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Observation of parliamentary elections in the Slovak Republic (25-26 September 1998)

Election observation report[1]
Ad hoc Committee of the Bureau
Rapporteur: Mr Franciszek ADAMCZYK, Poland

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1. Introduction

1. At its meeting on 26 June 1998, the Bureau of the Assembly decided to set up an ad hoc committee to observe the legislative elections to be held in the Slovak Republic on 25 and 26 September 1998.

2. In a letter dated 27 August, the President of the Slovak delegation to the Parliamentary Assembly, Mr Slobodník, informed the Clerk of the Assembly that the President of the National Council of the Slovak Republic and the Slovak delegation had taken into account the decision of the Bureau to send an observation

1. Publication of this report was audiorised by the Bureau at its meeting of 3 November 1998.

team to these elections. The Assembly was informed that the visit of observers, including those from international organisations, would be organised by the Slovak Foreign Affairs Ministry in co-operation with the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE (Appendix I).

Composition

3. The ad hoc committee was composed as follows:

– Mr Adamczyk, Chairman/Rapporteur, Poland, EPP/CD Mr Akcali, Turkey, EDG

– Mrs Fehr, Switzerland, LDR

– Mrs Guirado, Spain, SOC

– Mr Kandare, Croatia , EPP/CD

– Mr Leoni, Rapporteur of the Monitoring Committee, Italy, SOC,

– Mr Nagy, Hungary. LDR

– Mr Silay, Turkey, EDG Mr Tan, Turkey. SOC

4. Mr Dronov. Head of Division. Office of the Clerk of the Assembly, Ms Hügel, Administrator, and Mr Rössle. Deputy Head of the Press and Public Relations Department, accompanied the delegation.

Preparations for the election monitoring

5. The ad hoc committee used the good offices of the OSCE for deployment and programming. A separate programme of meetings and briefings was prepared for the tri-parliamentary observers, who met with representatives of the Central Electoral Committee, Ministry of the Interior, Supreme Court, as well as political parties running for parliament.

6. The ad hoc committee met in Strasbourg on 22 September to elect its chairman. The chairman was also appointed rapporteur.

2. Political background

7. The Slovak Republic became an independent state on 1 January 1993, following the dissolution of the Czech and Slovak Federal Republic and the emergence of the Czech Republic and Slovakia. The country's population of 5.4 million comprises a sizeable (11%) Hungarian minority[2]. A further 4.8% to 10% belong to the Roma minority (depending on sources of estimates). Slovakia has been a full member of the Council of Europe since 30 June 1993. The monitoring procedure of Slovakia's compliance with obligations and commitments it subscribed to when joining the Council of Europe is currently under way.

8. Slovakia is a candidate for membership of the European Union. However, the European Commission concluded in 1997 that Slovakia did not fulfil in a satisfactory manner the political conditions for membership owing to the instability of the functioning of its democracy.

The National Council

9. The unicameral parliament is called the National Council of the Republic of Slovakia. It has 150 seats. Following the parliamentary elections of 1994, the Movement for Democratic Slovakia (HDZS) held 61 seats in the National Council. The total number of seats held by the ruling coalition was 83.

10. Because of deep divisions in the parliament, it failed to elect the President of the republic following the expiration of the term of office of the previous incumbent. The post of the President of the republic has therefore been vacant since March 1998, when President Kovac's term ended. The Prime Minister, Mr Meciar, member of the HZDS, exercised most presidential powers.

The amended electoral law

11. Elections to the National Council of the Republic of Slovakia are held on the basis of universal, equal and direct suffrage by secret ballot, pursuant to the principle of proportional representation.

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2. According to official statistics from the 1992 census.

12. The right to vote in the National Council is given to those citizens who have attained the age of 18 years. Any citizen who has reached 21 years can be a candidate for the National Council.

13. The territory of the Slovak Republic represents one single constituency.

14. The electoral law was last amended on 20 May 1998, only four months ahead of the parliamentary elections. The law provides for a 5% registration threshold.

15. The amended law further extended the 5% threshold to individual parties forming a pre-election coalition and introduced a ban on joint lists of candidates. The loophole that existed in the past allowing the formation of such coalitions by smaller parties that would otherwise not qualify for registration was therefore eliminated.

