister, for example 8 and 9 April 2020, 1 May 2020, <https://bit.ly/2yOQF9H> (in Slovak).
- ³⁶ Office of Public Health Care (Úrad verejného zdravotníctva), Justification behind banning masses and other religious ceremonies (Zdôvodnenie zákazu svätých omší a usmernenie ostatných cirkevných obradov), <https://bit.ly/3eAnrdQ>
- ³⁷ Facebook posts by the Centre for the Research of Ethnicity and Culture CVEK, <https://bit.ly/2Ubf18f>, and A joint call for protection of vulnerable groups during the COVID-19 pandemic, <https://bit.ly/36MclKl>, and Martin Husovec, dennikn.sk, Good and bad news about state surveillance (Dobré a zlé správy o sledovaní občanov na Slovensku), <https://bit.ly/3cjO45o> (in Slovak).
- ³⁸ Transparency International Slovakia, Korupcia je pre občanov top problémom Slovenska (Corruption is the top problem for Slovak citizens), <http://bit.ly/2TuR74n> (in Slovak).
- ³⁹ OĽaNO, Program 2020 – Úprimne, odvážne, pre ľudí (Party manifesto 2020 - Honestly, courageously, for people) 2020, Časť A.1 Boj proti korupcii (section A.1 – Fight against corruption), page 16, <http://bit.ly/2VTb72y> (in Slovak).
- ⁴⁰ Statistical Office, The election 2020, Final results, <https://bit.ly/2XgJcZE>
- ⁴¹ Transparency International, Corruption Perception Index, <https://www.transparency.org/cpi2019>
- ⁴² Transparency International Slovensko, Slovensku sa podaril pomerne veľký krok v boji proti korupcii – rozhovor s Martinom Šusterom (Slovakia has made a relatively big step in the fight against corruption - interview with Martin Šuster), <http://bit.ly/2TxNXwV> (in Slovak).
- ⁴³ Transparency International Slovensko, Slovensko opäť kleslo v rebríčku vnímania korupcie (Slovakia's position in CPI has repeatedly dropped), <http://bit.ly/38skMjb> (in Slovak).
- ⁴⁴ Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>
- ⁴⁵ Zuzana Gábrižová, Euroactiv.com, Bratislava – Operation Storm, 13 detained judges, <https://bit.ly/3aacrBw>
- ⁴⁶ Ján Debnár, Aktuality.sk, Trnka si ako generálny prokurátor nechal nadávať od Kočnera. Správal sa ako šéf. (Attorney General Trnka let Kočner scold him. Kočner acted like a boss), <https://bit.ly/2B6BzxC> (in Slovak).
- ⁴⁷ Slov-lex (Legal and information portal), Ministry of Justice, Zákon č. 315/2016 Z. z. o registri partnerov verejného sektora a o zmene a doplnení niektorých zákonov (The Act no. 315/2016 Coll. on the Register of Partners of the Public Sector), <http://bit.ly/2B71EbM> (in Slovak).
- ⁴⁸ Ministry of Justice, Beneficial ownership register, <https://rpvs.gov.sk/rpvs>
- ⁴⁹ Ministry of Justice, Beneficial ownership register, <https://rpvs.gov.sk/rpvs> (in Slovak).
- ⁵⁰ The exact definition of public sector partner is set in the legislation. The threshold in the legislation was a receipt of more than EUR 100,000 in a single instalment or a total of more than EUR 250,000 per calendar year in the case of repeated remuneration.
- ⁵¹ Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>
- ⁵² International Budget Partnership, Slovakia – Open Budget Survey 2019, <https://www.internationalbudget.org/open-budget-survey/country-results/2019/slovakia>
- ⁵³ Ibid.

III. Leadership and Multi-stakeholder Process

Similar to the previous OGP cycles, the fourth action plan was developed through an open and inclusive process. The Office of the Government Plenipotentiary for the Development of Civil Society – the agency leading the OGP process in Slovakia – created several opportunities for both public administration and civil society to express their ideas and provide feedback. However, the process would benefit from formalizing the multi-stakeholder forum and providing clear guidance on the conditions of membership and governance.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Slovakia.

The Office of the Government Plenipotentiary for the Development of Civil Society¹ (Office of the Plenipotentiary) has been the agency responsible for the design and implementation of OGP action plans since Slovakia joined OGP in 2011. There have been no major changes in the role of the Office of the Plenipotentiary since the last action plan development process, and no major staff changes within the office that could affect the design and implementation process for this action plan.

While the Office of the Plenipotentiary, which is a unit within the Ministry of Interior, has substantial control over the process of action plans' development and design, specific agencies have responsibility for implementation. As was emphasized in the previous IRM reports,² commitments in previous Slovak action plans have been low in ambition and in some cases have led to only minor contributions to open government. The Slovak experience has shown, however, that success is linked to the involvement of high-level politicians and civil servants. An example of that is the adoption of the Act on the Register of Partners of the Public Sector and the launch of the beneficial ownership register, which were clear priorities of the then Minister of Justice Lucia Žitňanská.³ She pledged to prepare a draft of new anti-shell companies' legislation within the first 100 days in office.

After the general election in February 2020, the new government pledged⁴ to maintain the Office of the Plenipotentiary and continue Slovak membership in OGP. At the time of writing this report (April 2020), it was too early to assess the new government's sense of ownership of the fourth action plan.

3.2 Action plan co-creation process

The action plan has been developed in an open and inclusive spirit, following the OGP Participation & Co-Creation Standards, as per previous OGP cycles.

The multi-stakeholder forum is not formalized despite being a key IRM recommendation in the previous Design Report. Instead, there are multiple forums where OGP commitments are discussed on a regular basis. One consists of public administration representatives only, while other forums and working groups have equal representation of both public administration and civil society. These groups also participate in designing the commitments. Since the design and implementation of the previous action plan, there have been no significant changes to working groups' operation and composition. As per previous OGP cycle, membership was informal and open to anyone interested. A working group dedicated to open data and API moved from the Office of the Plenipotentiary to the Office of the Deputy Prime Minister for Investments and E-government. Some new CSOs were included in the debates on open education and science.

Information was publicly available on the action plan development process. The Office of the Plenipotentiary published and disseminated information effectively with information made available on its website and via social media.⁵ All materials from meetings with the public were published⁶ alongside a

report⁷ containing the findings from meetings and events with the public. All materials from meetings⁸ between representatives of the public administration and CSOs to discuss a new action plan are publicly available on the Plenipotentiary's website.⁹ Most of the feedback from the public comment period and how it was reflected in the following version is available on the website of the Office of the Plenipotentiary.¹⁰ The assessment of the comments, and whether they were taken on board or not, is also published. Data on the suggestions received outside of the online commenting are unavailable.

The same opportunities as the previous action plan were available for civic engagement into the development of this plan, and anyone interested in the agenda was encouraged to take part. The Office of the Plenipotentiary organized meetings outside the capital city and for Open Government Week 2019¹¹ (OGW) organized a five-day event open to everyone, that covered all major topics of Slovak OGP commitments¹², i.e., open data, open education, open access and participatory policymaking, and public engagement in legislative processes. OGW traditionally engages civil society representatives or other relevant stakeholders who this time also helped to shape the program. For instance, the roundtable on open science included the representative of the Slovak Academy of Sciences (a major research institution in Slovakia).¹³

The Office of the Plenipotentiary incorporated suggestions from civil society and the public where possible and provided the reasons where this was not feasible. For instance, feedback from events outside the capital led to stronger regional partnerships between public administration and civil society being reflected in Commitment 9. Participants also urged improvements to information published on the legal and information portal Slov-lex, which turned into Commitment 10. As well as meetings and events, a public comment period¹⁴ on the draft action plan¹⁵ lasted one month and people were able to share their comments directly online,¹⁶ via email, over the phone, or request an in-person meeting with the representative of the office. For instance, the draft action plan available online¹⁷ received 22 comments, the majority of which were minor changes of a technical nature in the area of open education and open science. To a large extent, they were accepted and are a part of the action plan. Most of these comments came from public administration, some were from an academic and expert in the copyright law, and some were anonymous.

Similarly, recommendations from the latest IRM Design Report were considered. For instance, the new action plan has reduced the number of low-ambition commitments. Also, the formulation of the commitments was preceded by discussions with the public administration and civil society (though their frequency and thoroughness varied across commitments). Special attention was devoted to the topics where public administration did not perform well in the previous action plan, open education¹⁸ in particular.

The inter-agency comment period was shortened, so the action plan could be adopted and approved before the 2020 general election. This was not a major concern, but the Ministry of Justice commented¹⁹ that justification for the shortened public comment period could have been more thoroughly argued. During the inter-agency comment period, the action plan received 51 comments, 13 of which were substantial, which is a legal term meaning that a compromise has to be found in addressing these comments. Otherwise, dispute proceedings follow.²⁰ The majority of comments again came from public administration. All comments are available on the legal and information portal Slov-lex.²¹

The government adopted the action plan on 13 November 2019 by Government Resolution no. 553/2019.²²

The next action plan could benefit from new innovative approaches. As the Office of the Plenipotentiary does not have competences over regions and municipalities (even though it would be beneficial), it cannot include commitments directed to these actors. However, the Office of the Plenipotentiary could create more space for the topics that were ignored in the 2020 – 2024 Government Manifesto,²³ such as gender equality and rights of ethnic and sexual minorities and engage civil society active in this area in open government. There has been cooperation between the Office of the Plenipotentiary and CSOs representing ethnic minorities' interests. However, although some publications contracted by the Office

of Plenipotentiary discuss rights of sexual minorities,²⁴ the Office is not vocal about problems that LGBT+ people in Slovakia face and collaboration (if any) with CSOs representing their interests has not been publicly visible. As the latest report of the Office of the Public Defender of Rights²⁵ revealed, there has been no improvement in the rights of ethnic and sexual minorities. On the contrary, the Public Defender of Rights identified several severe infringements of the rights of Roma and LGBT+ communities as well as deterioration in women’s reproductive rights (particularly during the COVID-19 pandemic). There are several ways the Office of the Plenipotentiary could engage civil society representing ethnic and sexual minorities and encourage gender equality. For example, the availability of educational resources in languages of ethnic minorities or content inclusive of sexual minorities should be included in the debate on open education. Similarly, when access to government information and data is discussed, the language needs of ethnic minorities should be considered. Also, while the Office of the Plenipotentiary does not have any competences over commitments implemented by other agencies, it can still set the tone of discussions given its strong role in the process of designing new action plans and open this agenda.

Lastly, a formal multi-stakeholder forum was not established although it came out as one of the key recommendations from the previous OGP cycle. It would be beneficial if the Office of the Plenipotentiary builds on the openness and inclusivity of the process and creates a forum with equal civil society and government representation that would oversee the operation of various working groups and forums and serve as the main platform for ideas exchange and oversight of national OGP efforts.

Table 4: Level of Public Influence

The IRM has adapted the International Association for Public Participation’s (IAP2) “Spectrum of Participation” to apply to OGP.²⁶ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓
Involve²⁷	The government gave feedback on how public input were considered.	
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

OGP Participation and Co-Creation Standards

In 2017, OGP adopted OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The following table provides an overview of Slovakia’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green = Meets standard

Yellow = In progress (steps have been taken to meet this standard, but standard is not met)

Red = No evidence of action

Multi-stakeholder Forum	Status
<p>1a. Forum established: While there were efforts to formalize the multi-stakeholder forum, they were not completed. However, the Office of the Plenipotentiary leads several thematic working groups, which consist of public administration and civil society representatives. In addition to these, it also coordinates the implementation working group, which includes public administration representatives in charge of individual commitments.</p>	Green
<p>1b. Regularity: The frequency of meetings differs from working group to working group.²⁸ OGP standards require that the forums meet at least once every quarter.</p>	Yellow
<p>1c. Collaborative mandate development: As the formalized multi-stakeholder forum has not yet been established, its remit, membership, and governance structure have also not been developed. Neither working groups nor the implementation working group is formalized to the extent of having a clear mandate.</p>	Yellow
<p>1d. Mandate public: As the existing working groups lack a clear mandate, there is no information to be published.</p>	Yellow
<p>2a. Multi-stakeholder: The thematic working groups include both governmental and nongovernment representatives. However, the implementation working group includes public administration representatives only.</p>	Yellow
<p>2b. Parity: In some working groups, civil society representatives prevail. Others, such as the implementation working group, consist solely of public administration representatives.</p>	Yellow
<p>2c. Transparent selection: There is no formal selection procedure for taking part in working groups. However, interested civil society representatives are free to join.</p>	Yellow
<p>2d. High-level government representation: The working groups do not include high-level representatives with decision-making authority from the government.</p>	Red
<p>3a. Openness: The working groups accept input and representation on the action plan process from any civil society and other stakeholders outside the forum.</p>	Green
<p>3b. Remote participation: The Office of the Plenipotentiary is open to remote participation and helps to accommodate the needs of different stakeholders at their request. However, information on the opportunities for remote participation is not publicly available.</p>	Green
<p>3c. Minutes: The Office of the Plenipotentiary proactively communicates and reports back on its decisions, activities, and results to government and civil society stakeholders. It also publishes the meeting minutes of some working groups. However, these are not published in a regular and systematic manner. It is important to note that some of these working groups are not coordinated by the Office of the Plenipotentiary.</p>	Yellow

Action Plan Development	
4a. Process transparency: The Office of the Plenipotentiary publishes all OGP-related information on its website, social media, and updates on commitments to Trello. The website also has an OGP-dedicated section.	Green
4b. Documentation in advance: The information related to the action plan development is always published in advance to allow stakeholders to take part in the process.	Green
4c. Awareness-raising: The Office of the Plenipotentiary, as the leading agency, organizes diverse outreach and awareness-raising activities on a regular basis, in which it aims to include relevant stakeholders representing different sectors. One of the most notable events is Open Government Week.	Green
4d. Communication channels: The Office of the Plenipotentiary facilitates direct communication with stakeholders to respond to action plan process questions.	Green
4e. Reasoned response: The Office of the Plenipotentiary publishes its reasoning behind decisions and responds to major categories of public comment.	Green
5a. Repository: As mentioned above, the Office of the Plenipotentiary publishes all OGP-related information on its website, social media, and updates on commitments to Trello. The website also has an OGP-dedicated section.	Green

¹ The official website of the Office of the Plenipotentiary, <https://www.minv.sk/?ros> (in Slovak).

² Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>, and IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

³ Liptáková, Jana, The Slovak Spectator, New anti-shell law is a priority, <https://bit.ly/2VRoA9b>

⁴ Government Office, The 2020 – 2024 Government Manifesto, page 17, <https://rokovania.gov.sk/RVL/Material/24756/1> (in Slovak).

⁵ Office of the Plenipotentiary, Pripravujeme nový Akčný plán Iniciatívy pre otvorené vládnutie na roky 2019 – 2021 (We are preparing the OGP action plan for years 2019 – 2021), <http://bit.ly/2TKDKfA> (in Slovak).

⁶ Office of the Plenipotentiary, Zázpisnica zo stretnutia pracovnej skupiny Otvorené vzdelávacie zdroje - Akčný plán OGP 2017-2019 (Meeting minutes – Open educational resources working group), <http://bit.ly/2TulyaZ>; Zázpisnica zo stretnutia pracovnej skupiny Otvorené vzdelávanie v rámci kapitoly Otvorené vzdelávanie a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Ministry of Education), <http://bit.ly/2luscYA>; and Zázpisnica zo stretnutia pracovnej skupiny Otvorená veda v rámci kapitoly Otvorené vzdelávania a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Open Access working group), <http://bit.ly/3cHMSdg> (all in Slovak).

⁷ Office of the Plenipotentiary, Záverečná správa z podujatia – Týždeň otvoreného vládnutia 2019 (The final report from the event – OGW 2019), <http://bit.ly/3czdFZv> (in Slovak).

⁸ Office of the Plenipotentiary, S predstaviteľmi štátnej správy a občianskej spoločnosti diskutujeme o Akčných plánoch Iniciatívy pre otvorené vládnutie (We are discussing OGP action plans with representatives of the state and civil society sector), <http://bit.ly/2Tz8Nfw> (in Slovak).

⁹ Office of the Plenipotentiary, Zázpisnica zo stretnutia pracovnej skupiny Otvorené vzdelávacie zdroje - Akčný plán OGP 2017-2019 (Meeting minutes – Open educational resources working group), <http://bit.ly/2TulyaZ>; Zázpisnica zo stretnutia pracovnej skupiny Otvorené vzdelávanie v rámci kapitoly Otvorené vzdelávania a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Ministry of Education), <http://bit.ly/2luscYA>; and Zázpisnica zo stretnutia pracovnej skupiny Otvorená veda v rámci kapitoly Otvorené vzdelávania a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Open Access working group), <http://bit.ly/3cHMSdg> (all in Slovak).

¹⁰ Office of the Plenipotentiary, Akčný plán Iniciatívy pre otvorené vládnutie na roky 2019 – 2021 predložený do predbežného pripomienkového konania, <https://bit.ly/3ccLqP8> (in Slovak).

¹¹ Office of the Plenipotentiary, Týždeň otvoreného vládnutia už o mesiac. (Open Government Week is already in a month), <http://bit.ly/2Tx3JYU> (in Slovak).

¹² Office of the Plenipotentiary, Program a registrácia Týždňa otvoreného vládnutia 2019 (Program and registration for OGW 2019), <http://bit.ly/38xD4iW> (in Slovak).

¹³ Office of the Plenipotentiary, Týždeň otvoreného vládnutia 2019 - Záverečná správa z podujatia (OGW – Final report from the event), <http://bit.ly/3czdFZv> (in Slovak).

¹⁴ Office of the Plenipotentiary, Úrad splnomocnenca otvára verejnú diskusiu k návrhu Akčného plánu Iniciatívy pre otvorené vládnutie na najbližšie dva roky (The Office of the Plenipotentiary opens the public discussion on the AP's draft), <https://bit.ly/2Va0V4T> (in Slovak).

¹⁵ Office of the Plenipotentiary, Draft of the action plan, <https://bit.ly/2VodSH6> (in Slovak).

¹⁶ Ibid.

¹⁷ Draft action plan available online for comments at <https://bit.ly/2VodSH6> (in Slovak).

¹⁸ Office of the Plenipotentiary, Zápisnica zo stretnutia pracovnej skupiny Otvorené vzdelávacie zdroje - Akčný plán OGP 2017-2019 (Meeting minutes – Open educational resources working group), <http://bit.ly/2TulyaZ>, and Zápisnica zo stretnutia pracovnej skupiny Otvorené vzdelávanie v rámci kapitoly Otvorené vzdelávanie a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Ministry of Education), <http://bit.ly/2luscYA> (in Slovak).

¹⁹ Slov-lex (Legal and Information Portal), Ministry of Justice, LP/2019/701 Návrh Akčného plánu Iniciatívy pre otvorené vládnutie v Slovenskej republike na roky 2019 – 2021: Zoznam pripomienok (the draft of the OGP AP for years 2019 – 2021: The list of comments), <https://bit.ly/34BTKpb> (in Slovak).

²⁰ More information on the procedures can be found, for example, in Via Iuris publication *Účast' verejnosti na príprave právnych predpisov*, <https://bit.ly/3gsxm7l> (in Slovak).

²¹ Slov-lex (Legal and Information Portal), Ministry of Justice, LP/2019/701 Návrh Akčného plánu Iniciatívy pre otvorené vládnutie v Slovenskej republike na roky 2019 – 2021: Zoznam pripomienok (the draft of the OGP AP for years 2019 – 2021: The list of comments), <https://bit.ly/34BTKpb> (in Slovak).

²² Government Office, "Government Resolution no. 553/2019" (13 November 2019), <https://bit.ly/2wHayyz> (in Slovak).

²³ Government Office, The 2020 – 2024 Government Manifesto, <https://rokovania.gov.sk/RVL/Material/24756/1> (in Slovak).

²⁴ Gallová Kriglerová, Elena; Lajčáková Jarmila; Holka Chudžíková Alena; Kadlečíková Jana; Havírová and Zuzana Rapoš Božič (2020), Hlas menšín (Voice of minorities), The Office of the Plenipotentiary, <https://bit.ly/3j6a7B0> (in Slovak).

²⁵ Office of the Public Defender of Rights, Report of the activities of the Office of the Public Defender of Rights, <https://bit.ly/2A3gyTF>

²⁶ IAP2's Public Participation Spectrum (IAP2, 2014),

http://www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

²⁷ OGP's Articles of Governance also establish participation and co-creation requirements a country must meet in their action plan development and implementation to act according to OGP process. Based on these requirements, Slovakia **did not** act contrary to OGP process during the development of the (2019–2021) action plan.

²⁸ Zápisnica zo stretnutia pracovnej skupiny Otvorená veda v rámci kapitoly Otvorené vzdelávania a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Open Access working group), <http://bit.ly/3cHMSdg>, and Datalab.community, Working group Better Data, Meeting minutes, <https://bit.ly/2Vdz9nd>

IV. 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 circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance and Open Government Declaration* signed by all OGP-participating countries.¹ Indicators and methods used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses can be found in the Annex of this report.

General Overview of the Commitments

The fourth national action plan has 11 commitments, reflecting an IRM recommendation to have fewer but more ambitious commitments. Commitments in this action plan represent a combination of continuity and innovation, and considered feedback from various stakeholders. For instance, commitments on open data (2 and 3), open education (5), and open science (6), and participatory policymaking (7 and 8) built on previous efforts. At the same time, commitments in new areas were introduced. Commitment 1 (to publish how ministries fulfill their tasks resulting from the government's resolutions) is new and addresses the call for greater public accountability. Also, Commitment 9 (to support civil society and intersectoral collaboration through the 2021-2027 EU Fund programming period) reacted to feedback from civil society at regional events, who argued that partnerships across sectors need to be strengthened. The new action plan also followed up on some important transparency and anti-corruption reforms, such as the beneficial ownership register (Commitment 4). However, it disregarded other reforms and issues that were brought up in expert interviews conducted for this and previous IRM reports, such as the need for the FOIA amendment and improvements to the Central Register of Contracts, or further engagement with the activities of a newly established agency dedicated to whistleblower protection.

¹ "Open Government Partnership: Articles of Governance, <https://www.opengovpartnership.org/articles-of-governance/>

² "IRM Procedures Manual" (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>

I. Publish when ministries complete actions from government resolutions

Main Objective

“On a regular basis, publish completion of tasks of individual Ministries and other Central Authorities of the State Administration resulting from the Government Resolutions.”¹

Milestones

1. Prepare the system for the publication of completion of tasks resulting from the Government Resolutions in a uniform and structured manner.
2. Following the system setup, and in cooperation with Ministries and other Central Authorities of the State Administration, regularly publish completion of tasks resulting from the Government Resolutions according to their deadline.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment features in the Slovak action plan for the first time. It aims to address the low levels of trust in the government. A recent Standard Eurobarometer survey from 2019,² showed that only 29 percent of Slovaks trust in their national government (below the EU28 average of 34 percent). The commitment will modify the Open Government Portal to enable ministries and other central government bodies to publish, on an ongoing basis, how they implement and complete tasks resulting from government resolutions.

This commitment would address the OGP value of access to information, as it creates an opportunity for the public to understand the context in which and reasons why some actions are taken or not taken.

At the moment, the central Open Government Portal includes a section where the public can find information on all government meetings,³ what was discussed⁴ and what resolutions⁵ were approved. However, the portal does not enable publishing of the reports on implementation and completion of tasks. A civil representative interviewed for this report⁶ stated that in most cases these can only be accessed through freedom of information requests, and, thus, obtaining them might take from several days to several weeks.

The representatives of the Office of the Plenipotentiary⁷ stated that while public bodies are obliged to prepare the reports summarizing how they met the assigned tasks, they are not obliged to publish them on the Open Government Portal. The ministries and other central

government bodies report on the completion of their tasks to the Government Office using a different (closed) information system.⁸ Representatives of the Office of the Plenipotentiary⁹ stated to the IRM researcher that a technical solution is available, and the portal already includes a section¹⁰ where the reports on completion of tasks could be published. At the moment, the reports are not publicly available by default. There are very few agencies, such as the Office of the Plenipotentiary, that publish them proactively or inform of the implementation and completion of the tasks on their websites.

Implementation of this commitment could have a minor impact as new information on the completion of tasks will be proactively available to the public and in a uniform and structured manner. While a technical solution needs to be up and running, the commitment requires public authorities to ensure this becomes an integral part of their reporting process, and not an added extra. A civil society representative interviewed for this report¹¹ argued that the potential impact will also depend on the level of detail of published reports. In her view, the provided evidence needs to be easy to verify.

¹ Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² European Commission (2019), Standard Eurobarometer 91: Public opinion in the European Union, <https://bit.ly/2SGj4Wr>

³ The information on government meetings, <https://rokovania.gov.sk/> (in Slovak).

⁴ The proposed materials, <https://rokovania.gov.sk/RVL/Material> (in Slovak).

⁵ The adopted government resolutions, <https://rokovania.gov.sk/RVL/Resolution> (in Slovak).

⁶ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, see Section VI - Methodology and Sources for more information.

⁷ Interview with Lucia Lacika and Skarlet Ondrejčáková, Office of the Plenipotentiary, 11 March 2020, see Section VI - Methodology and Sources for more information.

⁸ The system that the Government Office and some ministries currently use for sending the reports on the completion of tasks resulting from government resolutions is the information system JASTRAB, <https://bit.ly/2YnQyw5>

⁹ Ibid.

¹⁰ The portal, <https://rokovania.gov.sk/PUL/EvaluationPeriod> (in Slovak).

¹¹ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, see Section VI - Methodology and Sources for more information.

2. Publish open government data and APIs

Main Objective

“Regularly publish datasets and APIs of Ministries and their established organizations, as well as other Central authorities of the State administration.”¹

Milestones

1. Identify the publication minimum for central government authorities in a participative manner.
2. Introduce the publication minimum for central government authorities into practice.
3. Following the implementation of the publication minimum for central government authorities, annually publish data from the publication minimum for state administration on the open data portal data.gov.sk.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information, Civic participation
Potential impact:	Moderate

Commitment Analysis

Open data has featured in all OGP action plans in Slovakia since it joined the partnership in 2011,² and this commitment is a continuation of the efforts in this area. It aims to build on previous data publication and tackle a great variation among public authorities in the quantity and quality of published datasets and APIs. It aims to engage with civil society and stakeholders in the process of identifying key datasets that will inform the list of minimum mandatory datasets for proactive publication.

Commitment 2 creates opportunities for the OGP value of civic participation through the decision-making process of what constitutes the minimum mandatory datasets, given the planned participatory processes. If the commitment and milestones are implemented successfully, it would also advance the OGP value of access to information as more useful and relevant data will be proactively available to the public.

Previous action plans have included the launch of the national open data portal data.gov.sk,³ creating an enabling environment for the publication of high-quality government data in open formats, and API publication.