16. The wording of the amended law caused some concern and confusion among the opposition parties. It was asserted that the aim of the amended law was to effectively preclude the viability of pre-electoral coalitions through excluding a joint list of candidates represented on a common ballot.

17. A further source of concern associated with the new law was its Article 23 that prohibits election campaigning by private media during the period of the electoral campaign, commencing thirty days prior to the election day.

18. The new legislation further increased the authority of the Ministry of the Interior which was given some election organisation and administration powers. This transfer of responsibilities from full-fledged, multiparty electoral committees to an institution that is a part of the incumbent executive administration was a particular source of concerns to critics at home and abroad.

19. Despite united opposition protests, putting into question the constitutionality of the amended law, the ruling coalition passed the law by a simple parliamentary majority.

20. A parliamentary group of thirty-five deputies (SDK) filed, on 30 June 1998, a motion to the Constitutional Court alleging that some provisions of the amended law run counter to the Slovak Constitution and the European Convention on Human Rights. The Constitutional Court announced that it would only rule on the motion after the election is over.

21. On 9 August, the ruling HZDS approached the Supreme Court with a proposal to cancel the registration of SDK, the main contender, claiming that SDK still remains a coalition, rather than a party, and has to ran as five individual parties, and that the threshold requirement should apply to each of them. In a show of defiance, Slovakia's Supreme Court rejected the HZDS proposal 14 August 1998, displaying the judiciary's independence of the executive.

3. The electoral campaign

22. According to the existing legislation, the election campaign period begins thirty days before the election and finishes forty-eight hours before the beginning of the vote. All political parties are guaranteed equal access to the mass media. Registered political parties can conduct election campaigns only on state-owned radio and television.

23. Altogether, seventeen political parties were registered to run in the election.

24. In the run-up to the election, eight opposition parties have merged into two new parties. The SDK registered itself as a single party. Three Hungarian parties also merged to form the Hungarian Coalition Party (SMK).

25. While conducted in the overall tense atmosphere of suspicion and mistrust, the campaign was however not marked by any serious incidents, let alone violence.

26. No party has forwarded any serious complaints about interference or intimidation during rallies. In general, political issues were not emphasised, the criticism rather tended to be levelled at the personalities of the contenders. The opposition did, however, raise some complaints regarding misuse of public infrastructure by the ruling coalition, as well as the use of foreign celebrities in public appearances of the Prime Minister. Another disturbing development was negative official television coverage of the activities of international election observers that put into question the integrity of their reporting.

27. Contenders' mutual recriminations focused primarily on misuse of electronic media. The opposition claimed that the reporting on the state-owned television was heavily biased in favour of the ruling coalition. Supporters of the HZDS normally retorted that all contenders were given equal airtime and, in their rum, accused the opposition of violating Article 23 of the electoral law effectively confining all campaigning to state-owned media. In fact, at one point, on these grounds a popular private television channel, the only serious alternative to the state channel, was fined to the tune of US$ 110 000.

28. While, indeed, formally all contending parties were allocated equal airtime on the state-owned electronic media, there is no denying that the state television offered coverage that was a lot more favourable to the ruling coalition. By the same token, the private channel mentioned above, was undeniably campaigning for the opposition. By contrast, state-owned radio was a lot more balanced in its coverage and made an effort to distance itself from active campaigning. On the whole, in the rather confusing set-up, media provided pluralistic information and the electorate could form their views based on their own experiences and a wide range of political opinions and media comments.

4. Observation of the elections

29. The peculiarity of elections in Slovakia, that is a tribute to the old Czechoslovak tradition, is that election covers two days. In the atmosphere of mistrust that preceded the election, this gave rise to widespread concerns that ballot boxes left sealed overnight in polling stations could be tampered with. As a result, overall turnout was somewhat higher on the second day.

30. The Assembly observers split into five groups with a view to covering various regions of the country. Special attention was paid to monitoring those regions that could potentially be problematic, particularly in areas inhabited by ethnic Hungarians.

31. On the whole, voting was well organised, with a remarkably high voter turnout. Members of local electoral committees displayed professionalism and confidence in the process. The procedure was meticulously followed, the law and order situation could be characterised as exemplary. Even though they represented different parties, members of electoral committees appeared to have full confidence in each other, there were no signs of tensions among them. Our observers were treated politely, if, at times, too cautiously. The sometimes excessive cautiousness should probably be attributed to the negative official media coverage of international observers immediately before the elections. All necessary co-operation, clarifications and information were provided to our observers at all times. For their part, voters showed their appreciation of the presence of international observers. The vote count at the polling stations was conducted efficiently and in full compliance with rules and regulations.

32. There were, certainly, some irregularities, such as family voting and lack of clarity regarding the regulations covering the methods of applying seals to ballot boxes. However, against the general backdrop these should be considered as insignificant and having little or no impact on the result of the voting. The only really regrettable aspect was absence of local observers at most polling stations, given that they had been denied formal registration ahead of the elections. International observers used every opportunity to explain to electoral officials that the presence of domestic observers could only help build confidence and enhance transparency.

33. Texts and statements made in Bratislava by the Chairman of the election monitoring mission are reproduced in Appendices II and III, the Council of Europe press release of 27 September 1998 containing preliminary assessment of the election constitutes Appendix IV.

34. Preliminary assessments of elections made by partner observers from the OSCE (VI 6) and the European Parliament do not differ in substance from those of this delegation. On 30 September, the Presidency of the European Union made a declaration welcoming the conduct of the poll (Appendix V).

5. Field co-operation with the OSCE

35. Being the only international organisation formally invited to monitor the elections, the OSCE had to take care of accreditation of all international observers, including those from the Parliamentary Assembly of the Council of Europe and the European Union. This created the impression that the overall operation was essentially an OSCE exercise, an impression fostered by the head of the OSCE election observation mission. President of the OSCE's Parliamentary Assembly and personal representative of the OSCE's Chairman-in-Office, Ms Helle Degn.

36. As far as technical preparations are concerned, the OSCE/ODIHR has done an excellent job. acting very efficiently and catering to the needs of parliamentary observers with due attention and respect.

6. Conclusions

37. The parliamentary election in Slovakia turned out a resounding vote for democracy, despite all the tensions and suspicions of the pre-election period.

38. With a turnout of 84.24%, the vote has testified to the growing belief of the Slovak people in democratic values and representative democracy.

39. On the whole, the election can be qualified as free and, despite some grievances of the pre-election period, fair. The results of the election undeniably reflect the will of the Slovak people (for final results, see Appendix VII).

40. Even though HZDS remains the biggest single party represented in the parliament, it has lost its monopoly on power. The combined opposition to Mr Meciar's government commands a three to five majority in the parliament. It can therefore form a new government, elect a new speaker and modify the constitution so that the president is elected by direct ballot.

41. On a different key, based on the experience from this election monitoring operation some ideas can be brought to the attention of the Bureau of the Parliamentary Assembly of the Council of Europe (PACE). As a general principle, it may be recommended that in the future, where there is an interest in observing an election, PACE should seek an explicit invitation from the state concerned to do so. Co-operation accorded by the relevant PACE national delegation is also a crucial factor. By contrast, monitoring through the good offices of another international organisation entrusted with the whole process by the host state tends to put PACE's identity into jeopardy, a situation to be avoided.

Appendix 1 – Letter from the Chairman of the Slovak delegation to the Parliamentary Assembly of the Council of Europe, Dušan Slobodnik, to Mr Bruno Haller, Clerk of the Parliamentary Assembly of the Council of Europe, Strasbourg

Bratislava, 27 August 1998

Dear Mr Haller,

I would like to inform you that the President of the National Council of the Slovak Republic and the Slovak delegation to the Parliamentary' Assembly of lire Council of Europe have taken into account the decision of the Bureau of the Parliamentary Assembly of the Council of Europe to send the observation team for the parliamentary elections in the Slovak Republic taking place on 25 and 26 September 1998.

The stay of the observers from the OSCE member states and international organisations is organised by the Ministry of Foreign Affairs of the Slovak Republic in co-operation with OSCE/ODIHR.