The *Better data*⁴ working group (located in the Office of the Deputy Prime Minister for Investments and E-government) oversees the open data agenda. The group consists of public administration representatives and civil society representatives, such as Slovensko.digital members who are recognized experts on e-government and open data. Prior to the 2020 general elections, only one person represented each relevant authority and organization at the meetings. However, Slovensko.digital has collected feedback from everyone interested on its community platform.⁵ The group has concluded that the process of developing minimum publication criteria for public bodies will draw from best practices that are already available in neighboring countries, e.g., in the Czech Republic.⁶ This was previously raised as a practice to follow⁷ by the Slovak open data community that actively participates in the working group. The *Better data* group has stated that the draft of the publication minimum would be created in a participatory manner in collaboration with the working group *Data curators*,⁸ which brings together data curators from public administration who are responsible for the open data agenda at their institutions.

Public access to information via the proactive publication of datasets by Slovak public authorities is inconsistent. The last implementation report⁹ concluded that although public agencies generally publish datasets on data.gov.sk, the extent and quality of the datasets vary substantially across agencies. At the time of writing this report (April 2020), five¹⁰ out of 13 ministries published fewer than 20 datasets per ministry on data.gov.sk since its launch. The most problematic is the low availability of high-demand datasets. Since the second action plan,¹¹ the Office of the Plenipotentiary regularly conducts a survey to explore what data the public perceives as important (high-demand datasets) and that the data publication strategy is informed by public demand. The following datasets regularly feature in these surveys: public transport timetables, the list of bus and rail stations, data on public transport occupancy, financial statements, budgets of all municipalities, budgets of state-owned enterprises, companies register, and cadaster's data, etc. Public agencies still have not made most of this data available in open formats. Progress has been limited in the nine years that open data has featured in action plans, so the implementation of this commitment could help address this situation. The potential impact is moderate; one main difference between this commitment and previous commitments is the introduction of a mandatory minimum set of datasets that will need to be published in open formats by central government authorities.

The latest developments during the COVID-19 pandemic suggest that collaboration between the Office of the Deputy Prime Minister for Investments and E-government and civil society could be successful and bring results. The central state website korona.gov.sk, which provides guidance and daily data related to COVID-19,¹² is a result of a joint co-creation effort by government and civil society. The Office of the Deputy Prime Minister for Investments and E-government also recently recruited Ján Hargaš, former director of CSO slovensko.digital, to advise the office with e-government reforms,¹³ suggesting that relevant stakeholders from civil society will be welcome at the table when implementing this commitment.

Furthermore, an emphasis on the accessibility of high-quality data appeared in the 2020 – 2024 Government Manifesto,¹⁴ pledging to ensure access to user-friendly data for state analysts,¹⁵ adopt the Act on Data¹⁶ (one of the outstanding commitments from the previous action plan), publish open API,¹⁷ and use mobility data in innovative ways when planning transport infrastructure.¹⁸

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic, <https://bit.ly/3bDhQT9>

³ Matej Kurian, Open Government Partnership, IRM Slovakia Progress Report 2012 – 2013, <https://bit.ly/2BTsict>

⁴ Datalab.community, Working group Better data, <https://bit.ly/2Wdz9nd> (in Slovak).

⁵ Platforma.slovensko.digital, Working group Better data, (in Slovak).

⁶ The Czech national open data portal and its definition of publication minimum, <https://opendata.gov.cz/vzor:start> (in Czech).

⁷ Platforma.slovensko.digital, Transparent local government, December 2015, <https://bit.ly/2VNrA7Q> (in Slovak).

⁸ Datalab.community, Working group Data curators, <https://bit.ly/2SmqD4p> (in Slovak).

⁹ Mária Žuffová, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>, Section 2: Update, publish, and promote datasets.

¹⁰ As of 25 April 2020, the Ministry of Justice published 17 datasets, Ministry of Finance 14, Ministry of Labor, Social Affairs and Family 13, Ministry of Foreign and European Affairs 11, and Ministry of Defense only eight.

¹¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

¹² Office of the Deputy Prime Minister for Investments and E-government, Nový web korona.gov.sk je ukázkovým príkladom spolupráce štátu a IT komunity (New website korona.gov.sk is an exemplary case of collaboration between state and IT community), <https://bit.ly/3aOqv40> (in Slovak).

¹³ Office of the Deputy Prime Minister for Investments and E-government, Vicepremiérka Veronika Remišová a Ján Hargaš sa dohodli na vzájomnej spolupráci. Radit' jej bude v oblasti informatizácie. (Deputy Prime Minister Veronika Remišová and Ján Hargaš agreed on mutual cooperation. He will advise her on e-government.), <https://bit.ly/2KLtD5Q> (in Slovak).

¹⁴ Government Office, The 2020 – 2024 Government Manifesto, <https://rokovania.gov.sk/RVL/Material/24756/1> (in Slovak).

¹⁵ Ibid, page 57.

¹⁶ Ibid, page 69.

¹⁷ Ibid, page 69.

¹⁸ Ibid, pages 84 and 85.

3. Publish data on the use of the EEA funds and subsidies

Main Objective

“Regularly disclose data on the use of funds provided by the Ministries, the Office of the Deputy Prime Minister for Investment and Informatization and the Government Office within the EEA Financial Mechanism, the Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget.”¹

Milestones

1. Conduct a quantitative analysis of information published in the Subsidy Scheme Module.
2. Conduct a qualitative analysis of the Subsidy Scheme Module system and propose recommendations for improvement.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	No
Potential impact:	None

Commitment Analysis

This commitment aims to evaluate and propose recommendations to improve the implementation of the Subsidy Scheme Module online portal (*Modul dotačných schém* in Slovak), referred to as the EU Funds and Subsidies Data Portal in previous IRM reports. The portal was first launched in 2015 following commitments in Slovakia’s first and second action plans.²

The commitment is not relevant to OGP values as it does not commit to publishing more information or data, nor seek to establish civic participation in a decision-making process, nor will it create mechanisms for public accountability.

Civil society interviewees in previous IRM reports have questioned whether further investments in the portal are reasonable as the awareness and use of the portal among investigative journalists and civil society remain very low.³ According to representatives of the Office of the Plenipotentiary⁴ the portal was supposed to accumulate all information related to the EU and EEA funds and subsidies. They mentioned that the data management of the portal is inefficient and often entails too many intermediaries (including themselves and the National Agency for Network and Electronic Services), which also explains why some agencies (e.g., Ministry of Culture) publish this data on alternative platforms, such as the national open data portal data.gov.sk. After the portal was launched, it faced major criticism from anti-corruption CSOs and investigative journalists who argued that the quality of data was poor and the format inconsistent to the extent that it was unusable as a source of information.⁵ The third action plan⁶ then committed to defining minimum standards for publication on the portal to improve data quality and format. Although these standards were set in June 2017, the quality of data has still differed from agency to agency, and in some cases, remained problematic. While the main aim of the portal in previous plans was to increase access to information on the use of EU funds and subsidies, the portal has only had a marginal effect on opening up government.⁷

The future of the portal is yet to be decided.⁸ As a basis for such a decision, the Office of the Plenipotentiary and National Agency for Network and Electronic Services will conduct a quantitative and qualitative analysis of the portal and propose recommendations.⁹ As the Office of the Plenipotentiary

regularly publishes its outputs, there is reason to expect that the analyses will be publicly available. However, given how reluctantly the portal was received in the past by experts, the analyses are unlikely to have any major impact on the portal itself nor on improving access to information on EU and EEA subsidies more broadly. There are other state platforms, including the national open data portal, where this data could be published more effectively and reach a much larger target audience. At this point, it seems that the Office of the Plenipotentiary is on the same page with CSOs and favors the option to publish the data on other platforms. Therefore, it is questionable whether resources should have been used on the analyses of the platform that is unlikely to be modified anyway. A civil society interviewee¹⁰ argued the modification of the Subsidy Scheme Module online portal would have to be major to meet the needs of investigative journalists or civil society.

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic, <https://bit.ly/3bDhQT9>

³ Mária Žuffová, Open Government Partnership, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

⁴ Interview with Lucia Lacika and Skarlet Ondrejčáková, Office of Plenipotentiary, 11 March 2020, Section VI - Methodology and Sources for more information.

⁵ Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4VWs>

⁶ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://bit.ly/3fBDqj2>

⁷ Mária Žuffová, Open Government Partnership, IRM: Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

⁸ Interview with Lucia Lacika and Skarlet Ondrejčáková, Office of Plenipotentiary, 11 March 2020, Section VI - Methodology and Sources for more information.

⁹ Ibid.

¹⁰ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, Section VI - Methodology and Sources for more information.

4. Ensure full disclosure of beneficial ownership data

Main Objective

“Ensure full disclosure of beneficial ownership data in the register of legal entities, entrepreneurs and public authorities.”¹

Milestones

1. *Implement the Disclosure Principles for Beneficial Ownership Data into the framework of official registers on beneficial ownership.*

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information
Potential impact:	Transformative

Commitment Analysis

This commitment seeks to apply and implement international beneficial ownership standards to the data held in the Register of Legal Entities, Businesses, and Public Authorities, which currently does not provide beneficial ownership data. Broadening access to information on beneficial ownership has been a priority of previous Slovak governments outside of the scope of OGP,² so Commitment 4 is new to Slovakia’s OGP action plan.

The commitment is relevant to the OGP value of access to information because successful implementation will mean information on beneficial owners of *all* legal entities registered in Slovakia will be publicly available, not just those that receive public money.

In the current system,³⁴ any organization (other than a public administrative agency) that is in receipt of public money⁵ is obliged to register in the Register of Public Sector Partners⁶ and disclose their beneficial (real) owners.⁷ The legislation includes robust sanction mechanisms if inaccurate information is provided, such as fines up to EUR 1 million, removal from the company register, and a ban on participating in public procurement.⁸ The reform was well-received in Slovakia⁹ and abroad.¹⁰ Transparency International Slovakia (TIS) have reported that beneficial ownership information of companies participating in high-value public procurement contracts is publicly available.¹¹ It includes the name of the beneficial owner, their date of birth, address, and a unique identifier of the company. At the time of writing this report (April 2020),¹² more than 30,000 entities were registered in the Register of Public Sector Partners.

However, despite its benefits, CSOs, TIS in particular,¹³ pointed to several deficiencies in the publicly available information, e.g., data inconsistency and a lack of interoperability and interconnectedness of government registers, and demonstrated there is room for improvement. As a member of the Beneficial Ownership Leadership Group,¹⁴ Slovakia has signed up to the principle that beneficial ownership data should be available as high-quality open data.¹⁵ These deficiencies could, therefore, be addressed by implementing the beneficial ownership transparency disclosure principles as foreseen in the commitment.

This commitment to implement the Disclosure Principles means that Slovakia would go further than other EU countries in its implementation of the fifth EU Anti-Money Laundering Directive. Slovakia is due to complete transposition of the Directive,¹⁶ which aims to broaden access to beneficial ownership information through publicly available central registers. In February, the European Commission sent the letter of formal notice to the Slovak government¹⁷ “for not having notified any implementation measures for the 5th Anti-Money Laundering Directive”.¹⁸ However, some steps had been taken already towards the Directive’s implementation. Government Resolution no. 496/2018¹⁹ appointed the Interior Ministry (in collaboration with the Finance Ministry and Justice Ministry) to submit the draft law that would ensure the transposition of the Directive by 31 March 2019. In May 2019, the government approved²⁰ the action plan to combat the use of the financial system for money laundering and terrorist financing for the period 2019-2022.²¹ The resolution also stated that Article 32a of the 5th Anti-Money Laundering Directive,²² which requires the EU member states to establish centralized platforms for the publication of the beneficial ownership information of all companies, has to be transposed by 10 September 2020.

The commitment reforms, in particular, the Register of Legal Entities, Businesses, and Public Authorities, operated by the Statistical Office. As the commitment pledges to ensure full disclosure of beneficial ownership data in the Register of Legal Entities, Businesses, and Public Authorities²³ it could have a transformative potential impact as it will substantially increase access to information on beneficial owners. Based on the information provided by the Statistical Office,²⁴ the number of economic entities in the Register of Legal Entities, Businesses, and Public Authorities (regardless of their legal form) was more than 630,000 in 2019. At the time of writing this report (April 2020), public access to the information in the register was limited without registration and an advanced search was available for registered users only.²⁵ At that time, it was also unclear whether the Register of Legal Entities, Businesses, and Public Authorities will only be modified to allow full disclosure of beneficial ownership data or whether it will also be merged with the Register of Public Sector Partners.

Data from the Register of Public Sector Partners has been instrumental in documenting true beneficiaries of companies who were known for winning government bids under dubious circumstances. The register confirmed that one of the beneficial owners of Váhostav - SK, a.s. (a construction company)²⁶ is Juraj Široký,²⁷ who is an alleged sponsor of the ruling Smer-SD party.²⁸ Using data from the Slovak register, Transparency International Czech Republic found out -despite claims to the contrary-²⁹ that Czech Prime Minister Andrej Babiš³⁰ continued to hold a conflict of interest as the beneficial owner of Agrofert (an agro-food conglomerate), the controlling company of the Agrofert Group. This qualifies as a conflict of interest,³¹ as companies owned by politicians are not eligible for European Structural and Investment funds (ESIF), and companies belonging to the Agrofert Group received EUR 42 million in 2013 to EUR 82 million in 2017 in ESIF funds³² and also participated in projects subsidized by the Rural Development Program of the Czech Republic. At the same time, Babiš acted as a chair of the Czech Council for the ESIF. The revelations prompted the European Parliament to adopt the resolution on conflicts of interest and the protection of the EU budget in the Czech Republic,³³ which urged the European Commission to recuperate “all funds that have been illegally or irregularly paid out”.³⁴

In light of the above, the commitment to “ensure full disclosure of beneficial ownership data” is important and might have a transformative impact. If fully implemented, it has the potential to significantly increase the number of registered entities in Slovakia that must provide access to information on the real owners of companies. While not an aim of the commitment, it is worth noting its implementation could aid watchdogs like investigative journalists and anti-corruption CSOs in uncovering examples of money laundering or other hidden criminal activity.

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>

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- ³ Slov-lex (Legal and information portal), Ministry of Justice, Zákon č. 315/2016 Z. z. o registri partnerov verejného sektora a o zmene a doplnení niektorých zákonov (The Act no. 315/2016 Coll. on the Register of public sector partners), <http://bit.ly/2B71EbM> (in Slovak).
- ⁴ National Council of the Slovak Republic, Vládny návrh zákona o registri partnerov verejného sektora a o zmene a doplnení niektorých zákonov (Government Act on the register of public sector partners), <https://bit.ly/3cLlKtj> (in Slovak).
- ⁵ The exact definition of public sector partner is set in the legislation. The threshold in the legislation was a receipt of more than EUR 100,000 in a single instalment or more than EUR 250,000 per calendar year in the case of repeated remuneration.
- ⁶ Ministry of Justice, Beneficial ownership register, <https://rpvs.gov.sk/rpvs> (in Slovak).
- ⁷ The exact definition of public sector partner is set in the legislation. The threshold in the legislation was a receipt of more than EUR 100,000 in a single instalment or more than EUR 250,000 per calendar year in the case of repeated remuneration.
- ⁸ The Slovak Spectator, Parliament adopts anti-shell law, <https://bit.ly/2VVC4j>
- ⁹ Labant, Juraj and Gabriel Šipoš, The Register of Beneficial Ownership in Slovakia: Revolutionary transparency, questionable implementation, unsure benefits. Transparency International Slovakia, <http://bit.ly/2B73dGG>
- ¹⁰ Open Government Partnership, Lessons from reformers, <https://bit.ly/3cohAHm>
- ¹¹ Labant, Juraj and Gabriel Šipoš, The Register of Beneficial Ownership in Slovakia: Revolutionary transparency, questionable implementation, unsure benefits. Transparency International Slovakia, <http://bit.ly/2B73dGG>
- ¹² In particular, 30,409 public sector partners were registered on 24 April 2020.
- ¹³ Labant, Juraj and Gabriel Šipoš, The Register of Beneficial Ownership in Slovakia: Revolutionary transparency, questionable implementation, unsure benefits. Transparency International Slovakia, <http://bit.ly/2B73dGG>
- ¹⁴ Open Government Partnership, Beneficial Ownership Leadership Group, <https://bit.ly/3cPGzUC>
- ¹⁵ Beneficial Ownership Leadership Group, Declaration of national commitment to meet the Beneficial Ownership Transparency Disclosure Principles, <https://www.openownership.org/uploads/oo-disclosure-principles.pdf>
- ¹⁶ Official Journal of the European Union, Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU, <https://bit.ly/2xbvGgC>
- ¹⁷ European Commission, February infringements package: key decisions, <https://bit.ly/3bOColc>
- ¹⁸ In February, the European Commission sent the letter of formal notice to the Slovak government “for not having notified any implementation measures for the 5th Anti-Money Laundering Directive. In line with the EU law, member states have two months to provide a detailed response. If the Commission concludes that the country is failing to abide by the EU law, it may send a reasoned opinion (a formal request to comply with the EU law). This two-month period for the Slovak government to respond passed during the change in government and the COVID-19 pandemic.
- ¹⁹ Government Office, Government resolution no. 496/2018 (10 October 2018), <https://rokovania.gov.sk/RVL/Resolution/17313/> (in Slovak).
- ²⁰ Government Office, Government resolution no. 207/2019 (16 May 2019), <https://rokovania.gov.sk/RVL/Resolution/17689/1> (in Slovak).
- ²¹ Slov-lex (Legal and information portal), Ministry of Justice, Akčný plán boja proti legalizácii príjmov z trestnej činnosti a financovaniu terorizmu na obdobie rokov 2019-2022, (Action plan to combat the use of the financial system for money laundering and terrorist financing for the period 2019-2022), <https://bit.ly/2YqKXFg> (in Slovak).
- ²² Official Journal of the European Union, Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU, <https://bit.ly/2xbvGgC>
- ²³ The Register of legal entities, businesses, and public authorities, <https://rpo.statistics.sk/rpo/#search> (in Slovak).
- ²⁴ Statistical Office, Economic entities in Slovakia, <https://bit.ly/36KNb4A> (in Slovak).
- ²⁵ The terms of use, <https://rpo.statistics.sk/rpo/#login> (in Slovak).
- ²⁶ Poracký, Marek (2017), Váhostav vyhral čudnú zákazku, rozhodoval o nej aj Širokého spoločník (Váhostav won a strange contract, Široký's partner was one of the evaluators), *sme.sk*, <https://bit.ly/2VW9tsXF> and Marek Nemeč (2018), Váhostav ide na Hrad. Zinkasuje 16 miliónov (Váhostav goes to the Castle. It will collect EUR 16 million), *hnonline.sk*, <https://bit.ly/2S5L8SD> (in Slovak).
- ²⁷ Váhostav - SK, a.s. in the register of public sector partners, <https://rpvs.gov.sk/rpvs/Partner/Partner/Detail/9678> and <https://rpvs.gov.sk/rpvs/Partner/Partner/Detail/5539> (in Slovak) and The Slovak Spectator, Tycoon Široký is the real owner of Váhostav, <https://bit.ly/2xV1NkP>
- ²⁸ The Slovak Spectator, Tycoon Široký is the real owner of Váhostav, <https://bit.ly/2xV1NkP>
- ²⁹ Transparency International Czech Republic, Andrej Babiš is our beneficial owner, says Agrofert, <https://bit.ly/2yzuns5>
- ³⁰ Agrofert, a.s. in the Register of public sector partners, <https://rpvs.gov.sk/rpvs/Partner/Partner/Detail/7859> (in Slovak).
- ³¹ Jennifer Rankin (2018), Brussels urged to investigate Czech PM over business empire, The Guardian, <https://bit.ly/3bEAIus>
- ³² Ibid.
- ³³ Legislative Observatory of the European Parliament, 2018/2975(RSP) Resolution on conflicts of interest and the protection of the EU budget in the Czech Republic, <https://bit.ly/3eYsIns>
- ³⁴ Ibid.

5. Support the creation and maintenance of educational resources online

Main Objective

“Make effective use of the educational resources’ repository.”¹

Milestones

1. Adopt legislative changes concerning the use of open licenses for selected, newly created educational resources centrally provided and funded or co-funded from public resources of the Ministry of Education or institutions under the Ministry’s authority.
2. Establish an authority at the Ministry of Education, Science, Research and Sport of the Slovak Republic responsible for systematic and coordinated creation of digital educational content including open educational resources at all levels of preschool, primary and secondary education.
3. Promote creation of open educational resources and report on the measures taken on a regular basis.
4. Educate teachers in use of the educational resources repository and in creating new open educational resources.
5. In a participative manner monitor, disclose and continually update the open educational resources database and other resources suitable for use in education and to increase awareness about open education that were created by civil society in the Slovak Republic.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information, Civic participation
Potential impact:	Moderate

Commitment Analysis

Building on the efforts in previous action plans,² this commitment aims to develop further activities around the repository for digital educational resources (with the emphasis on *open* resources), such as removing legislative barriers to *open* education, establishing an *open* education-dedicated agency within the ministry, supporting teachers in engaging with it and creating their own resources, and making more *open* educational resources available. These measures tackle some of the criticism that was raised in previous IRM reports, such as the lack of ministerial leadership in the topic and the absence of teacher and civil society engagement in the repository’s implementation.

The commitment is relevant to the OGP value of access to information because it will ensure more formal and informal educational resources are publicly available in open formats and for reuse. It is also relevant to civic participation, as it will monitor and update an educational resources database in a participatory manner, engaging both teachers and civil society active in the area.

The commitment gains new importance in the COVID-19 pandemic, as online alternatives to face-to-face teaching proved to be critical for the successful continuation of education. Under ordinary circumstances, digital educational materials can be accessed by teachers only, and from schools.³ The milestone of creating a unit at the Ministry of Education responsible for the agenda of digital and *open* educational resources will address this and other limitations to open education, and is in line with the recommendations of IRM and experts interviewed for this report.⁴ Four different ministers⁵ have led the ministry since it declared its intent to support *open* education, hindering the implementation of the

projects. The current Minister for Education, Branislav Gröhling has emphasized the use of digital technologies in education practices.⁶

There are currently restrictive licensing policies resulting from the contracts between the Ministry of Education and publishers despite pledges in the previous action plan⁷ to make open licensing obligatory for all new educational resources created using public resources. Currently the open licensing conditions on the online platform are unclear for unregistered users (copyrighted materials might be blocked to unregistered users⁸ but such licensing is not explicitly stated in the metadata or visibly next to displayed materials).⁹ An expert on educational policy argued that the burden of distinguishing *open* educational resources from those that are not *open* should not be placed on teachers.¹⁰

Materials on the platform are currently not available across many subject areas. The IRM researcher explored the publicly accessible version of the repository and concluded that provided materials do not cover many social science subjects, such as history, literature, geography, and languages other than English.¹¹ Teachers surveyed for this report¹² argued that many materials in the repository were transferred from a previously existing platform Planéta vedomostí.¹³ The commitment could increase the volume of *open* educational resources across subject areas if both teachers and civil society are engaged in their creation. Milestone 5 (to update the database of resources created by civil society) could help to better orientate what is already available to be used. Civil society activities in this area are emerging.¹⁴ It would be useful if the ministry follows them closely, builds partnerships and encourages them to create resources. So far, the Office of the Plenipotentiary has been substituting the ministry's role in this regard. For instance, it follows CSOs' educational activities, systematically collects *open* educational resources,¹⁵ and shares useful tips.¹⁶ The ministry should take over these activities. Therefore, a milestone to support the creation of *open* educational resources and inform on the outcomes of such support on an annual basis is also a useful measure thanks to its monitoring element.

In terms of public awareness, only 23 percent of surveyed teachers stated that they had heard of the repository, and mostly from colleagues and CSOs active in education. Only a few obtained the information directly from the ministry. 65 percent of surveyed teachers for this report stated that they heard of the repository for the first time when surveyed. These survey results echo previous concerns that the Ministry of Education's outreach activities are limited. These concerns were repeatedly raised by participants¹⁷ of working group meetings organized by the Office of the Plenipotentiary and by interviewed experts for this and previous IRM reports.¹⁸

One milestone commits to providing teachers with training on how to use the new repository and incentivize them to create new educational resources. Of the teachers surveyed, 51 percent stated that they would be interested in participating in training related to open educational resources. The majority of those teachers who had experience with the platform evaluated it positively. Some expressed concerns that the repository ignored pupils that are taught in other languages than Slovak,¹⁹ as it does not offer materials in minority languages. Some interviewees²⁰ and surveyed teachers²¹ experienced problems using and navigating the repository. Although guidelines²² are available, they are 73 pages long, which might discourage teachers, students, or parents.

The potential impact of the commitment is moderate. If fully implemented, the commitment could substantially increase access to *open* educational resources. The creation of a unit within the ministry that would be responsible for systematic and coordinated creation of digital educational resources, including those in open formats, could champion and strengthen the implementation of open education and lead to an increase in the volume of resources available. Also, the milestone to provide training to teachers could encourage greater use by teachers and the creation of more *open* educational resources. The ministry could consider significantly decreasing administrative burdens to access materials.²³

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- ¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>
- ² Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>, and Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://bit.ly/3fBDqj2>
- ³ Ministry of Education, Ministerstvo školstva rokuje s dodávateľmi učebníc o uvoľnení licencií na digitálne učebnice (The Ministry of Education is negotiating with suppliers of textbooks on freeing up the digital textbooks licenses), <https://bit.ly/3eEHTvh> (in Slovak).
- ⁴ Interview with Ján Gondol', an expert on open education, 9 March 2020, Section VI - Methodology and Sources for more information.
- ⁵ Peter Pellegrini led the ministry from July to November 2014. Juraj Draxler led the ministry from 2014 to 2016. Peter Plavčan led the ministry from 2016 to 2017. The current minister of education is Martina Lubyová, who was in office from September 2017 to March 2020.
- ⁶ SaS, Party manifesto 2020, <https://www.sas.sk/detail/5764/41-skolstvo/obsah> (in Slovak).
- ⁷ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <http://bit.ly/2QYIIHV>.
- ⁸ See the user guidelines above on page 18.
- ⁹ Mária Žuffová, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>. Section 8. Repositories for open educational and scientific resources, and Section 9. Promote and ensure the use of the Creative Commons Attribution license.
- ¹⁰ Interview with Jozef Miškolci, Pedagogical Faculty, Comenius University and Initiative To dá rozum, 27 April 2020, Section VI - Methodology and Sources for more information.
- ¹¹ Some of the teachers who completed the survey about CÚDEO raised the issue of subjects in humanities and social science being ignored in CÚDEO. It predominantly covers natural sciences and math. Ján Gondol' argued this is not a problem if materials for these subjects will be rolled out gradually.
- ¹² A sector-wide survey of elementary school teachers, Section VI - Methodology and Sources for more information.
- ¹³ This was also echoed in the survey of elementary school teachers who argued that Planéta vedomostí and CÚDEO are very similar in their content.
- ¹⁴ Several CSOs create educational materials, in particular, in social science subjects as very few are covered on the ministry's platforms, such as CÚDEO or Planéta vedomostí. For instance, Živica, Milan Šimečka Foundation and Človek v ohrození focus on education and produce many educational materials. Initiative zmdri.sk also creates videos and educational materials in the area of civic education and practical skills, such as writing job applications, preparing for job interviews, managing time etc. However, most of these materials are not *open*, they are copyrighted, and permissions are required for their use.
- ¹⁵ Office of the Plenipotentiary, Ponuka stáže: Pomôžte nám nájsť otvorené vzdelávacie zdroje! (Internship offer: Help us find open educational resources!), <https://bit.ly/3bxMPzK> (in Slovak).
- ¹⁶ Office of the Plenipotentiary, On-line nástroj na tvorbu otvorených vzdelávacích zdrojov (Online tool for creating open educational resources), <https://bit.ly/3bmzjPt> (in Slovak).
- ¹⁷ Office of the Plenipotentiary, Zápisnica zo stretnutia pracovnej skupiny Otvorené vzdelávacie zdroje - Akčný plán OGP 2017-2019 (Meeting minutes – Open educational resources working group), <http://bit.ly/2TulyaZ>, and Zápisnica zo stretnutia pracovnej skupiny Otvorené vzdelávanie v rámci kapitoly Otvorené vzdelávanie a otvorená veda akčného plánu Iniciatívy pre otvorené vládnutie 2017-2019 (Meeting minutes – Ministry of Education), <http://bit.ly/2luscYA> (in Slovak).
- ¹⁸ Mária Žuffová, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>
- ¹⁹ A sector-wide survey of elementary school teachers, Section VI - Methodology and Sources for more information.
- ²⁰ Email communication with Marek Tóth, Elementary School Rozmarínová in Komárno, 19 March 2020 and 14 April, and interview with Julián Gerhart, Initiative zmdri.sk, 25 March 2020, Section VI - Methodology and Sources for more information.
- ²¹ A sector-wide survey of elementary school teachers, Section VI - Methodology and Sources for more information.
- ²² User guidelines of the repository for educational resources (CÚDEO), <http://bit.ly/2lp5RLP> (in Slovak).
- ²³ Ibid.