In this connection, allow me to express my conviction that the parliamentary, as well as local elections in the Slovak Republic will be free and democratic and I believe that all observers will find out this fact as true.

In case of need, it will be my pleasure to provide the observers with all the information they need.

Yours sincerely,

Dušan Slobodnik

Appendix 2 – Statement by Mr Franciszek Adamczyk, co-Chairman of the tri-parliamentary election monitoring mission to Slovakia at a joint press conference

Bratislava, 26 September 1998, 6 p.m.

There has been much criticism, mainly from the international media, about the preparations for the parliamentary elections in Slovakia. Since the new election law has just been introduced in Slovakia (about four months earlier in the year), these elections prove crucial to the country's future.

As observers from the Parliamentary Assembly of the Council of Europe, and part of the tri-parliamentary election monitoring mission, we can only state our observations based on our experiences during the past few days, speaking to representatives of various political parties, the Supreme Court, the Ministry of the Interior, the Central Elections Commission and visiting a large number of polling stations.

We largely share the views of the other observers as presented by representatives of the OCSE Parliamentary Assembly and we will continue to monitor the post-election developments. The Rapporteur of the Parliamentary Assembly's Monitoring Committee for Slovakia is Mr Carlo Leoni, a member of our delegation who will submit his report on this subject to the Assembly in the near future. The monitoring procedure should be regarded as a co-operative exercise aimed at assisting the country concerned to attain the high standards it subscribed to when joining the Council of Europe. All of these developments will then be taken into account.

Slovakia assumed specific commitments and obligations when it became a full member of the Council of Europe in 1993.

Based on what we have seen and heard so far, we can state that rules have generally been respected. Staff in the polling stations have acquired experience necessary for future elections. We hope, that the voter's confidence in the electoral system will increase, which will make it difficult to slow down the democratic reform process.

Appendix 3 – Statement by Mr Franciszek Adamczyk, co-Chairman of the tri-parliamentary election monitoring mission to Slovakia at a joint press conference

Bratislava, 27 September 1998

Ladies and gentlemen,

It gives me great pleasure to reconfirm, on behalf of the parliamentary delegation of the Council of Europe, the initial findings of the international election monitoring representatives in Slovakia. It is encouraging that the voter turnout was so high. This testifies to the belief of the electorate in fundamental democratic values and representative democracy.

Without prejudging the outcome of the counting of the votes, it may be stated that the elections do, in effect, reflect the will of the people. Despite the criticism, these elections represent a serious attempt by the authorities to have a fair electoral process.

This is not the end. The international community will continue the co-operative monitoring of developments in Slovakia.

A detailed report on this election monitoring operation will be prepared shortly by our ad hoc committee. This report will then be brought to the attention of the Parliamentary Assembly of the Council of Europe.

In conclusion, I would like to thank all of those who provided assistance to and co-operated with the representatives of our ad hoc committee during their stay in Slovakia.

Appendix 4 – Council of Europe press release: orderly elections in Slovakia, say Parliamentary Assembly observers

Bratislava, 27 September 1998 The Parliamentary Assembly delegation from the Council of Europe, participating in a tri-parliamentary election observation mission (Council of Europe and OSCE Parliamentary Assemblies, European Parliament, in co-operation with the OSCE/ ODHIR) during the parliamentary elections in Slovakia on 25 and 26 September 1998, declared today that the conduct of elections in general complied with basic democratic principles, in spite of international media criticism throughout the election campaign.

Delegation head Franciszek Adamczyk (EEP-CD, Poland) said: "The election campaign has been controversial, leading to strong tension among parties. However, the way things were conducted - orderly, well-organised, professionally and with due respect for existing standards -made them an important step towards a more solid parliamentary system. The experience gained during the voting period will certainly contribute to making democracy in Slovakia more efficient and transparent."

The Parliamentary Assembly will discuss the report on the elections shortly.

Slovakia has been a member of the Council of Europe since 1993.

Appendix 5 – Council of the European Union press release: declaration by the Presidency on behalf of the European Union on Slovakia

30 September 1998

The European Union welcomes the clear commitment of the Slovak electorate to the democratic process as expressed in the high level of participation of voters in the parliamentary elections held on 25 and 26 September 1998. It takes note with satisfaction of the preliminary assessment by the OSCE observer mission that the elections as such were carried out in an apparently correct and acceptable manner.