6. Advance and implement the National Strategy for Open Science

Main Objective

“Develop and adopt the National Strategy for Open Science.”¹

Milestones

1. Prepare the National Strategy for Open Science accompanied by the first Action Plan and submit both to the Government of the Slovak Republic.
2. Prepare and launch pilot projects on open access to scientific research and development in selected academic and scientific libraries.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information
Potential impact:	Minor

Commitment Analysis

This commitment will put into practice the National Strategy for Open Science and prepare and launch pilot open access projects in scientific institutions.

It is relevant to the OGP value of access to information as it will help to put more scientific research into the public sphere.

Although open science commitments have appeared in the Slovak action plans² since 2015, no scholarly organization in Slovakia has signaled interest in open access by endorsing OA2020 Expression of Interest,³ and the Slovak national research funding body⁴ has not joined the European-level initiative to full open access of publicly funded research and scholarly outputs (known as *Plan S*). From V4 countries,⁵ only the National Science Center in Poland⁶ has ratified *Plan S*. Although joining *Plan S* does not appear in the new action plan as a formal commitment, the action plan clearly states that it would be desirable for the Slovak Research and Development Agency to do so.⁷

Previous action plans established the Open Access (OA) Point of Contact,⁸ a contact office responsible for promoting open access in the Slovak research and scientific community and providing advice. A survey completed by 109 scientists, conducted by the IRM researcher for this report, shows that they are familiar with the concept of open access.⁹ Only 17 percent of respondents had heard of the OA Point of Contact and only 4 percent had participated in some of their events or training. An expert on open education and access¹⁰ stated that the OA Point of Contact is fit for purpose, its staff has expert knowledge in the topics, and events and materials they produce are of high quality.

The pilot projects could help demonstrate how a centralized repository for research outputs and data would improve current data management practices significantly. In the absence of a

repository and joined strategy, the access to research and scholarly outputs and data is burdensome as the management is too decentralized (if at all existing), as an interviewee for this report¹¹ argued. Only 12 percent of scientists surveyed for this report stated that their research institutes and universities had issued data management guidance. At the time of writing this report (April 2020), the repository developed under previous action plans¹² is due to be launched in July 2020 and is undergoing final touches. In addition, with public availability of research outputs and data, the pilot projects could also encourage civic engagement in scientific projects. Citizen science is a topic the strategy plans to include.

However, an interviewed researcher¹³ argued that he did not see substantial benefit of the repository for his work. Researchers and scientists can choose from several open-access archives to publish their pre-prints (pre-reviewing versions) and often accepted (post-reviewing) versions of their articles as many publishers' licensing policies allow it. Many of them already use collaborative open-source tools, such as GitHub,¹⁴ to share the data. That said, if it will be mandatory to publish publicly funded research outputs and data in the repository, it will provide a better overview of the research conducted in Slovakia.

As for the National Strategy for Open Science, surveyed researchers raised a number of concerns that could be addressed. While an expert¹⁵ interviewed for this report argued that having a strategy is a step forward, respondents to the survey for this report repeatedly mentioned several issues as necessary to be addressed in the strategy: emphasis on green open access (the practice of publishing journal articles into a free and publicly accessible repository),¹⁶ research transparency and access to data, easily accessible and systematic funding for publishing research outputs in an OA regime (not as a part of individual research grants), guidance on predatory open access journals, and most importantly better access to literature in their fields and to scientific databases. Although Slovakia increased its R&D investment intensity over the past decade, it is still low compared to other EU member states.¹⁷

All in all, the commitment to develop and adopt the National Strategy for Open Science is a timely and important effort. However, with only a series of pilot projects to test the strategy, the commitment will have minor overall impact. The strategy preparation could involve members of the research and scientific community.

¹ Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc>

³ The list of scholarly organizations that have officially signed or endorsed the OA2020 Expression of Interest, <https://oa2020.org/mission/#eois>

⁴ More information about the Slovak Research and Development Agency (APVV), <https://www.apvv.sk/>

⁵ The Visegrad Group (V4) is a cultural and political alliance between Poland, the Czech Republic, Slovakia, and Hungary. <http://www.visegradgroup.eu/>

⁶ Centrum Cyfrowe, The National Science Center joined the coalition for the implementation of Open Access, <https://bit.ly/3cZe6f8> (in Polish).

⁷ Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, page 14, <https://bit.ly/3bhUmmu>

⁸ More information about the Open Access Point of Contact and its activities, <https://openaccess.cvtisr.sk/>

⁹ The survey was sent to all institutes of the Slovak Academy of Sciences as the major public research institution and to departments of five major universities in Bratislava, Banská Bystrica, and Košice to safeguard different geographical representation. When reading the results, it is important to consider that the sampling strategy was neither random nor representative. Therefore, by no means, can the results be extended beyond this group of participants.

¹⁰ Interview with Ján Gondol', expert on open education, 9 March 2020, Section VI for more information.

¹¹ Ibid.

¹² The repository was envisaged to include peer-reviewed publications, research data, and grey literature.

¹³ Interview with Jozef Miškolci, Pedagogical Faculty, Comenius University, and Initiative To dá rozum, 27 April 2020, Section VI - Methodology and Sources for more information.

¹⁴ Interview with Ján Gondol', an expert on open education, 9 March 2020, Section VI - Methodology and Sources for more information.

¹⁵ Ibid.

¹⁶ Definition of Green OA by Springer publishing company: "Green OA, also referred to as self-archiving, is the practice of placing a version of an author's manuscript into a repository, making it freely accessible for everyone. The version that can be deposited into a repository is dependent on the funder or publisher. Unlike Gold OA, the copyright for these articles usually sits with the publisher of, or the society affiliated with, the title and there are restrictions as to how work can be reused", <http://bit.ly/2lxLdK4>

¹⁷ Eurostat – statistics explained, R & D expenditure, <https://bit.ly/2TU5D5x>

7. Develop training to support participatory policymaking and put it into practice

Main Objective

“Strengthen participative creation of public policies through continuous education on participation.”¹

Milestones

1. *With selected ministries or other central authorities, identify and create public policies in a participatory manner with the engagement from representatives of civil society.*
2. *Implement educational program focusing on promoting participatory creation and implementation of public policies.*

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Civic Participation
Potential impact:	Minor

Commitment Analysis

The main aim of the commitment is to continue with developing selected policies in a participatory manner and strengthen participatory culture in the public administration through an educational program for public servants. Participatory policymaking has been a part of national action plans since Slovakia joined the partnership in 2011.² The newly elected government supports participation in legislative processes,³ pledges to closely collaborate with civil society,⁴ and simplify bureaucratic processes and remove obstacles to participation.⁵

The commitment is relevant to the OGP value of civic participation because milestone 1 seeks to develop public policies in a participatory manner, and the education program for public servants (milestone 2) could help them incorporate best practices in their agency’s participatory processes. It could also help public authorities to develop new opportunities for civic engagement. Improvements in this area across public authorities could bring a positive change in practice relative to previous action plans.

This commitment is unclear about how ministries and policies were selected, limiting the certainty of authorities without prior experience of participatory processes taking part. At the time of writing this report (April 2020) the following ministries have already identified the policies to be implemented in a participatory manner: Ministry of Agriculture, Ministry of Education, Ministry of Environment and Ministry of Interior. Some of the proposed policies, e.g. Act on volunteering, were continued from the previous action plan (as they were not implemented then). All of these ministries have a history of developing policies in a participatory manner. For instance, the Ministry of Environment’s environmental policy strategy 2030 was stated in the last implementation report as an example of good practice. As a result of the second action plan, the Ministry of Interior adopted the Law on CSOs’ Registry, the Ministry of Agriculture developed policies supporting small-scale, young and family farmers with the input from civil society, and the Ministry of Education adopted the Concept to support youth work. Thus, the commitment will not substantially go beyond the status quo and, therefore, represents a minor change.

However, although some previous participatory processes were evaluated positively by civil society, the latest implementation report⁶ concluded that the scope and quality of participatory processes still varies between public authorities. Some lead professional consultations open to key stakeholders from the policy design stage to the final assessment stage, while other processes easily prevent important actors from taking part. For instance, evidence of how the Defense Strategy was developed and who was involved in the process is unavailable despite government promises. The Ministry of Defense did not respond to the IRM researcher's request to provide this evidence.⁷ Thus, the potential impact of this commitment could be determined by which ministries or other central authorities are involved and the kinds of policy processes which incorporate participatory mechanisms with engagement from civil society representatives. However, given that initially selected ministries already have experience with participatory processes, it is assessed as minor.

Previous IRM reports⁸ have concluded that both representatives of public administration and civil society perceived the availability of workshops and training on participatory processes as very useful. A civil society representative interviewed for this report⁹ argued that a high-quality education program could improve the quality of participatory processes and shift public authority attitudes towards greater support for participation. However, its potential impact would depend on the number of public servants trained and their seniority within the administration and also on the innovativeness of the program compared to that previously organized. The commitment text is unclear to this end.

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic, <https://bit.ly/3bDhQT9>, and Open Government Partnership National Action Plan of the Slovak Republic 2015, <http://bit.ly/2RevqCc> (see Commitments 22, 24, and 26), and Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019, <https://bit.ly/3fBDqj2> (see Commitments 43, 45, and 47).

³ Government Office, The 2020 – 2024 Government Manifesto, <https://rokovania.gov.sk/RVL/Material/24756/1> (in Slovak).

⁴ Ibid, page 17..

⁵ Ibid..

⁶ Mária Žuffová, Open Government Partnership, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

⁷ Email sent to the Ministry of Defense by IRM researcher, 10 October 2019 (available upon request).

⁸ Mária Žuffová, Open Government Partnership, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

⁹ Interview with Karolína Miková, Partners for Democratic Change, 5 May 2020, Section VI - Methodology and Sources for more information.

8. Modify public participation report for legislative processes

Main Objective

“Amend the Report on Public Participation in the Drafting of Legislation.”¹

Milestones

1. In a participatory manner, amend formalized templates of the Report on Public Participation in the Drafting of Legislation and submit the final draft to the Government of the Slovak Government.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Civic Participation
Potential impact:	Minor

Commitment Analysis

The commitment to modify reports on public participation in the legislative process is new, but it builds on the previous efforts of the Office of the Plenipotentiary in the area of participative processes. Its main aim is to amend the formal templates that public administration uses in legislative processes to document civic participation. The milestone specifies that changes to templates will be adopted as a result of participatory process.

Therefore, the commitment is relevant to civic participation as amending the templates will consider inputs from CSOs. Ministries and public authorities already publish *reports on public participation* (informing how the public was engaged in the draft law-making²) on Slov-lex, along with other materials required for initiating legislative processes, so the commitment could make it easier to compare the extent of civic participation in legislative processes across public authorities.

Although the current templates have been generally well-received,³ they have also faced criticism for their self assessment, yes-no format, and that their usefulness and informative value depends on how public administration uses them.⁴ The legislation⁵ that brought in the *reports of public participation* included four templates based on the level of public engagement (inform, consult, involve, and collaborate with the public in its broadest sense). The templates were designed to cover all stages of law-making, i.e., preparatory works, informing and engaging the public, and evaluating the whole process. The templates are checklists asking the public administration a set (14 to 33 depending on the level of public engagement) of yes-no questions about the character of law-making processes (e.g. appropriateness of the used communication tools). Public authorities should ideally offer additional information supporting their answers in the templates, but some do not.⁶

The way and frequency that current templates are used – or not – is a challenge which this commitment seeks to address. One interviewee stated in the previous IRM report⁷ that in the current state, the templates might even increase the administrative burden of public servants, and they might decide to use their own reports instead. In some instances, these reports were more informationally rich than completed templates, as some legislators detailed the description of public engagement. For instance, while the template only asks yes-no questions if the key civil society actors were identified and engaged, public authorities⁸ that used their own templates often listed these actors. The latest report by the

Office of the Plenipotentiary from 2017⁹ concluded that although the use of templates slightly increased, relative to 2016, public administration still preferred to write *reports on public participation* in their own words rather than use the templates. Furthermore, as the new action plan¹⁰ rightly points out, some of the questions in the templates are impossible to answer before the deadlines for completing the report. Also, as the action plan states, public servants who discussed the usefulness of reports during Open Government Weeks in Slovakia concluded that feedback on participatory processes related to draft proposals of legal regulations is missing. While the feedback to drafters from CSOs helps public servants to improve future processes, feedback to the public including citizens, CSOs, and other involved stakeholders on how their comments were addressed is equally important, and the Office of the Plenipotentiary could include this aspect in the discussion on how new reports should look.

While addressing the issues identified by the commitment has been seen by civil society representatives as a positive step,¹¹ its impact is considered minor. This is due to the unclear impact on whether it enhances access to information or includes new information, or whether it creates new opportunities for civic participation. The Office of the Plenipotentiary¹² confirmed that there is a dedicated working group, consisting of the representatives of public administration, civil society, and academia, which discusses how new templates should look. Via Iuris, a prominent CSO, is a member of the working group and was invited to comment on the process. Another restriction on its impact comes from stakeholder assessments in previous IRM reports that these self-assessments by public administration do not include any oversight¹³ or input from those who participated in the processes. The commitment does not address these issues.

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Ibid.

³ Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4Ws>

⁴ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, Section VI - Methodology and Sources for more information.

⁵ Government Office, Government Resolution no. 164/2016 on the Legislative rules of the Slovak government (4 May 2016), <https://bit.ly/2VLMRyO> (in Slovak).

⁶ For illustration, the report on public participation published by the Ministry of Environment documenting one of its legislative processes where no additional information was provided, <https://bit.ly/2TM6zj7> (in Slovak).

⁷ Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>

⁸ As an example of a public authority, which used its own template and provided a greater level of detail as it would should it have used the official checklist template is the Ministry of Finance in case of the Act on gambling, <https://bit.ly/2TLkvmD> (in Slovak).

⁹ Office of the Plenipotentiary, Analýza zverejňovania správ o účasti verejnosti a predbežných informácií za rok 2016 (Analysis on the publication of preliminary information and reports on public participation for the year 2016), <http://bit.ly/323f2tQ>, and Analýza zverejňovania správ o účasti verejnosti a predbežných informácií za rok 2017 (Analysis on the publication of preliminary information and reports on public participation for the year 2017), <http://bit.ly/2lAs3Dq> (in Slovak).

¹⁰ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

¹¹ Interview with Karolína Miková, Partners for Democratic Change, 5 May 2020, Section VI - Methodology and Sources for more information.

¹² Interview with Lucia Lacika and Skarlet Ondrejčáková, Office of Plenipotentiary, 11 March 2020, Section VI - Methodology and Sources for more information.

¹³ Ibid, IRM Stakeholder meeting related to participation, <http://bit.ly/2EzH4Ws> and reference to the interview with Karolína Miková.

9. Support civil society and intersectoral collaboration through 2021- 2027 ESIF programming period

Main Objective

“Create conditions enabling development of civil society and operational inter-sectoral partnerships enhancing open governance at all levels of public administration during the 2021 - 2027 programming period of the European structural and investment funds.”¹

Milestones

1. *Involve all partners in the process of programming the EU cohesion policy funds 2021 - 2027 in accordance with the European Code of Conduct on Partnership (Commission Delegated Regulation No 240/2014).*
2. *Coordinate and promote drafting of the Partnership Agreement 2021 - 2027 by NGOs and enforce their proposals in relevant documents.*
3. *Promote awareness-raising of the inter-sectional partnerships in public administration.*
4. *Advocate for creation of inter-sectional partnerships engaging representatives of NGOs and civil society in accordance with commitment 5 (“Europe closer to citizens”) of the new programming period of the European Structural and Investment Funds.*

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Civic Participation
Potential impact:	Minor

Commitment Analysis

This commitment focusing on intersectoral partnerships in the context of the programming of EU funding, is being addressed for the first time by a Slovak action plan. It aims to create favorable conditions for civil society to participate in the 2021- 2027 programming period of the European structural and investment funds (ESIF)² and support civil society-government collaboration at all stages of the programming period, starting with participatory drafting of the Partnership Agreement. Since joining the EU in 2004, Slovakia has been able to make use of the EU funding available through ESIF. Currently, Slovakia already benefits from the third 2014 – 2020 ESIF programming period during which it has received EUR 15.3 billion. The EU transfers accounted for 10.6 percent (EUR 1.7 billion) of the 2020 state budget income (EUR 15.8 billion).³

Although this commitment would have been implemented nevertheless (outside of OGP), as the representative of the Office of the Plenipotentiary⁴ confirmed, given that the Partnership Agreement shares OGP values, the Office of the Plenipotentiary took the opportunity and included preparation of the next ESIF programming period in this new action plan.

It is relevant to the OGP value of civic participation because CSOs are invited to collaborate in the ESIF program development and implementation process.

The first three milestones for this commitment address issues relating to civil society participation and awareness raising of the process of programming funds and drafting the Partnership Agreement with

public institutions. According to EU regulations,⁵ governments need to establish close collaboration between public administration and civil society at the national and local levels throughout all stages of the ESIF programming period. Governments also need to ensure all stakeholders are selected in an open procedure.⁶ Regulations also emphasize the importance of timely and accurate information sharing. Managing authorities in all member states are obliged to establish multi-stakeholder monitoring committees, which should primarily promote the ownership of programming and implementation and oversee how the funds are managed. The central managing authority of these funds in Slovakia is the Office of the Deputy Prime Minister for Investments and E-government.

Scholarly research investigating the operation of ESIF monitoring committees in Slovakia⁷ concluded that during the previous 2007 – 2013 ESIF programming period, there was a lack of intersectoral collaboration. Batory and Cartwright found⁸ that the extent of CSOs' participation in monitoring committees was contentious and did not live up to expectations. Many committees operated in an overly formalistic manner, and room for genuine deliberations was limited. Committees' meetings were infrequent, discussions were confidential, and access to information to any outsiders was strictly limited.⁹ Some organizations that were presented as representing civil society were, in fact, public or quasi-public bodies.¹⁰ In the absence of transparent formal selection procedures, government control over the nomination of CSO representatives was strong.

Although some problems persisted, the representative of the Office of the Plenipotentiary¹¹ stated that intersectoral collaboration has improved since the 2007-13 ESIF programming period and the monitoring committees have proved to be useful platforms for knowledge exchange.¹² However, CSOs' human resources are limited to benefit fully from this opportunity,¹³ which is one of the issues that the present commitment aims to address by “creating enabling environment for funding CSOs' projects”¹⁴ and their collaborations with other partners. In 2014, the Government Council for CSOs organized the first formal selection procedures of CSO representatives in the ESIF monitoring committees.¹⁵ Despite only five days for self-nomination, 41 CSO representatives¹⁶ became members of different monitoring committees in the current 2014 – 2020 ESIF programming period. In addition to the committees, the central managing authority¹⁷ uses other means to engage with civil society stakeholders, such as less formal communication with wider civil society (also organizations that are not represented on the committees).

The milestones on collaborative drafting of the Partnership Agreement and awareness raising of intersectoral partnerships could be helpful in tackling the lack of institutionalized support for civil society-government collaboration that occurred in the 2014 – 2020 programming period. For instance, some of the calls did not allow beneficiaries (such as local government) to use their budget for project partners from other sectors (such as civil society).¹⁸ At the same time, in some projects but not others, the applicant was required to have a partner from other sectors to be able to participate in the call.

The commitment as it stands will potentially have a minor impact. Given the scope of the ESIF programming periods, if the commitment is fully implemented and the partnership agreement is developed in a genuinely participatory manner, it might have a moderate potential impact and strengthen civil society participation in programming, implementation, and monitoring of funds. It might also lead to the creation of new partnerships between CSOs and public administration at national and local levels. However, a civil society interviewee¹⁹ argued that the main issue that needs to be addressed to support civil society is the administrative burden posed on both CSOs and public administration, which is currently significant and might have severe economic repercussions for CSOs.

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² European Commission, European structural and investment funds, <https://bit.ly/3eQQqLE>. These are five funds: European regional development fund, European social fund, European agricultural fund for rural development, European maritime and fisheries fund, and Cohesion fund, where Slovakia has been one of the beneficiary countries. Cohesion policy is the EU's main investment policy, and funds are channeled to all EU member countries with GNI per capita lower than 90 percent of the EU average.

³ Ministry of Finance, <https://bit.ly/2XhDI7m>

⁴ Interview with Miroslav Mojžiš, Office of the Plenipotentiary, 19 March 2020, Section VI - Methodology and Sources for more information.

⁵ Official Journal of the European Union, Regulation (EU) no 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, <https://bit.ly/3eHiHEf>, and Official Journal of the European Union, Commission delegated regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds, <https://bit.ly/2RZUT4j>

⁶ Ibid.

⁷ Petsinis, Vassilis (2014), The Management and Distribution of the Structural Funds in Slovakia: A Critical Enquiry. *European Structural and Investment Funds Journal*, 4, 341–352 and Batory, Agnes and Andrew Cartwright (2011), Re-visiting the partnership principle in cohesion policy: The role of civil society organizations in Structural Funds monitoring, *Journal of Common Market Studies*, 49 (4), 697–717.

⁸ Batory, Agnes and Cartwright, Andrew, Re-visiting the partnership principle in cohesion policy: The role of civil society organizations in Structural Funds monitoring, *Journal of Common Market Studies*, 49 (4), 697–717.

⁹ Ibid.

¹⁰ The authors provided examples of the Slovak Rectors Conference and the National Institute of Education.

¹¹ Interview with Miroslav Mojžiš, Office of the Plenipotentiary, 19 March 2020, Section VI - Methodology and Sources for more information.

¹² Batory, Agnes and Cartwright, Andrew, Re-visiting the partnership principle in cohesion policy: The role of civil society organizations in Structural Funds monitoring, *Journal of Common Market Studies*, 49 (4), 697–717.

¹³ Miroslav Mojžiš stated that membership of monitoring committees is not salaried. However, as the representative of the Plenipotentiary argued, an experiment introducing fees for participation was conducted but not associated with greater involvement of CSOs.

¹⁴ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

¹⁵ Office of the Plenipotentiary, Zástupcovia MNO v monitorovacích výboroch EŠIF (CSOs representatives in the ESIF monitoring committees), <https://bit.ly/2xGpSfp> (in Slovak).

¹⁶ Office of the Plenipotentiary, Zástupcovia MNO v monitorovacích výboroch (CSOs representatives in the monitoring committees), <https://bit.ly/3bvyAvy> (in Slovak).

¹⁷ The central coordinating authority is the Office of the Deputy Prime Minister for Investments and E-government, <https://www.vicpremier.gov.sk/index.html>

¹⁸ Interview with Miroslav Mojžiš, Office of the Plenipotentiary, 19 March 2020, Section VI - Methodology and Sources for more information.

¹⁹ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, Section VI - Methodology and Sources for more information.

10. Broaden the publication of legislative and non-legislative materials on the Slov-lex portal

Main Objective

“Extend the scope of legislative and non-legislative documents published on the Slov-lex portal.”¹

Milestones

1. Disclose selected implementing regulations of Ministries and other Central Authorities of the State Administration through the Slov-lex portal.
2. Create conditions for disclosure of generally binding regulations of self-governing regions and municipalities through the Slov-lex portal.

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information
Potential impact:	Minor

Commitment Analysis

While commitments related to the legal and information portal Slov-lex appeared in previous action plans, this commitment to broaden the publication of legislative and non-legislative materials on the portal is new. Its main aim is to advance access to implementing regulations, internal regulations, and internal management acts at both national and local government levels.

The legal and information portal Slov-lex publishes judicial decisions by the Supreme Court, ordinary courts,² the European Court of Human Rights, and the EU Court of Justice, all national legislation in Slovak and some legislation in languages of major ethnic minorities in Slovakia,³ EU legislation,⁴ and information about legislative processes, including *preliminary information*⁵ as described in Commitment 8 in this report.

Broadening the scope of materials published on Slov-lex is an important measure relevant to the OGP value of access to information. Easy public availability of the legislation and information about ongoing legislative processes and actors involved are essential for enhancing the quality of democracy, accountability, and participation of constituents. The first milestone (to publish internal regulations of ministries and central government bodies) could increase access to information and provide the public with better insight into the internal governance of public administration. A civil society representative⁶ argued that it is an important measure, which could make the monitorial work of CSOs easier, as many of these documents are currently accessible only through freedom of information requests. At the moment, most of these legislative and non-legislative materials are not proactively published, although the technical ability to do so has been available. Slov-lex already has a section⁷ where these materials could be published. However, while the commitment enables access to government information that was not previously available, its impact remains minor. This is due to the fact that the action plan specifies that disclosure will only apply to those regulations and acts issued after the adoption of the action plan. This might incentivize agencies that want to prevent disclosure of their regulations and acts

to introduce changes by amending those that were already adopted before the action plan. To achieve a higher potential impact, potential flaws such as this have to be addressed.

The second milestone enhances access to information at the local government level. Regional and local government are currently obliged to publish their *general binding rules*. They can do so on their websites or on the publicly accessible noticeboards.⁸ Navigating individual websites of eight higher regional units and almost 3,000 municipalities might be a challenging task. Therefore, in this respect, commitment to ensure that Slov-lex could serve as a common platform to bring together regional and local government rules and regulations is a positive development and could represent an improvement in the access to information on regulations passed by various local and regional governments. A civil society representative⁹ stated that the commitment could be beneficial for small municipalities with limited capacities for their own digital solutions. However, Slov-lex would need to ensure all public bodies receive clear and easy instructions on how to upload the *general bindings rules* to the portal.