The European Union welcomes the acceptance of the election results by all political parties and appreciates preparations to form a stable government committed to the rule of law, democratic principles and the stability of political institutions. It calls upon all political forces involved, including the present government, to adopt a constructive attitude.

The European Union recalls its longstanding commitment to the process of integration of the Slovak Republic. The manner in which the parliamentary elections were conducted constitutes a positive step towards the integration of the Slovak Republic into European structures. Bearing in mind the political priorities enumerated in the Accession Partnership, the European Union encourages the future government and parliament of the Slovak Republic to rapidly address those shortcomings which have so far hampered the Slovak Republic's accession process, thereby renewing its dynamism.

Appendix 6 – Election observation mission Slovak Republic, September 1998

Summary

Joint preliminary statement issued on 27 September 1998

This is the preliminary statement of the Organisation for Security and Co-operation in Europe's (OSCE) election observation mission for the 25 and 26 September Slovak parliamentary elections. This assessment is based upon the reports of 25 core staff and long-term observers from the OSCE Office for Democratic Institutions and Human Rights, and 206 short-term observers including 38 from the OSCE Parliamentary Assembly, 15 from the Parliamentary Assembly of the Council of Europe and 6 from die European Parliament. On election day, observers visited approximately 1 700 polling stations.

The OSCE observer mission was led by Ms Helle Degn, President of the OSCE Parliamentary Assembly and Special Representative of the OSCE Chairman-in-Office, and Mr Kare Vollan, the OSCE on-site co-ordinator and head of the ODIHR observation mission, which was established in early August.

Summary of conclusions

The election was generally conducted in a peaceful and orderly manner. No serious incidents were reported during the elections, and the voter turn-out was very high. The election administration worked in an efficient manner, and the polling station commissions managed during the election days to apparently conduct a technically correct election. Slovak citizens participated in large numbers in the democratic process on the election days.

Although an atmosphere of political polarisation led to a lack of confidence in the overall process by many Slovak citizens, the election as such was carried out in an apparently correct and acceptable manner.

However, the following issues did raise serious concern:

– Although voters were able to receive information from a range of sources supporting various political parties, state television failed to fulfil its obligation of giving a balanced picture of the campaign. As the only source of televised information that reaches the entire country, state television broadcasts – which carry a special responsibility for being balanced – largely favoured the incumbent government. At the same time, campaign coverage on the main private television station was based in favour of opposition parties.

– Article 23 of the election law raised serious concern regarding freedom of speech because of restriction on campaigning beyond the time allocated to party promotion on state television and radio. The interpretation and consistent application of this law created constant difficulties.

– The Central Electoral Commission was established in such a way that its political composition made objective decision making very difficult.

– Last May the election law was changed to the effect that pre-election coalitions ceased to be a viable alternative for previous coalition partners. It is noted with concern that the registration of the parties replacing the coalitions was met with resistance by almost half of the Central Election Commission. Fortunately, the Supreme Court upheld the parties' registration.

– It is regrettable that domestic observers were allowed only into some polling stations, and that the Central Election Commission did not allow the domestic observers to follow the count. Allowing such observers would have increased transparency and enhanced confidence in the process.

– It is also regrettable that the OSCE encountered some delays in receiving formal accreditation and was subjected to unfair criticism by state television.

No final assessment can be drawn until the vote count and verification procedure have been completed, and the final results have been published. A comprehensive report will be issued in the coming weeks which will contain more detailed analysis and recommendations. The OSCE and the international community will continue monitoring the post election period.

Appendix 7 – Results of the elections

Turnout: 84.24%

Party votes	(%)	mandates
Movement for Democratic Slovakia (HZDS)	27.00%	43
Slovak Democratic Coalition (SDK)	26.33%	42
Party of the Democratic Left (SDL)	14.66%	23
Hungarian Coalition Party (SMK)	9.12%	15
Slovak National Party (SNS)	9.07%	14
Party of Civic Understanding (SOP)	8.01%	13

The other parties had less than 5% and therefore cannot be represented in parliament.