These improvements can be achieved at a relatively low cost. The technical solution is already available for the first milestone and implementing the second requires only minor changes to Slov-lex.¹⁰

¹ Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Judicial decisions by ordinary courts, <https://www.slov-lex.sk/vseobecne-sudy-sr> (in Slovak).

³ All legislation, <https://www.slov-lex.sk/vyhľadavanie-pravných-predpisov> (in Slovak).

⁴ EU legislation, <https://www.slov-lex.sk/vyhľadavanie-v-prave-eu> (in Slovak).

⁵ Preliminary information should include the main goals and legal positions taken in the draft law, overview of the current state and ways in which the public can participate in the process, and the expected date of the public comment period, <https://www.slov-lex.sk/predbezna-informacia> (in Slovak).

⁶ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, Section VI - Methodology and Sources for more information.

⁷ Slov-lex <https://www.slov-lex.sk/vykonavacie-predpisy>.

⁸ For instance, the capital city Bratislava publishes its generally binding regulations, <https://bratislava.sk/sk/legislativa-mesta> (in Slovak).

⁹ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, Section VI - Methodology and Sources for more information.

¹⁰ Interview with Lucia Lacika, Office of Plenipotentiary, 28 April 2020, Section VI - Methodology and Sources for more information.

11. Monitor the current action plan implementation and design a new action plan

Main Objective

“Monitor fulfillment of the OGP National Action Plan 2020 – 2021 and draft the new OGP National Action Plan in a participatory manner.”¹

Milestones

1. *Coordinate the OGP National Action Plan 2020 – 2021 implementation working group, whose members shall include representatives of individual ministries and other central authorities and provide regular updates on its activities.*
2. *Prepare and submit for the Government of the Slovak Republic the OGP National Action Plan for the forthcoming period.*

Editorial Note: For the complete text of this commitment, please see Slovakia’s action plan at <https://www.opengovpartnership.org/documents/slovakia-action-plan-2019-2021/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Yes Access to Information, Civic Participation
Potential impact:	None

Commitment Analysis

This commitment to monitor the implementation of the current action plan and design the new action plan also featured in the second action plan² and as such does not change the status quo. It aims to ensure Slovakia delivers an OGP action plan and implements it.

In response to previous IRM recommendations³ to strengthen intra-agency and inter-agency collaboration, an implementation working group was established and has been coordinated by the Office of the Plenipotentiary since May 2017. It consists of representatives of all ministries and 11 other central government bodies who are responsible for the implementation of OGP commitments. Their list is publicly available and updated at least once in the action plan cycle. The latest version of the list⁴ was published after the 2020 general election. The implementation group meets once or twice a year to discuss the progress of individual commitments and which public agencies need to achieve better results. Previous IRM reports⁵ stated the meetings are useful in ensuring “the overall performance in fulfilling the commitments.”⁶

The milestone to prepare and submit the new action plan has also been a part of Slovak action plans since 2015, despite the fact that this is not a recommended practice. The governments who are OGP members are expected to submit their new action plans by the end of an implementation cycle regardless.⁷ Therefore, this milestone represents an activity that has to happen anyway, whether it is written in the action plan or not. OGP process-related commitments are not usually included in action plans. Although it proved useful in Slovakia to have an OGP process embedded in action plans, as these are legally binding documents at the central government level in Slovakia which ensures that commitments get implemented,⁸ it is not a recommended practice.

The milestones are relevant to the OGP values of access to information and civic engagement. However, it is unclear how they will add to these values as they do not promote any change compared to what had been achieved in the previous action plan. In the past, the Office of the Plenipotentiary has developed new action plans (including the current one) in an open and inclusive manner. It has regularly informed on the action plan creation on its website,⁹ social media,¹⁰ and through the newsletter. In addition, it has organized events, such as Open Government Week (OGW), to solicit feedback from civil society and encourage exchange and collaboration between public administration and civil society.

Despite senior political support¹¹ and participatory preparations for OGW,¹² the Office of the Plenipotentiary had to postpone OGW¹³ due to the ongoing COVID-19 pandemic. The representatives of the Office of the Plenipotentiary were in the process of preparing online webinars to keep discussion with civil society going. Although these activities are positive, as formulated in the action plan, the milestones do not have the potential to advance access to information and civic participation beyond the status quo.

To strengthen the impact of this commitment and achieve better outcomes, the Office of the Plenipotentiary should consider formalizing the multi-stakeholder forum. While there are several thematic working groups and opportunities to participate in OGP processes are not restricted to any group, the process would benefit from having one platform with a clear mandate determining conditions of membership and governance structure and consisting of representatives of both public administration and civil society. Including members from academia and business should also be considered, as these two groups have been underrepresented in OGP processes. Last but not least, the Office of the Plenipotentiary should ensure that minorities, in particular ethnic and sexual minorities, are also represented in the multi-stakeholder forum and have a chance to shape the OGP agenda.

¹ Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2020 – 2021, <https://bit.ly/3bhUmmu>

² Office of the Plenipotentiary, Open Government Partnership National Action Plan of the Slovak Republic 2015, <https://www.opengovpartnership.org/members/slovak-republic/>

³ Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4WVs>

⁴ Office of the Plenipotentiary, Aktualizovaný zoznam kontaktných osôb Iniciatívy pre otvorené vládnutie počas plnenia Akčného plánu na roky 2020 – 2021, Updated list of OGP contact persons during the 2020-2021 AP implementation, <https://bit.ly/2VHjA73> (in Slovak). The list was published on 28 February 2020.

⁵ Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>

⁶ Mária Žuffová, Open Government Partnership, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>

⁷ Open Government Partnership, OGP Handbook Rules + Guidance for Participants, <https://bit.ly/2ypNwNd>

⁸ Mária Žuffová, Open Government Partnership, Slovakia Special Accountability Report 2014 - 2015, <http://bit.ly/2EzH4WVs>

⁹ The official website of the Office of the Plenipotentiary, <https://www.minv.sk/?ros> (in Slovak).

¹⁰ The official Facebook page for the Slovak OGP, <http://bit.ly/2B5lrHw> (in Slovak). The official YouTube channel of the Office of the Plenipotentiary, <http://bit.ly/2BanqeA>, and the Trello profile, <https://bit.ly/2Yj69gG> (in Slovak).

¹¹ Interview with Lucia Lacika and Skarlet Ondrejčáková, Office of Plenipotentiary, 11 March 2020, Section VI - Methodology and Sources for more information.

¹² Office of the Plenipotentiary, Týždeň otvoreného vládnutia 2020: Staňte sa súčasťou najväčšieho podujatia k otvorenému vládnutiu na Slovensku! (OGW: Become part of the largest open government event in Slovakia!), <https://bit.ly/3bnw9Lz> (in Slovak).

¹³ Office of the Plenipotentiary, Týždeň otvoreného vládnutia 2020: Aktuálne informácie v kontexte súčasnej situácie (OGW 2020: Information in the context of the current situation), <https://bit.ly/2KlJ054> (in Slovak).

V. General Recommendations

This section aims to inform the development of the next action plan and guide the implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve the OGP process and action plans in the country and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Five Key Recommendations

Recommendations for the next action plan's development process	
1	Establish the formal multi-stakeholder forum, develop and publish its mandate with the participation of public administration, civil society, academia, and business representatives.
2	Engage high-level government representation with decision-making authority from the government in the working groups.

Establish the formal multi-stakeholder forum, develop and publish its mandate with the participation of public administration, civil society, academia, and business representatives

The lack of a formal multi-stakeholder forum (MSF) continues to be detrimental to an otherwise open and inclusive development process. It also means Slovakia is not following the minimum process set by OGP. The IRM recommends establishing the multi-stakeholder forum based on the parity principle, where both public administration and civil society are represented. Developing and publishing the multi-stakeholder forum mandate with collaboration between government and civil society will also help to strengthen the forum structures. In the past OGP cycle, the Office of the Plenipotentiary initiated some efforts to establish the forum. However, these were later abandoned, as it was not a priority for the office.¹ The main challenge is to set the conditions for participation so that it does not constrain the capacities of CSOs. Also, on the side of public administration, it is important to engage public servants with adequate competencies and who are able to view open government in a broader context, outside of their agenda.²

Engage high-level government representation with decision-making authority from the government in the working groups

Until now, no high-level government representative was engaged in the development and implementation of action plans. As a result, some ambitious open government reforms initiated and led by ministers, such as the establishment of the Register of Public Sector Partners, were adopted outside of OGP.³ Engaging a high-level government representative could create an opportunity to raise the profile of the partnership in Slovakia, which has been rather low. Even though OGP values are relevant to the work of many Slovak CSOs, they rarely refer to the partnership. If high-level government representatives were more visible in Slovakia's OGP activities, CSOs would be more likely to relate to OGP, as they will hold the government to account for commitments that see limited completion.

Recommendations for the next action plan's design	
1	Strengthen access to information by improving the Freedom of Information Act (FOIA), establishing an independent oversight body that monitors the application practice, and publishing data in high demand in open formats.
2	Develop effective and non-partisan measures that ensure transparency and oversight measures in judicial and prosecution reform.
3	Ensure that the beneficial ownership data published on the Register of Legal Entities, Entrepreneurs and Public Authorities meet the highest international standards and connect the register with the Register of Public Sector Partners.

Strengthen access to information by improving the Freedom of Information Act (FOIA), establishing an independent oversight body that monitors the application practice, and publishing data in high demand in open formats

This action plan has fewer commitments than the previous ones, but it brings new impactful measures, such as publicly informing how public agencies fulfill tasks resulting from government resolutions or providing a centralized register of beneficial ownership information. At the same time, it maintains continuity with previous action plans by further developing commitments in open data, open education and science, and participatory policymaking. However, as was outlined in previous reports, other vital policies prepared in an open and participatory manner have stalled, most notably, the amendment of FOIA. CSOs have long emphasized the need for improvements, extending the scope of the right of access to government information and establishing the Office of Information Commissioner, as currently, no oversight of the application practice exists.

Also, while open data has been a part of Slovak action plans since 2011, very few high-demand datasets have been published. Faster progress is necessary to reap the benefits of open data. Lastly, the plan needs to ensure that the scope of Commitment 10 (to broaden the publication of legislative and non-legislative materials on the Slov-lex portal) is wide and includes internal regulations and acts that ministries and central government bodies adopted prior to this action plan.

Develop effective and non-partisan measures that ensure transparency and oversight measures in judicial and prosecution reform

The second recommendation calls for the continuation of anti-corruption efforts. Important measures have been introduced as a result of the previous action plan in judiciary and prosecution, which have increased transparency and public accountability. In the light of recent corruption scandals in both judiciary and prosecution, it is crucial that these efforts continue and lead to the adoption of systematic and sustainable measures minimizing the risk of corruption, which are non-partisan at the same time. For instance, Via Iuris warned against the recent proposal that the Attorney General of the Prosecutor General's Office could be removed by MPs' voting in the parliament only without taking into account the decision of the Constitutional Court.⁴

Ensure that the beneficial ownership data published on the Register of Legal Entities, Entrepreneurs and Public Authorities meet the highest international standards and connect the register with the Register of Public Sector Partners

Other anti-corruption measures that should be sustained and continually improved are in the area of open data and beneficial ownership data. The Slovak government has achieved great successes with the Register of Public Sector Partners, which was launched in 2017 as one of the major reforms by the then Minister of Justice Lucia Žitňanská. The register was instrumental for the work of investigative journalists and civil society, who used the data to reveal that some politicians were in conflict of interest in public procurement decisions or grant-making processes. However, the latest results have been mixed. In February, the European Commission sent a letter of formal notice to the Slovak government⁵ "for not having notified any implementation measures for the 5th Anti-Money Laundering Directive". The international civil society⁶ criticized Slovakia and seven other EU member states for patchy progress in the area. Commitment 4 in this action plan aims to address both criticisms, as it pledges to make publicly available information on beneficial owners of *all* legal entities registered in Slovakia in the Register of Legal Entities, Entrepreneurs and Public Authorities, which is major improvement on some 30,000 entities recorded in the Register of Public Sector Partners. To maintain its leadership in the area, the government should ensure that this commitment is fully implemented and the data publication meets the Beneficial Ownership Transparency Disclosure Principles.⁷ Given that civic activists in e-government have criticized duplicity of platforms, it would be desirable if the Register of Public Sector Partners and the Register of Legal Entities, Entrepreneurs and Public Authorities are connected.

Strengthen the participation of minorities in legislation that affects them and adopt an intersectional approach across OGP commitments

Lastly, OGP in Slovakia should focus on strengthening the participation and collaboration of minorities, in particular ethnic and sexual minorities, in the development and implementation of legislation that affects them. The Office of the Public Defender of Rights has repeatedly pointed⁸ to the human rights infringements of the Roma minority, LGBT+, and women's rights. There has been no substantial improvement in these topics and, as a civil society representative interviewed for this report⁹ argued, the Office of the Plenipotentiary could pay greater attention to them. Members of Parliament¹⁰ refused to acknowledge the findings of the Public Defender of Rights' report, which was strongly criticized by wider civil society.¹¹

Furthermore, commitments should be developed with an intersectional approach¹² in mind. The concept of intersectionality acknowledges multiple inequalities that exist in parallel, and substantially affect lived experiences. Gender, race, sexuality, ethnicity, age, and class interact and also have consequences for how people can benefit from the implementation of OGP commitments. When developing the commitments, the public should not be treated as a monolithic group. For example, when designing commitments on increasing access to information, questions about how women, Hungarian or Roma minorities, older people, foreigners, or those from a socially deprived background will benefit from them should be asked. If the commitments disadvantage these groups, then inclusive measures adapted to meet their needs should be considered. The COVID-19 pandemic has magnified structural inequalities in Slovakia and revealed that some commitments do not engage with them sufficiently. For instance, the repository for educational resources might be a helpful tool in situations such as the current one when schools are closed and most of the educational processes moved to the online environment. However, analysis of the Institute for Educational Policy¹³ estimates that more than 32,000 elementary school pupils could be without internet access. Only 52 percent of children from socially deprived households and only 40 percent of children from Roma households have access to the internet. A recent example of good practice considering intersectionality is the central state website korona.gov.sk, which provides guidance related to COVID-19 and daily data on new positive cases and deaths from COVID-19 in Slovak, Hungarian, Roma, and English languages. The commitment to minorities can also be reflected in the implementation of Commitment 7 to develop training to support participatory policymaking by building capacities of minorities but also those of public servants to consider how citizens' needs might vary by their demographics. Similarly, Commitment 9 (to support civil society engagement in the ESIF programming period) represents an opportunity to consider how minorities could participate at different stages.

5.2 Response to Previous IRM Key Recommendations

Previous IRM Report Key Recommendations

Recommendation		Did it inform the OGP Process?
1	Establish the formal multi-stakeholder forum with the participation of both public servants and civil society.	X
2	Include more targeted and ambitious commitments in the next action plan.	✓
3	Ensure the proposed commitments are co-created with public agencies in charge of their implementation.	✓
4	Concentrate efforts on existing platforms and initiatives, avoid duplication.	✓

5	Focus on the enhancement of key transparency tools, including improving the Freedom of Information Act but mainly its application practice.	X
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Of the five recommendations, the government addressed three in the new action plan. The new action plan included fewer but more focused and ambitious commitments. Also, commitments were created in collaboration with public authorities that are in charge of them. In the past OGP implementation cycle, some commitments, in particular in open education, lacked ownership of the agenda, which hindered their successful implementation. The efforts were fragmented, and unsatisfactory results indicated that a more unified and coordinated approach is needed. In open science commitments, the establishment of the Open Access Point of Contact proved to be a useful measure. In the new action plan, the milestone within Commitment 5 to establish a similar point of contact at the Ministry of Education for the digital and open education agenda is, therefore, a welcomed improvement. On the broader action plan level, the ownership was already previously strengthened by assigning the responsibility for commitments to civil servants at individual public authorities.¹⁴

While the action plan covers a new ambitious agenda increasing access to information and public accountability (e.g., Commitments 1 and Commitment 4), it also builds on previous efforts in open data, open education and science, and participatory policymaking (e.g., Commitments 5, 6, and 7). Maintaining continuity is in line with one of the IRM recommendations.

However, two recommendations were not addressed - one is procedural, and the other concerns the reforms that were not completed despite the fact that they were developed in an open and participatory manner. The previous Design Report¹⁵ suggested that the OGP process in Slovakia could benefit from formalizing the multi-stakeholder forum. It argued that its absence is detrimental, as it lacks opportunities for interaction between public administration and civil society. The implementation working group consists only of representatives of public administration. Moreover, although the Office of the Plenipotentiary, as the authority leading the OGP process in Slovakia, is open and inclusive, the conditions of participation are not clearly set. For instance, no formal selection procedure for taking part in working groups is in place. The OGP Point of Contact at the Office of the Plenipotentiary stated that although the multi-stakeholder forum was not a priority, the idea had not been abandoned. The Plenipotentiary is in favor of it. However, the main challenge has been to design the forum in a way that it has strong competences, i.e. it should be represented by public servants with decision-making powers and attracts the attention of CSOs. They will also consider engaging analytical units of ministries and public servants who see open government in context, and outside of the scope of action plans.¹⁶

Lastly, previous reports recommended moving forward with key transparency reforms, such as the amendment of the Freedom of Information Act. After the resignation of justice minister Lucia Žitňanská in March 2018,¹⁷ there was no political will to continue the FOIA reform and also no capacity at the ministry to address more than 700 comments¹⁸ that the draft law received in the official public comment period. However, given that it is one of the main priorities of the new government, which has been highlighted in the 2020 – 2024 Government Manifesto,¹⁹ it is expected that this shortcoming will be addressed in this term of office.

¹ Interview with Lucia Lacika, Office of Plenipotentiary, 28 April 2020, Section VI - Methodology and Sources for more information.

² Ibid.

³ Background information for Commitment 4 in this report.

⁴ Via Iuris, Prečo by o návrhu na odvolanie generálneho prokurátora z funkcie nemal rozhodovať len parlament?, Why shouldn't only the parliament decide on the motion to remove the Attorney General? <https://bit.ly/3fBpinN> (in Slovak).

⁵ European Commission, February infringements package: key decisions, <https://bit.ly/3bOColc>

⁶ Global Witness, Only a handful of EU countries meet key money laundering deadline, <https://bit.ly/2XhJuAv>

⁷ Beneficial Ownership Leadership Group, Declaration of national commitment to meet the Beneficial Ownership Transparency Disclosure Principles, <https://www.openownership.org/uploads/oo-disclosure-principles.pdf>

⁸ Office of the Public Defender of Rights, Report of the activities of the Office of the Public Defender of Rights, <https://bit.ly/2A3gyTF>

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- ⁹ Interview with Veronika Prachárová, Slovak Governance Institute, 28 May 2020, Section VI - Methodology and Sources for more information.
- ¹⁰ The Slovak Spectator, MPs fail to acknowledge ombudswoman's report. President disagrees with such an approach, <https://bit.ly/2ZAlt93>
- ¹¹ Changenet.sk, Civic appeal to the Parliament and Government of the Slovak Republic - You are here for all people, <https://bit.ly/3iczZDA>
- ¹² For more information about intersectionality, Crenshaw (1989, 1991) or Yuval-Davis (2015).
- ¹³ Bednárík, Michaela et al., Ako v čase krízy zabezpečiť prístup k vzdelávaniu pre všetky deti (How to ensure access to education for all children in times of crisis), Institute for Educational Policy, <https://bit.ly/3c67MC8> (in Slovak).
- ¹⁴ Office of the Plenipotentiary, Stretnutie kontaktných osôb z rezortov k Akčnému plánu Iniciatívy pre otvorené vládnutie na roky 2020 – 2021 (Meeting of contact persons from the ministries in relation to the 2020 – 2021 OGP Action Plan), <https://bit.ly/2xXVWHo4> (in Slovak).
- ¹⁵ Mária Žuffová, Open Government Partnership, IRM Slovakia Design Report 2017–2019, <http://bit.ly/2nOTrpw>.
- ¹⁶ Interview with Lucia Lacika, Office of the Plenipotentiary, 28 April 2020, Section VI - Methodology and Sources for more information.
- ¹⁷ TASR – the News Agency of the Slovak Republic, Zitnanska to Remain MP after Leaving Justice Ministry, <https://bit.ly/3fh3J8m>
- ¹⁸ For more information, the narrative on Commitment 7 in Mária Žuffová, Open Government Partnership, IRM Slovakia Implementation Report 2017–2019, <https://bit.ly/3ciCF6d>
- ¹⁹ Government Office, The 2020 – 2024 Government Manifesto, <https://rokovania.gov.sk/RVL/Material/24756/1> (in Slovak).

VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that 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, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Slovakia's OGP repository (or online tracker),¹ website,² findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are 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 Manual.³

Interviews and stakeholder input

Survey-based data

The IRM researcher conducted two online surveys, which yielded quantitative and qualitative information on Commitment 5 on open education and Commitment 6 on open science.

The first survey,⁴ addressed to the directors and teachers of elementary schools, enquired about the commitments in the area of open education, in particular about participants' awareness of the central repository for educational resources, which was launched as a result of the previous action plan and their views on the quality of provided materials. While the survey was anonymous to encourage teachers to express their views freely, respondents were also given an opportunity to leave their contact details if they wished to discuss their views in more detail. The survey was distributed to all elementary schools using the publicly available official register of all schools,⁵ which provides the data in a machine-readable format. A small proportion of emails returned as undelivered. Some of the email addresses were no longer valid, which suggests that the information on the register needs updating. The survey was open from 4 to 31 March. Five hundred and twenty-five respondents started the survey, and 314 completed it. No reminders were sent. The survey provided useful insights into the awareness of the educational repository.

The second survey⁶ aimed to better understand what access to scientific peer-review journals Slovak researchers have, what their views of Open Access are, and what their awareness of the OA Point of Contact is. The survey was sent to all institutes of the Slovak Academy of Sciences as the major public research institution and departments of five major universities⁷ in Bratislava, Banská Bystrica, and Košice to safeguard different geographical representation. The survey was open from 21 to 30 April. One hundred and fifty-five respondents started the survey, and 109 completed it. No reminders were sent. The survey provided valuable information about the Slovak scientific community's awareness of the OA Point of Contact but also their views about open access and open science more broadly, and how the Ministry of Education and its organizations could help the community to benefit from them.

Both surveys were designed to encourage as many respondents as possible to participate. Therefore, their completion time was between five to 10 minutes, closed-ended multiple-choice questions

prevailed, and all questions were voluntary, meaning that respondents could submit their responses without answering all questions. Their brevity, however, means that the topics were not covered in depth.

Interviews

In addition to surveys, the IRM researcher organized online and telephone interviews as face-to-face interviews were not a feasible option due to the ongoing COVID-19 pandemic. Below is a list of interviewees who agreed to be interviewed for this report. The requests for interviews were also sent to people outside of this list but went unanswered. The list is organized chronologically. The semi-structured interviews lasted, on average, for one hour. Following the online call, each of the interviewees was offered a summary of the interview for further clarification if needed.

- Ján Gondol', open education, and open science expert, 9 March 2020
- Lucia Lacika, OGP Point of Contact, Office of the Plenipotentiary, 11 March and 28 April 2020
- Skarlet Ondrejčáková, Office of the Plenipotentiary, 11 March 2020
- Miroslav Mojžiš, Office of the Plenipotentiary, 19 March 2020
- Julián Gerhart, Initiative *zmudri.sk*, 25 March 2020
- Lukáš Priškin, Initiative *zmudri.sk*, 9 April 2020
- Jozef Miškolci, Pedagogical Faculty, Comenius University and Initiative *To dá rozum*, 27 April 2020
- Karolína Miková, Partners for Democratic Change, 5 May 2020
- Veronika Prachárová, Slovak Governance Institute, 28 May 2020

In addition to online and telephone interviews, several experts from public administration, the education sector, and civil society provided further information or feedback via email. Those whose feedback informed the report are:

- Marek Tóth, Elementary School Rozmarínová in Komárno, 19 March and 14 April 2020
- Jana Kasáková, Slovak Centre of Scientific and Technical Information, 24 April 2020
- Monika Tomeková, Via Iuris, 12 May 2020

The following materials and platforms also served as a rich and useful source of information:

- Community platform of Slovensko.digital (CSO active in the area of e-government), <https://platforma.slovensko.digital/>.
- *Recommendations for improving education in Slovakia* by the MESA10 project *To dá rozum*.⁸

The IRM researcher also attended/watched the following webinars organized by the Slovak Centre of Scientific and Technical Information, an agency responsible for open science commitments:

- Management of scientific data and an example of good practice in Slovakia: Digital repository of the Department of Information Science and Cultural Heritage at the University of Žilina, 12 May 2020⁹
- Open educational resources, 18 May 2020¹⁰

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

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

¹ The Trello profile of the Office of the Plenipotentiary, <https://bit.ly/2Yj69gG> (in Slovak).

² The official website of the Office of the Plenipotentiary, http://www.minv.sk/?ros_ogp (in Slovak).

³ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

⁴ The full text of the survey for elementary schools enquiring about the repository for educational sources is available on request.

⁵ CVTI, Register of schools and school facilities, <https://crinfo.iedu.sk/RISPortal/register/> (in Slovak).

⁶ The full text of the expert survey enquiring about the commitments in open science is available on request.

⁷ The survey was sent to some departments of Comenius University and all departments of Slovak University of Technology in Bratislava, Matej Bel University, Pavol Jozef Šafárik University in Košice, and Technical University of Košice. There is no publicly available official register of the employees of higher education institutions and research centers provided in a machine-readable format. Due to the limited capacities of the researcher to create a contact list of all departments of all higher education institutions and research centers, a different sampling approach had to be adopted. The overall sample is a convenience sample, and limitations that come with it have to be considered.

⁸ Hall, Renáta et al., *Odporúčania pre skvalitnenie školstva na Slovensku*, MESA10, <https://bit.ly/2Y3ETm4>, (in Slovak).

⁹ Slovak Centre of Scientific and Technical Information, *Webinar Manažment vedeckých dát a príklad dobrej praxe na Slovensku: digitálny repozitár Katedry mediamatiky a kultúrneho dedičstva na Žilinskej univerzite*, <https://bit.ly/3epeRIB> (in Slovak).

¹⁰ Slovak Centre of Scientific and Technical Information, *Webinar Otvorené vzdelávacie zdroje*, <https://bit.ly/2TMhjaA> (in Slovak).

Annex I. Commitment Indicators

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 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.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
 - Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. 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
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

What makes a results-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (E.g., "Misallocation of welfare funds" is more helpful than "lacking a website.")
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., "26 percent of judicial corruption complaints are not processed currently.")
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? (E.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.

¹ “Open Government Partnership: Articles of Governance” (OGP, 17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance/>

² “IRM Procedures Manual” (OGP), <https://www.opengovpartnership.org/documents/irm-procedures-manual>